

# Los Angeles Port Police

## Los Angeles Port Police Policy Manual

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### **CHIEF'S MESSAGE**

This Manual reflects our ongoing commitment to do our jobs in the most professional, ethical and legal manner. Since its inception, our Manual will continue to adapt and improve as we continue to address challenges while performing our duties.

The policies in this manual reflect our official position on a range of issues relevant to our operation. Policies are based on laws, legal decisions, and best practices of the law enforcement, civil conduct and criminal justice areas of modern social behavior.

It is to be our goal that the manual be read, understood, accepted and committed to by all personnel within this Department. To support your efforts, the Department will support interactive training, both online and in formal training scenarios to assist you in learning and understanding the fundamental components of your job. The content is valuable, but only strong when studied and applied. You can look forward to future promotional examination content coming from this issue of the Manual. As such, it is critically important to our overall success as an organization.

Therefore it is important that all personnel view the Manual as a guide and commit to build on this framework.

I thank you all for your commitment to your duties, to the Port Police mission and to the implementation of these policies.

Regards,

THOMAS E. GAZSI

Chief of Police

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## **Chapter 1 - Law Enforcement Role and Authority**

## Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Los Angeles Port Police to perform their functions based on established legal authority.

### 100.2 PEACE OFFICER POWERS

Sworn members of Los Angeles Port Police are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

#### 100.2.1 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822). (see LAPP Notice to Arrestee Form No. 4/2-03.73 and 4/2-03.74).

#### 100.2.2 JURISDICTION

While the Los Angeles Port Police recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of the Los Angeles Port Police except in cases of hot or fresh pursuit while following up on crimes committed within the City or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

#### 100.2.3 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE LOS ANGELES PORT POLICE

The arrest authority outside the jurisdiction of the Los Angeles Port Police 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.

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

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

#### 100.2.4 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE LOS ANGELES PORT POLICE

The arrest authority within the jurisdiction of the Los Angeles Port Police includes (Penal Code § 830.1; Penal Code § 836):

- (a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.
- (c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer, and the officer reasonably believes there is an immediate danger to person or property, or of escape.
- (d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

#### 100.2.5 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 policy manual § 320).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

#### 100.2.6 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:

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

Los Angeles Port Police officers have no authority to enforce Oregon traffic or motor vehicle laws.

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

#### **100.3 CONSTITUTIONAL REQUIREMENTS**

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

#### **100.4 POLICY**

It is the policy of the Los Angeles Port Police to limit its members to only exercise the authority granted to them by law.

While the Los Angeles Port Police 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. The Los Angeles Port Police do not tolerate the abuse of law enforcement authority.

#### **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).

Peace officers of another state who enter the State of California in fresh pursuit to arrest a person who has committed a felony in the other state have the same authority to arrest and hold in custody such a person as peace officers of this state have to arrest and hold a person in custody (Penal Code § 852.2).

## 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).

## Oath of Office

### 104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to Los Angeles Port Police members.

### 104.2 POLICY

It is the policy of the Los Angeles Port Police 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 Los Angeles Port Police and the dedication of its members to their duties.

### 104.3 OATH OF OFFICE

All Los Angeles Port Police 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.”

### 104.4 MAINTENANCE OF RECORDS

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



# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of the Los Angeles Port Police 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.

## 106.2 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.

### 106.2.1 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 Los Angeles Port Police 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 Los Angeles Port Police reserves the right to revise any policy content, in whole or in part.

## 106.3 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.

## 106.4 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.

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**CFR** - Code of Federal Regulations.

**City** - The City of Port of Los Angeles.

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

**Department/LAPP** - The Los Angeles Port Police.

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

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

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

**Manual** - The Los Angeles Port Police Policy Manual.

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

**Member** - Any person employed or appointed by the Los Angeles Port Police, 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 Los Angeles Port Police.

**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.

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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.

#### **106.5 DEPARTMENT REFERENCE**

Technically, the Los Angeles Port Police is a Division within the Los Angeles Harbor Department. However, for the purposes of this policy manual, references to "the Department" shall refer to the Los Angeles Port Police.

#### **106.6 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.

#### **106.7 OTHER CONTROLLING DOCUMENTS**

The hierarchy of controlling documents is as follows: Employee Memorandum of Understanding, City Charter, City Civil Service Code, City Personnel policies, Harbor Department Employee Manual, and the Los Angeles Port Police Policy Manual. Where any conflict occurs, these other documents shall prevail.

#### **106.8 PERIODIC REVIEW OF THE POLICY MANUAL**

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

#### **106.9 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member fourteen (14) days before the date the policy becomes effective. This period may be reduced or eliminated in an emergency. 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.

Division Commanders shall be provided a compliance report to ensure members under his/her command have acknowledged and received any revision to the Policy Manual or individual policy revision, thirty days from the date of issuance.

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

## Law Enforcement Code of Ethics

### 107.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their Department at all times.

### 107.2 POLICY

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

### 107.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

#### 107.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

## **Chapter 2 - Organization and Administration**

## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

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

### 200.2 ORGANIZATIONAL STRUCTURE

The Los Angeles Port Police Organizational Chart is maintained may be referenced on the Department network drive.

See attachment: [Org Chart - July 2023.pdf](#)

#### 200.2.1 BUREAUS

The Los Angeles Port Police organization includes one Bureau named Operations. The Assistant Chief is the individual in charge of this Bureau.

#### 200.2.2 GROUPS

Individuals in charge of Groups shall be at the level of a Deputy Chief for sworn positions and Director for civilian positions. The Los Angeles Port Police organizational structure includes the following two groups:

- (a) Operations.
- (b) Training and Emergency Management.

#### 200.2.3 DIVISIONS

Individuals in charge of Divisions shall be considered Commanding Officers and shall be at the level of a Captain for sworn positions and either a Senior Management Analyst II or Emergency Management Coordinator II for civilian positions. The Los Angeles Port Police organizational structure includes the following eight Divisions:

- (a) Administrative Services Division.
- (b) Emergency Management.
- (c) Fiscal Operations and Human Resources.
- (d) Homeland Security / Grants.
- (e) Marine Operations.
- (f) Patrol Operations.
- (g) Professional Development and Training.
- (h) Support Services.

#### 200.2.4 SECTIONS

Individuals in charge of Sections shall be considered Commanding Officers when they report to an organizational level higher than a Division. They shall be at the level of a Lieutenant for sworn

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positions and Senior Management Analyst I for civilian positions. The Los Angeles Port Police organizational structure includes the following seven Sections:

- (a) Crime Analysis.
- (b) Criminal Investigations.
- (c) Facility Security.
- (d) Marine and Sea Marshal.
- (e) Professional Standards.
- (f) Research and Discovery.
- (g) Support Operations.

#### **200.2.5 UNITS**

Individuals in charge of Units shall be at the level of Sergeant for sworn positions and Management Analyst for civilian positions. The Los Angeles Port Police organizational structure includes the following 16 Units:

- (a) Advanced Officer Training/Recruitment.
- (b) Criminal Investigations
- (c) Communications.
- (d) Community Resource.
- (e) Dive.
- (f) Fleet Services.
- (g) HazMat.
- (h) K-9.
- (i) Marine and Sea Marshal.
- (j) Maritime Law Enforcement Training Center (MLETC).
- (k) Patrol.
- (l) Range.
- (m) Records.
- (n) Specialized Traffic Enforcement.
- (o) Tactical Planning.
- (p) Technology.

#### **200.3 COMMAND PROTOCOL**

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#### 200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command authority over all personnel in the Los Los Angeles Port Police. During planned absences the Chief will designate the individual who will have command authority during the period of the Chief's absence.

The succession order for command authority is as follows:

- (a) Assistant Chief of Police.
- (b) Deputy Chief of Police, Operations.
- (c) Deputy Chief of Police, Training and Emergency Management.
- (d) Commanding Officer, Patrol Operations.
- (e) Commanding Officer, Marine Operations.
- (f) Commanding Officer, Support Services.
- (g) Watch Commander.

#### 200.3.2 UNITY OF COMMAND

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

#### 200.3.3 ORDERS

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



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## Special Orders

### 204.1 PURPOSE AND SCOPE

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

#### 204.1.1 SPECIAL ORDER PROTOCOL

Special Orders will be incorporated into the manual as required upon approval of Staff. Special Orders will modify existing policies or create a new policy as appropriate.

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, 19-01 signifies the first Special Order for the year 2019.

### 204.2 RESPONSIBILITIES

#### 204.2.1 STAFF

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

#### 204.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Special Orders.

### 204.3 ACCEPTANCE OF SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of Special Orders, memos, or other work instructions. Employees may be required to acknowledge in writing the receipt and review of same. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Deputy Chief of Training and Emergency Management Group.

## Department Emergency Plan

### 206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations Plan (EOP) 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).

Every City Department is directed to prepare, implement, and maintain its Department Emergency Plan and be familiar with and have working knowledge of the Emergency Operations Plan (Executive Directive No. 15, March 17, 2011).

### 206.2 EMERGENCY OPERATIONS ORGANIZATION (EOO)

The Emergency Operations Organization (EOO) was created in 1980 as part of the Los Angeles Administrative Code (LACC, Division 8, Chapter 3) and under the direct supervision of the Mayor of Los Angeles as EOO Director.

To facilitate the City's preparedness, the City has identified fourteen (14) primary functional areas defined as EOO Divisions. Each Division is under the leadership of a specific Department and has responsibilities established by the ordinance. The Executive Director of the Harbor Department is identified as being a member of the Emergency Operations Board (EOB) and Chair of the Harbor Division. As chair, the Executive Director is responsible to:

- (a) Provide Port security.
- (b) Prepare operational plans for the control, anchorage, and movement of ships.
- (c) Evacuate vessels for their safety or that of the Port.
- (d) Coordinate the Division's operations with those of the federal agencies having jurisdiction and with other division of the EOO.

### 206.3 ACTIVATING THE DEPARTMENT EMERGENCY PLAN

The Department Emergency Plan (DEP) is designed to mitigate the effects of emergency incidents, prepare measures that will preserve life and minimize danger while responding during emergencies, and provide the necessary assistance to recover and restore to normal operations. The DEP defines those actions necessary to allow the Port of Los Angeles to recover from an emergency or disaster regardless of the cause.

The DEP may be activated under any of the following situations:

- (a) Mayoral Declaration (Proclamation) of Local Emergency - When the Mayor declares a local emergency, all Departments will activate their plans.
- (b) Department Declaration of Plan Activation - another method of activating an emergency plan is by the Executive Director or their designee declaring a Department emergency. The Port of Los Angeles Executive Director is obligated to activate the emergency plan when a threat exists to the Department's resources or its ability to carry out its mission.

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In the Executive Director's absence, the order of succession is as follows:

1. Deputy Executive Director and Chief Financial Officer.
2. Chief of Public Safety and Emergency Management.
3. Deputy Executive Director, Development.
4. Deputy Executive Director, Marketing and Customer Relations.
5. Deputy Executive Director, Stakeholder Engagement.
- (a) Automatic Activation - An automatic activation follows a disaster or event that the Department has identified in advance as one that requires immediate response. Disasters requiring automatic activation are those that endanger public safety or pose a threat to the mission of the Department.

#### **206.3.1 RECALL OF PERSONNEL**

Under the direction of the Chief of Police, the Los Angeles Port Police personnel will conduct initial response and survey of damaged area(s). The Los Angeles Port Police Watch Commander is pre-designated as the Incident Commander (IC) until relieved in accordance to Incident Command System (ICS) principles. The IC will coordinate and direct all initial emergency activities by the Department. The Watch Commander will ensure the designated Department Command Duty Officer and appropriate Department personnel for notification, advice, and consultation purposes are notified of the incident as soon as possible by using established emergency notifications systems and protocol. If necessary, the Los Angeles Port Police will recall personnel responsible for directing, managing, and responding to a major emergency. All emergency notifications will be distributed as per the notification procedures.

In the event of a local proclamation, activation of the EOO, all employees of the Los Angeles Port Police 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.

#### **206.4 LOCATION OF THE PLAN**

Hard copies of the EOP and the DEP are available in the Department Operations Center (DOC), the Alternate DOC, and the Los Angeles Port Police Watch Commander's Office. Electronic copies of the Harbor Department emergency plans and links to the City of Los Angeles plans are available on the iPOLA Emergency Management intranet site. Plans are also saved internally on the Los Angeles Port Police network drive in the Emergency Management Folder.

All supervisors should familiarize themselves with the City Emergency Operations Plan and Department Emergency Plan. The Deputy Chief of Operations Group over the Tactical Planning Unit should ensure that Department personnel are familiar with the roles and responsibilities police personnel will play when the plan is implemented.

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#### **206.5 UPDATING OF MANUALS**

The Chief of Police or the authorized designee shall review the DEP annually and forward to the Executive Director of the Harbor Department for approval and signature. Approved plans shall be submitted to the City of Los Angeles Emergency Management Department (EMD) on or before January 31st of each year. Updates and revisions shall ensure compliance with guidance set forth by the City's EMD.

Port of Los Angeles Emergency Management Division is responsible to update and complete the DEP and emergency management functions, as outlined in the policy.

#### **206.6 POLICY ADMINISTRATION**

Adherence to this policy and required updates to the plans is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Training

### 208.1 PURPOSE AND SCOPE

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

### 208.2 PHILOSOPHY

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

### 208.3 POLICY

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

### 208.4 OBJECTIVES

The objectives of the Training Program are to:

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

### 208.5 TRAINING PLAN

A training plan will be developed and maintained by the Deputy Chief of Training and Emergency Management Group. It is the responsibility of the Deputy Chief of Training and Emergency Management Group to maintain, review, and update the training plan on an annual basis. The plan will address maritime operations and safety in the maritime environment.

### 208.6 TRAINING NEEDS ASSESSMENT

The Professional Development and Training Division 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.

### 208.7 TRAINING MANAGER

The Chief of Police will designate the Deputy Chief of Training and Emergency Management Group who is responsible for developing, reviewing, updating, and maintaining the Department

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training plan so that required training is completed. The Deputy Chief of Training and Emergency Management Group should review the training plan annually.

#### **208.7.1 TRAINING RESTRICTION**

The Deputy Chief of Training and Emergency Management Group is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

#### **208.8 TRAINING COMMITTEE**

The Deputy Chief of Training and Emergency Management Group shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Deputy Chief of Training and Emergency Management Group may remove or replace members of the committee at his/her discretion.

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

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

The Training Committee should convene on a regular basis as determined by the Deputy Chief of Training and Emergency Management Group to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Deputy Chief of Training and Emergency Management Group. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Deputy Chief of Training and Emergency Management Group will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

#### **208.9 TRAINING PROCEDURES**

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

- (a) Court appearances.
- (b) First choice vacation.

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- (c) Sick leave.
- (d) Physical limitations preventing the employee's participation.
- (e) Emergency situations.

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

- (a) Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
- (b) Document his/her absence in a memorandum to his/her supervisor.
- (c) Make arrangements through his/her supervisor and the appropriate Professional Development and Training Division staff to attend the required training on an alternate date.

#### **208.10 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Los Angeles Port Police Policy Manual and other important topics. Generally, ten training bulletins will be distributed each month. However, the number of DTBs may be adjusted by the Administrative Services Division Commander.

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

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

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

# Electronic Mail, Voicemail, and InTime Scheduling Program

## 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system by employees of this Department. 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.

## 212.2 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.

## 212.3 PROHIBITED USE OF EMAIL

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

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

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



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#### **212.4 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in policy manual § 810.

#### **212.5 REQUIREMENT TO CHECK EMAIL**

All Los Angeles Port Police employees except employees that do not have access to a computer are required to periodically check his/her individual email account. At a minimum email shall be checked once within the first two hours of a work period and once within the last two hours of a work period. An appropriate response should be made to an email within 48 hours of receipt.

#### **212.6 REQUIREMENT TO CHECK VOICEMAIL**

All Los Angeles Port Police employees that have been provided with an individual phone extension or a Department issued cell phone are required to check these phone lines for voicemail messages at least once during each work period. An appropriate response should be made to a voicemail message within 48 hours of receipt. Employees with Department issued cell phones should ensure that the voicemail storage is not filled to capacity, and that the phone is able to receive messages at all times. Employees are to ensure that their voicemail greeting is professional sounding.

#### **212.7 EMPLOYEE RESPONSIBILITIES REGARDING THE INTIME SCHEDULING PROGRAM**

Each sworn employee is responsible for accessing and monitoring his/her individual schedule in the InTime program through the Employee Self Serve (ESS) portal. Every sworn employee lieutenant and below shall check his/her work schedule and notifications each work day to look for additions, changes, updates, or any notes. Since the system is designed to display court subpoenas, and changes to those issued subpoenas, it is imperative the InTime program is monitored by every sworn employee. Additional direction regarding subpoenas is in policy manual § 348.

The Employee Self Serve (ESS/MyTime) portal is available via a secured internet connection on a 24/7 basis. While accessing the portal on work days is required, accessing the portal on non-work days is not required. Should an employee wish to check his/her notifications or the InTime ESS/MyTime Portal outside their normal work hours (off-duty), they are only permitted to do so up to a maximum of five (5) minutes in a 24 hour period. The Department wants to ensure that such time spent is "de minimis", and as such, non-compensable.

#### **212.8 OTHER CONTROLLING DOCUMENTS**

Additional direction regarding Electronic Mail is provided in City and Harbor Department documents including City policy ITPC-003 and the Harbor Department Administrative Manual section 8.9. See policy manual § 106.7 regarding hierarchy of controlling documents.

## **Administrative Communications**

### **214.1 PURPOSE AND SCOPE**

Administrative communications of the Los Angeles Port Police are governed by the following policies.

### **214.2 PERSONNEL ORDERS**

Memorandums may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

### **214.3 CORRESPONDENCE**

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

### **214.4 SURVEYS**

All surveys made in the name of Los Angeles Port Police shall be authorized by the Chief of Police or a Division Commander.

## Staffing Levels

### **216.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Los Angeles Port Police 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 Los Angeles Port Police.

### **216.2 MINIMUM STAFFING LEVELS**

Generally, patrol staffing levels will be approved by the Chief of Police. Division Commanders will provide staffing level recommendations to the Chief of Police.

Minimum staffing levels should result in scheduling of at least two regular supervisors on duty whenever possible. Watch Commanders will ensure that at least one field supervisor is deployed during each watch in addition to the Watch Commander.

In order to accommodate training and other unforeseen circumstances, an officer may be used as a field supervisor in place of a sergeant.

With prior authorization from the Patrol Operations Division Commanding Officer, an officer may act as a Watch Commander for a limited period of time.

## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons (CCW) endorsement for retired officers of the Los Angeles Port Police.

### 220.2 QUALIFIED RETIREES

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

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, shall not include any officer who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

### 220.3 MAINTAINING A CCW ENDORSEMENT

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

- (a) Qualify with the authorized firearm at a course approved by the Los Angeles Port Police at the retired officer's expense if requested to do so.
- (b) Remain subject to all the Los Angeles Port Police rules and policies as well as all federal, state, and local laws.
- (c) Only be authorized to carry a concealed firearm approved by the Los Angeles Port Police.

#### 220.3.1 PROCESS FOR OBTAINING OR RENEWING IDENTIFICATION

Officers wishing to obtain, renew, or replace a retired officer identification card must petition with the Los Angeles Port Police. Current law dictates that identification cards are valid for five years from the date of issue for any identification issued after January 1, 1981. It is the retired officer's responsibility to petition for a new card at the appropriate time.

- (a) A Retired Identification petition form must be completed and submitted on a form provided by the Los Angeles Port Police.
- (b) The application must be signed and witnessed by a Los Angeles Port Police employee or notarized if submitted by mail.
- (c) Current officers must provide proof of range qualification. Retired officers shall submit proof of qualification within the last three months of the application date.
- (d) Officers must provide a current color passport photo, or be photographed at the Los Angeles Port Police Identification Badge station.

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- (e) The Los Angeles Port Police will conduct a background and criminal history check to insure there is nothing that would preclude issuing a retired CCW endorsement.
- (f) If all paperwork is in order, the background is approved, and there are no outstanding issues (such as pending return of equipment or complaints being investigated) the Los Angeles Port Police will arrange for the officer to pick up the ID or mail it by certified mail to the address on file with the Los Angeles Port Police. Expired identification cards must be surrendered to the Los Angeles Port Police.
- (g) Retired officers are required to keep the Los Angeles Port Police informed of any changes in status that could affect qualification for the endorsement, as well as current contact information.

#### 220.3.2 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 Los Angeles Port Police.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than five years). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

#### **220.4 CARRYING FIREARMS OUT OF STATE**

Subject to 18 USC § 926C and policy manual § 312, qualified retired officers of the Los Angeles Port Police may be authorized to carry a concealed weapon in other states.

##### 220.4.1 QUALIFICATION TO CARRY A WEAPON OUTSIDE CALIFORNIA

The ability to carry a concealed firearm outside of California is pursuant to Federal law, not any power granted by the State of California, the City of Los Angeles, or the Los Angeles Port Police. Retired Officers who wish to carry a concealed firearm outside California are subject to applicable federal, state, and local laws. These include the requirements that they:

- (a) Be free of any condition that would preclude them from safely operating a firearm.
- (b) Adhere to basic firearm and range safety rules and practices.
- (c) Not be under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (d) Have qualified within the last 12 months with the firearm on an approved course of fire prior to carrying the weapon.
- (e) Carry their current Los Angeles Port Police issued retiree identification with California CCW endorsement.

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- (f) Carry certification on a form provided by the Los Angeles Port Police Rangemaster indicating that the retiree has qualified on the approved course of fire. The certification course of fire for qualification may be administered by:
1. A Los Angeles Port Police Rangemaster, OR
  2. A National Rifle Association certified civilian law enforcement firearms instructor, OR
  3. Other firearms instructor qualified to conduct qualifications for active duty officers (those certified by various law enforcement entities such as the Federal Bureau of Investigation's Rangemaster School).

**220.4.2 COURSE OF FIRE**

The course of fire to receive certification designed to qualify under 18 U.S.C. 926C is for defensive use only. This course of fire shall meet the following conditions:

- (a) The starting position for the course of fire is the 7 yard line.
- (b) When the target faces, the shooter will draw and fire 10 rounds at a single silhouette target.
- (c) A score of 70% is required to pass.
- (d) All rounds impacting the body or head receive full value.
- (e) Any rounds impacting the arms receive half value.

The Department will not track these qualifications. It is the responsibility of the officer to carry their ID with California CCW endorsement in order to carry a concealed firearm, as well as the qualifying certification receipt if carrying in States other than California. The officer should present both to any law enforcement officer upon request.

**220.5 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT**

A CCW endorsement under Penal Code § 25470 for any officer retired from the Los Angeles Port Police 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.

- (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 Los Angeles Port Police 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.

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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 Los Angeles Port Police, 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 Los Angeles Port Police 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 Los Angeles Port Police will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
  2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
  3. The personal and written notification should be as follows:
    - (a) The retiree's CCW endorsement is immediately and temporarily suspended.
    - (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
    - (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
  4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Los Angeles Port Police to deliver the written notification.

## **Chapter 3 - General Operations**



## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force by members of law enforcement which is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force, therefore, law enforcement officers are sometimes called upon to use force in the performance of their duties. The Los Angeles Port Police also recognizes that members of law enforcement derive their authority from the public and therefore must be ever mindful that they are not only the guardians but also the servants of the public.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communication, and available resources in an effort to de-escalate the situation, whenever it is safe, feasible, and reasonable to do so. As stated below, when warranted, Department personnel may use objectively reasonable force to carry out their duties. Officers may use deadly force only when they reasonably believe, based on the totality of circumstances, that such force is necessary in defense of human life. Officers who use unreasonable force degrade the confidence of the community we serve, expose fellow officers to physical hazards, violate the law and rights of individuals upon whom unreasonable force or unnecessary deadly force is used, and subject the Department and themselves to potential civil and criminal liability.

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 policy manual § 308 and § 309.

Retaliation prohibitions for reporting suspected violations are addressed in policy manual § 1008.

#### 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).

**De-Escalation Techniques** – Techniques and tools designed to reduce the intensity of any encounter with a suspect and enable an officer to have additional options to mitigate the need to use a higher level of force while maintaining control of the situation.

**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)).

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**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.

**Proportionality** – 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.

**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.

##### **300.2.1 DUTY TO INTERCEDE**

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

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that the 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 policy manual § 402 for additional guidance.

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#### 300.2.3 FAILURE TO INTERCEDE

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

#### **300.3 USE OF FORCE**

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

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

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

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

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

#### 300.3.1 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).

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#### 300.3.2 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers shall utilize the concept of tactical de-escalation. Officers should evaluate the totality of circumstances presented at the time in each situation and consider 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) Time is an essential element in de-escalation. Distance and cover can provide additional time to consider other tactics.
- (b) Redeployment and/or containment can provide additional time to formulate an appropriate response that avoids or minimizes any use of force.
- (c) Consider summoning additional resources that are able to assist in resolving the situation.
- (d) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.
- (e) Ensure open lines of communication with the suspect and between involved officers are critically important when managing a tense or potentially dangerous encounter.
- (f) Employing other tactics that do not unreasonably increase officer or community jeopardy.
- (g) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

#### 300.3.3 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).

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- (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.
- (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.

#### 300.3.4 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.

#### 300.3.5 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD

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

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#### 300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this Department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5).

#### 300.3.7 ADDITIONAL RESTRICTIONS

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

### **300.4 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).

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)).

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

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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 OR VESSELS

Shooting at or from a moving vehicle is 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. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle. 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)).

Our policy regarding discharging a firearm at or from a moving vehicle may not cover every situation that may arise. In all situations, officers are expected to exercise sound judgment based on reverence for human life. Any deviations from the provisions of our policy should be examined rigorously on a case-by-case basis. The involved officer must be able to clearly articulate the reasons for the use of deadly force. Factors that may be considered include whether the officer's life or the lives of others were in immediate peril and there was no reasonable or apparent means of escape.

The policy of shooting at or from a moving vehicle applies to shooting at or from a moving vessel with the exception that disabling fire may be used as a means to stop a moving vessel when the conditions for use of lethal force are not present, however, it must be approved by a Deputy Chief or above.

#### 300.4.2 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should 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 (e.g. building searches), firearms should generally be kept in the low-ready or other position not directed toward an individual.
- (b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

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

When an officer points a weapon directly at a subject, notification to a supervisor and proper documentation are required (see policy manual § 344).

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**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 policy manual § 344 for additional circumstances that may require documentation.

**300.5.1 NOTIFICATION TO SUPERVISORS**

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

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of a CEW 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.

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

**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 policy manual § 806).

**300.6 MEDICAL CONSIDERATIONS**

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

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



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Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible. (see policy manual § 450.6 for additional details).

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

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

See policy manual § 470 for additional guidelines.

#### **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 reports submitted relating to criminal charges.
  2. The fact that a recorded interview was conducted should merely be documented in the appropriate supervisory investigative report or other report form.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
  4. Photograph and document any injuries or lack of same to the officer or officers.

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- (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.

Review and approve all related reports. Determine if there is any indication that the subject may pursue civil litigation. 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. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

#### **300.8 WATCH COMMANDER RESPONSIBILITY**

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

The Watch Commander shall with high priority, ensure that any suspect on whom force has been used is examined and interviewed. This interview shall be recorded or on video and shall document any areas of alleged or known injury (obtain consent to photograph areas covered by clothing).

The Watch Commander shall review the Supervisor's Use of Force Report and all related reports, make notifications to Professional Development and Training Division or Professional Standards Section as appropriate, and take corrective action as indicated. The Watch Commander's review and analysis of the Use of Force Report shall be submitted up the Chain of Command to the Captain within 72 hours of the incident unless an extension of this time period is granted. This report shall be completed even if the incident is being referred for an administrative investigation in which case it will be an exhibit thereto.

If there is a determination by a supervisor that there is evidence of apparent misconduct, the Watch Commander or next supervisor in the Chain of Command shall determine the nature and seriousness of the allegation and determine whether criminal or administrative investigations must be initiated.

#### **300.9 USE OF FORCE COMPLAINTS**

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with policy manual § 1020 (Government Code § 7286(b)).

If the matter was investigated as a Personnel Complaint, the matter will be processed in conformance with policy manual § 1020.

If the matter was investigated pursuant to policy manual § 310 and will go to a Use of Force Review Board pursuant to policy manual § 302, the involved employee's commanding officer or supervisor

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will ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

#### **300.10 CAPTAIN'S RESPONSIBILITY**

The Captain shall review the Watch Commander's analysis of the Use of Force. The Captain will then make recommendations or take corrective action as appropriate and submit their review and analysis to the Chief of Police, or the authorized designee, within 10 days.

#### **300.11 CHIEF'S REVIEW**

The Chief of Police, or the authorized designee, shall review the Captain's analysis and findings and consider the recommendations. The Chief of Police, or the authorized designee, retains the authority to accept or reject such recommendations or order Administrative Investigations to be initiated. The Chief of Police will then make the final review and analysis of the Use of Force. The Chief of Police may seek to consult with, including but not limited to, the City Attorney or Human Resources in determining how to respond.

#### **300.12 72-HOUR USE OF FORCE BRIEFING**

The Lead Administrative Investigator (generally from the Los Angeles Police Department Force Investigation Division (FID) or Internal Affairs) for any incident involving a use of force with use of a firearm or any incident involving hospitalization, serious injury, or death shall conduct an executive briefing within 72 hours of the incident. This briefing does not supersede Use of Force Review Boards.

This briefing shall address the following:

- (a) Status of involved citizens and personnel as to health, duty status etc.
- (b) Overview of the incident, including radio traffic, description of involvement of all personnel and private citizens.
- (c) Insights into actions of officers and supervisors related to the incident.
- (d) Notifications made and agencies involved.
- (e) Status of any investigations including administrative, criminal (into officers or suspects), and civil.
- (f) Special concerns involving public confidence such as media or political interest.
- (g) Policy, training, safety, or tactical issues that may need to be addressed immediately.

#### **300.13 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)).

#### **300.14 TRAINING**

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

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Subject to available resources, the Deputy Chief of Training and Emergency Management Group should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

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

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.
- (b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

See policy manual § 208 for restrictions relating to officers who are the subject of a sustained use of force complaint.

#### **300.15 POLICY AVAILABILITY**

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

#### **300.16 FORCE PACKAGE FILING AND RETENTION**

The force package shall be considered a confidential personnel file but may be released pursuant to agency protocol for the purposes of criminal filing and prosecution as required by law.

The force package, including all supervisor's reports and attachments, shall be retained in a segregated filing system by the Department's Professional Standards Section.

#### **300.17 PUBLIC RECORDS REQUESTS**

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and policy manual § 810, § 1020, and § 1026 (Government Code § 7286(b)).

#### **300.18 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Chief of Police or the authorized designee.

## Use of Force Review Boards

### 302.1 PURPOSE AND SCOPE

This policy establishes a process for the Los Angeles Port Police to review the use of force by its employees.

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

### 302.2 POLICY

The Los Angeles Port Police will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately, and is consistent with training and policy.

### 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

### 302.4 REVIEW BOARD

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

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

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

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

#### 302.4.1 COMPOSITION OF THE BOARD

The Administrative Services Division Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each Group.
- Commanding officer in the involved member's chain of command.

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- Deputy Chief of Training and Emergency Management Group.
- Non-administrative supervisor.
- A peer officer.
- A sworn peace officer from an outside law enforcement agency.
- Department instructor for the type of weapon, device, or technique used.

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

#### 302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

Any questioning of the involved employee conducted by the board will be in accordance with the Department's disciplinary procedures, policy manual § 1020, the current collective bargaining agreement, and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to

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consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

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

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

## Handcuffing and Restraints

### 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 Los Angeles Port Police authorizes the use of restraint devices in accordance with this policy, policy manual § 300, and Department training. Restraint devices shall not be used to punish.

### 306.3 USE OF RESTRAINTS

Only members who have successfully completed 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 which 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 which 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 determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).



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#### 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. As soon as possible, 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 so the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impaired or distorted vision. Officers should avoid commingling 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 the person has a medical

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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 HOBBLE (LEG RESTRAINT) DEVICES**

Hobbles maybe used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used. Officers assigned to uniform field duty who have been issued and received training in the use of the hobble restraint devices shall have it readily accessible at all times while on duty (e.g. on their person, in their unit, or motor saddle bag, etc.).

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

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

**306.7.1 GUIDELINES FOR USE OF HOBBLE (LEG RESTRAINTS)**

When applying leg restraints the following guidelines should be followed:

- (a) When feasible, 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 possible after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be left on his/her stomach, as this could reduce the person's ability to breathe.

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- (d) Once the hobble restraint device is properly secured around both of the subject's legs, the subject is to be seated in the rear passenger area of the patrol vehicle. The strap should be pulled out of the rear door of the vehicle, the loose end of the strap (hook end) should then be placed on the front passenger floorboard, and both doors closed to secure the strap.
- (e) Officers shall not allow the loose end of the hobble restraint device to hang loose outside of the vehicle while it is in motion.
- (f) The restrained person should be continually monitored by an officer while in the leg restraint. The officer shall ensure the person does not roll onto or remain on his/her stomach.
- (g) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition and call for medical assistance, as necessary.
- (h) When transported by emergency medical services, the restrained person should be accompanied by an officer. 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).
- (i) Officers shall document the details of its use in the arrest report.

**306.7.2 GUIDELINES FOR USE OF TOTAL APPENDAGE RESTRAINT PROCEDURE**

This procedure shall only be used to control restrained subjects who give indications of violent or potentially violent behavior. Only the Department approved hobble restraint device shall be used for this procedure. The Total Appendage Restraint Procedure (TARP) shall only be used by personnel who have received department-approved training.

- (a) Subjects shall not be placed face down after the TARP has been applied.
- (b) Subjects shall be continuously monitored while the TARP is used.
- (c) Subjects shall not be transported in law enforcement vehicles while the TARP is used.
- (d) Subjects who need to be transported while the TARP is used shall be transported via ambulance where officers can position the subject on their side, maintain physical control, and continually monitor the restrained subject.
- (e) Officers shall immediately notify a supervisor when the TARP is used and shall document the details of its use in the arrest report and indicate TARP utilization.
- (f) Transportation of persons post TARP application shall receive medical clearance by the fire department personnel at the scene prior to transport.

**306.8 REQUIRED DOCUMENTATION**

If a person was restrained and upon further investigation is released without an arrest, the officer shall notify the on-duty supervisor of the detention and ensure the details of the detention and the need for handcuffs or other restraints were entered into CAD call history.

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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.

**306.8.1 SUPERVISOR RESPONSIBILITY**

The field supervisor or watch commander should be made aware of any handcuffing and release. Post notification, the supervisor shall investigate the incident and ensure documentation of such handcuffing and release is appropriately documented.

**306.9 TRAINING**

Subject to available resources, the Deputy Chief of Training and Emergency Management Group should ensure 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.

**306.10 POLICY ADMINISTRATION**

Adherence to providing training under this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Control Devices and Techniques

### 308.1 PURPOSE AND SCOPE

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

### 308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Los Angeles Port Police authorizes officers to use control devices in accordance with the guidelines in this policy and policy manual § 300.

### 308.3 ISSUING, CARRYING, AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by officers of Los Angeles Port Police only if the device has been issued by the Los Angeles Port Police or approved by the Chief of Police or the authorized designee.

Officers carrying control devices (other than the baton or personally issued canister of OC spray) shall notify the watch commander at the beginning of any shift that the device will be carried and shall record the device's information, and number of projectiles assigned, in the ArmorerLink Database, MDT, and any other means adopted for accounting for the devices.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device. Recertification will be required on an annual basis. Additional training or recertification maybe authorized by the Rangemaster or the Commanding Officer of the Professional Development and Training Division.

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.

**Verbal Alerts:** Once the decision has been made to deploy a control device, and before deploying or discharging the device, officers should alert other officers by shouting or broadcasting to other officers that the device is "ready." **"Ready"** means that the deploying officer is prepared to accept the command of the primary officer to utilize the device. The next alert would be **"Stand by"** which is a command given by the primary officer to indicate that the use of the device is imminent. Examples of use would be "Beanbag Ready," "Beanbag Standby," "Less Lethal Ready," or "Less Lethal Standby."

Just as with verbal warnings to a suspect, these alerts may be omitted if they would otherwise endanger the safety of officers or others or it is not practical due to the circumstances. The purpose of the alerts is to coordinate the tactical response and make officers aware that an action is

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imminent that may cause a reaction by the suspect or change the appearance of things such as vehicle window breakage as a result of the tactical deployment. By being aware of these things officers can best judge whether any action on the part of a suspect is a threat to the safety of officers or others.

#### **308.4 RESPONSIBILITIES**

##### **308.4.1 WATCH COMMANDER RESPONSIBILITIES**

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

##### **308.4.2 RANGEMASTER RESPONSIBILITIES**

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

Every control device will be periodically inspected by the Rangemaster or their designated instructor for a particular control device. The Rangemaster or their authorized designee will document and record all inspections and repairs in the ArmorerLink database.

##### **308.4.3 USER RESPONSIBILITIES**

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

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

#### **308.5 BATON GUIDELINES**

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

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

#### **308.6 TEAR GAS GUIDELINES**

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

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

#### **308.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray 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. OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

##### **308.7.1 OC SPRAY**

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

##### **308.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper Ball projectiles are plastic spheres that are filled with a pelargonic acid vanillyl amide (PAVA) powder. PAVA is also known as Capsaicin II, a naturally occurring compound found in pepper plants.

The Pepper Ball projectiles, when delivered by an air powered launching device, burst on impact and release the PAVA. Pepper Ball projectiles subdue suspects by inflaming the mucous membrane in their nose, lungs, and respiratory tract. When inhaled, PAVA powder leads to coughing, shortness of breath, and involuntary closing of the eyes. Responses to inhaling PAVA powder vary greatly among individuals. In most cases, the symptoms last for approximately five to twenty-five minutes. The Pepper Ball System can deliver projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts. The potential exists for the projectiles to inflict injury if they strike the head, neck, spine, or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officers or others.

Only Los Angeles Port Police issued Pepper Ball projectiles are to be used.

Officers encountering a situation that warrants the use of a pepper projectile system, shall notify a supervisor when feasible. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. It is the responsibility of the supervisor to ensure that all notifications and reports are completed as required by policy manual § 300.

Each deployment of a pepper projectile system shall be documented. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

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The Los Angeles Port Police authorizes sworn members who are trained and certified in the use of the Pepper Ball to use this tool under the following situations: Officers may use this system when they reasonably believe the subject to be taken into custody is either an Active Resistant or Assaultive-Bodily Harm or higher and under special circumstances. Officers can defend one's self or another from an aggressive and/or attacking animal. Circumstances justifying the use of the Pepper Ball system include, but are not limited to:

- (a) **The Active Resistant Subject:** Officers may use the Pepper Ball system to deliver the PAVA agent to an area when the use of OC is justified, but unsafe for an officer to approach a subject within contact range of four to eight feet. **Direct, intentional contact of the Pepper Ball projectiles with the subject is not authorized at this level of resistance.**
- (b) **The Assaultive (bodily harm) Subject:** Officers may use the Pepper Ball system to directly impact a subject with the projectiles in accordance with policy manual § 300 for the perceived threat; or when higher use of force options may be justified but an opportunity exists for the use of PAVA; or impact techniques before these other options are employed; or upon the order of a supervisor on the scene. Pepper Ball may be used to disperse unruly or rioting crowds threatening unlawful property damage or physical force.
- (c) **Special Consideration:** Officers may use the Pepper Ball system to deliver the PAVA agent in an area where they believe a person suspected of committing a crime is hiding and is unsafe to approach or conduct a physical search for the subject. Pepper Ball may also be used for an actively resistive subject, suspected of a crime, who has locked themselves in a vehicle, room, or structure as a method to safely gain compliance while enhancing officer safety.
- (d) **Special Consideration Maritime Operations:** Officers may use the Pepper Ball system to deliver the PAVA agent directly impacting a subject, including but not limited to vessel interdiction, security zone enforcement when reasonably necessary to enhance officer safety, extended back-up times, or limited on scene officers. Officers should attempt to saturate the area prior to directly impacting a subject when feasible.
- (e) **Mobile Field Force:** Officers may use the Pepper Ball system to deliver the PAVA agent for area deniability, including areas that could be unsafe for crowds to disperse towards, and other situations including looting and riotous activity. Direct, intentional contact of the Pepper Ball projectiles with the subject(s) is not authorized at this level of resistance.

#### 308.7.3 TREATMENT FOR OC SPRAY AND PEPPER BALL EXPOSURE

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

After applying Pepper Ball PAVA powder to a suspect, officers should try and facilitate decontamination. In most cases, all that will be required is to place the suspect into fresh air. The faster the wind speed, the quicker the decontamination. PAVA powder blows off easily, unlike oil-



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based aerosol OC spray that can trap the OC on the skin. Cool, clean water can be used to wash the PAVA powder from the skin as necessary.

If the suspect has an unusual reaction to the PAVA, he/she should be examined by appropriate medical personnel. Unusual reactions include but are not limited to: skin blistering, tremors, convulsions, seizures, delirium violent, aggressive behavior, rapid, slow, or irregular pulse rate, hyperthermia, high body temperature, sweating, and confusion.

#### **308.8 POST-APPLICATION NOTICE**

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

#### **308.9 KINETIC ENERGY PROJECTILE GUIDELINES**

Los Angeles Port Police 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.

##### **308.9.1 DEPLOYMENT AND USE**

A kinetic energy control device (12 gauge or 40mm) and rounds shall be carried in each patrol vehicle or vessel by officers assigned to general law enforcement duties if the device is available for use and the officers training in the use of the device is current.

Only department-approved kinetic energy munitions shall be carried and deployed. The only approved kinetic launchers are the Los Angeles Port Police issued 40mm launcher and specially marked orange Remington 870, 12 gauge launchers. **The approved kinetic rounds for the 40mm launcher is the "eXact iMpaCt 40mm Smokeless Powder, eXact Marking iMpaCt 40mm Smokeless Powder, eXact OC iMpaCt 40mm Smokeless Powder, and eXact CS iMpaCt 40mm Smokeless Powder."** **The only approved kinetic round for use in dedicated Bean Bag Launchers is the CTS Super-Sock 12-gauge munition.** This round is identifiable by a clear plastic case containing a yellow fabric bag.

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:

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- (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.

#### 308.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. Each situation must be evaluated on the totality of circumstances at the time of deployment.

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

Tactical discharges (disabling lights, breaking out windows, etc.) are allowed, but shall be approved by the Watch Commander or Incident Commander prior to deployment. When a tactical discharge is used to break a window, officers should consider that an individual may be behind the window. Tactical discharges may be an effective option in limited circumstances. The kinetic energy round (beanbag) launcher is generally NOT EFFECTIVE against tinted windows or streetlights. Officers must assess the situation after each tactical discharge, and if the weapon is not effective, consider other options. Officers must be prepared to explain the reasons for their decision to fire.

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#### 308.9.3 SAFETY PROCEDURES

Launchers specifically designated for use with kinetic energy projectiles will be **specially marked with orange foregrip and stocks** in order to make them readily identifiable as such.

Officers will inspect the launcher or other control device and projectiles at the beginning of each shift to ensure that it 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 properly and securely stored in the vehicle in a specially marked case. When carrying the kinetic energy projectile launcher, the officer shall inspect it at the beginning of the shift. The officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the launcher. Kinetic energy launchers shall be carried with foregrip in the forward position, chamber empty, safety on, and the magazine tube loaded to capacity with authorized kinetic projectiles.

**The procedure known as transitional loading is prohibited.** It shall be a violation of policy to load kinetic rounds in a shotgun not specially marked and designated for such use. It shall also be a violation of policy to load non-kinetic rounds into a specially marked and designated beanbag launcher.

#### 308.9.4 DIVERSIONARY DEVICES: NOISE/FLASH OR AERIAL WARNING

Diversionary devices (DD) are control devices used to facilitate effective resolution to assaultive or high risk situations where warning, disorienting, or moving an individual or group of people, to effect an arrest, or clear an area is desired. Only department-approved DD issued by the Rangemaster shall be carried or used.

A flashbang diversionary device is an DD deployed by hand; which explodes with a loud noise and bright flash but does not disperse projectiles.

Aerial Warning/Signaling devices DD are launched devices which emit sound and light but do not disperse projectiles. They are generally deployed above or ahead of an individual, group, vehicle, or vessel in order to alert, warn, or in the case of a maritime security or exclusion zone, to determine the intentions of a perceived threat.

Only the Watch Commander or Incident Commander may authorize the use of DD and only after evaluating all conditions known at the time and determining that such appropriate tactical deployment appears justified and necessary. This policy does not prevent officers from deploying aerial DD to prevent an imminent threat without prior approval. This includes a maritime attack on a vessel; such as a high value asset escort (cruise ship, oil tanker, and other vessels). The use of Aerial Warning/Signaling devices may also be pre-approved by the Commanding Officer of the Marine Operations Division as part of the written rules of engagement for maritime security or exclusion zones.

DD launched or deployed directly at individuals have potential to cause flash burns or permanent hearing loss to the intended target when the device explodes. Therefore, aerial DD intended target

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zone should not be intentionally launched at a subject unless the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Use of DD in flammable environments is discouraged due to the high temperatures generated during deflagration. Their use in areas with combustible materials must be carefully considered to avoid fire. When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of DD to control any fires and assist in providing medical aid or evacuation if needed.

Personnel deploying DD must wear suitable hand and eye protection.

**308.10 TRAINING FOR CONTROL DEVICES**

The Rangemaster 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 recertified annually. Training should include at least the following components:

- (a) Proficiency training shall be monitored and documented by a certified, control device 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 policy manual § 300 will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's policy manual § 300 after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.
- (d) Awareness training for maritime considerations and use including maritime threats and tactical considerations.

**308.11 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.

**308.12 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Conducted Energy Weapon

### 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the Conducted Energy Weapon (CEW).

### 309.2 POLICY

The Conducted Energy Weapon is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

### 309.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training are authorized to carry the CEW.

The Rangemaster shall keep a log of issued CEW devices and the serial numbers of cartridges/magazines issued to members.

CEWs 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 CEW and cartridges/magazines that have been issued by the Department.

Officers who have been issued the CEW shall wear the device in an approved holster on their person when assigned to field enforcement activities in full uniform.

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

- (a) All CEWs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CEW.
- (c) Officers shall not hold a firearm and the CEW at the same time.

Non-uniformed officers may secure the CEW in a concealed, secure location in the driver's compartment of their vehicles.

#### 309.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CEW is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEWs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Rangemaster for disposition. Officers shall submit documentation stating the reason for the return and how the CEW or cartridge/magazine was damaged or became inoperative, if known.

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**309.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CEW may be deployed.

If, after a verbal warning, an individual fails 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, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CEW. The laser should not be intentionally directed into anyone's eyes.

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 CEW in the related report.

**309.5 USE OF THE CEW**

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely deploy the device within its operational range. Although the CEW may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CEW may be considered for officer safety.

**309.5.1 APPLICATION OF THE CEW**

The CEW may be used, when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) 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, themselves, or others.

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

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

**309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CEW 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 potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.

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

Any CEW capable of being applied in the drive-stun mode (i.e., direct contact without probes) as a primary form of pain compliance should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

#### 309.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

#### 309.5.4 MULTIPLE APPLICATIONS OF THE CEW

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

#### 309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CEW. As soon as practicable, officers shall notify a supervisor any time the CEW has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should

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be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

**309.5.6 DANGEROUS ANIMALS**

The CEW may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

**309.5.7 OFF-DUTY CONSIDERATIONS**

Officers are not authorized to carry department-issued CEWs while off-duty.

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

**309.6 DOCUMENTATION**

Officers shall document all CEW discharges in the related arrest/crime reports and the CEW report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CEW report form. Notification shall also be made to a supervisor in compliance with policy manual § 300. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the blue team report form (see policy manual § 344.2.2). Data downloads from the CEW after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

**309.6.1 CEW REPORT FORM**

Items that shall be included in the CEW report form are:

- (a) The brand, model, and serial number of the CEW and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CEW was used.
- (f) The type of mode used (e.g., probe deployment, 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.



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The Deputy Chief of Training and Emergency Management Group should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Deputy Chief of Training and Emergency Management Group should also conduct audits of CEW device data downloaded to an approved location and reconcile CEW report forms with recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public.

#### 309.6.2 REPORTS

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

- (a) Identification of all personnel firing CEWs.
- (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.

#### 309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW 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 CEW probes or who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CEW 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 shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW (see policy manual § 470).

**309.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CEW may be used. A supervisor should respond to all incidents where the CEW was activated.

A supervisor should review each incident where a person has been exposed to a CEW. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

**309.9 TRAINING**

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

Proficiency training for personnel who have been issued CEWs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate by the Deputy Chief of Training and Emergency Management Group. All training and proficiency for CEWs will be documented in the officer's training files.

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

The Deputy Chief of Training and Emergency Management Group is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEWs during training is not mandatory for certification.

The Deputy Chief of Training and Emergency Management Group should ensure the following occurs as appropriate:

- (a) Annual review of this policy and policy manual § 300.
- (b) Training that includes the following as appropriate:
  1. Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
  2. Target area considerations to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
  3. Scenario-based training, including virtual reality training when available.
  4. Handcuffing a subject during the application of the CEW and transitioning to other force options.

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5. De-escalation techniques.
6. Restraint techniques that do not impair respiration following the application of the CEW.
7. Proper use of cover and concealment during deployment of the CEW for purposes of officer safety.
8. Proper tactics and techniques related to multiple applications of the CEW.

## Officer-Involved Shootings and Deaths

### 310.1 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. Particular cases to be considered for investigation under this policy include where serious injuries have occurred, skeletal fractures, or hospitalization are caused by the actions of a Department member, head strikes, or canine bites.

### 310.2 POLICY

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

### 310.3 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.

### 310.4 CONTROL OF INVESTIGATIONS

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

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

#### 310.4.1 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 Los Angeles Port Police would control the investigation if the suspect's crime occurred in Port of Los Angeles.

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.

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**310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS**

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this Department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

**310.4.3 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.

**310.5 INVESTIGATION PROCESS**

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

**310.5.1 UNINVOLVED OFFICER RESPONSIBILITIES**

Upon arrival at the scene of an officer-involved shooting, the first uninvolved Los Angeles Port Police 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.

**310.5.2 WATCH COMMANDER RESPONSIBILITIES**

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

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

**310.5.3 NOTIFICATIONS**

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

- Chief of Police.
- Criminal Investigations Section Division Commander.
- Los Angeles County District Attorney Officer Involved Shooting Protocol rollout team.

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- Los Angeles Police Department (LAPD) Force Investigation Division.
- California Department of Justice (DOJ) (see policy § 310.5.6).
- Outside agency investigator (if appropriate).
- Professional Standards Section supervisor.
- City Attorney assigned to the Harbor Department.
- Civil liability response team.
- Psychological/peer support personnel.
- Chaplain.
- Coroner (if necessary).
- Involved officer's agency representative (if requested).
- Public Information Officer.

#### 310.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved Los Angeles Port Police 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 Los Angeles Port Police officer to immediately provide public safety information necessary to secure the scene, identify injured parties, and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and any other pertinent information.
  2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional Los Angeles Port Police members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

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

**310.5.5 INVOLVED OFFICERS**

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  1. Involved Los Angeles Port Police 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-department 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 Los Angeles Port Police officer. A licensed psychotherapist may also be provided to any other affected Los Angeles Port Police 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 policy manual § 1032).
- (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.

Each involved Los Angeles Port Police 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.

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#### 310.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California DOJ is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

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

#### **310.6 CRIMINAL INVESTIGATION**

The District Attorney's Office is responsible for the criminal investigation and looking into the circumstances of any officer-involved shooting or death.

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

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

The following shall be considered for the involved officer:

- (a) Los Angeles Port Police supervisors and Professional Standards Section personnel should not participate directly in any voluntary interview of Los Angeles Port Police 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.

#### 310.6.1 REPORTS BY INVOLVED LOS ANGELES PORT POLICE OFFICERS

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



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While the involved Los Angeles Port Police 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 Los Angeles Port Police 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.

#### 310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### 310.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations Section supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with

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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 Criminal Investigations 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 Division Commander.

**310.7 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 Los Angeles Port Police officers to determine conformance with Department policy. The investigation will be conducted under the supervision of the Professional Standards Section and will be considered a confidential officer personnel file.

Interviews of members shall be subject to Department policies and applicable laws (see policy manual § 1020).

- (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)).

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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 Professional Standards Section shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with policy manual § 300.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

**310.8 AUDIO AND VIDEO RECORDINGS**

All recording media, recorded images, and audio recording are the property of the Department.

Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law. Members shall not record, create, or retain duplicate or personal copies.

Any audio or video recordings of an incident should not be publicly released during an ongoing investigation without consulting the City Attorney's office or the office of the Chief of Police, as appropriate.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed, or otherwise inserted into any device not approved by the Department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

The supervisor that responds to the scene shall insure the recording has stopped and maintain custody of the recording device or media until it is transferred to investigators or until given other direction by the Command Duty Officer.

Officers may be required to provide public safety statements without the opportunity to view recordings prior to giving the statement.

Under no circumstances shall any recordings be used or shown for the purpose of ridiculing or embarrassing an employee.

Any review of recorded audio or video is to be documented in writing in a manner that captures the date and time of the review, the reason for review, and the individuals involved in the review. In circumstances when approval for review is required the name of the individual granting the approval is also to be documented.

Review of recordings will be permitted as follows:

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(a) Officers:

1. For investigatory or tactical reference during an ongoing investigation or public safety response.
2. Prior to submitting to an administrative interview.
3. When preparing crime or arrest reports, viewing recordings should not be a reason for officers to write a less detailed report.
4. At the beginning of shift to test the functioning of the system and to review start of watch information.
5. With prior supervisor approval, when an officer who was captured on or referenced in the video or audio data requests to review such data for any purpose relating to his/her employment.
6. When an officer is involved in a use of deadly force incident, the officer shall not review any recording until authorized by the Command Duty Officer. Once authorized, the officer shall review the recording. An officer may have an employee representative present during the review of the recording. Additionally, an officer may elect to review the recordings without an investigator or supervisor present. The separating and monitoring of officers involved in a deadly force incident shall be maintained during the review of recordings and review shall not occur jointly among involved employees.
7. When there is evidence of misconduct, officers shall not be allowed to view recordings until authorized to do so by a supervisor.

(b) Supervisors:

1. When investigating a specific act of officer misconduct or meritorious conduct.
2. When assessing officer performance.
3. To assess proper functioning of the system.
4. In the event of a deadly force incident supervisors shall not view recordings unless directed to do so by investigators or the Command Duty Officer.

(c) Other Department Personnel:

1. Investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation.
2. Training staff with prior supervisor approval to assess possible training value. If an involved officer objects to showing a recording for training purposes, his/her objection will be evaluated by the chain of command.
3. Staff responding to public records requests after approval of the Chief of Police and in conformance with policy manual § 810. All such recording should be reviewed by the Custodian of Records prior to public release.
4. System managers to perform audit functions of the system or its use.
5. Technicians to assess proper functioning of the system.

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6. Other Department personnel, with supervisor approval, who request to review recordings for official purposes.
- (d) Outside Personnel:
1. Court personnel or prosecutorial agency through proper process and with permission of the Chief of Police or the authorized designee.
  2. Media representatives through proper process and with permission of the Chief of Police or the authorized designee.
  3. 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 be permitted to review recordings with approval of assigned investigators or a supervisor.

**310.9 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.

**310.10 DEBRIEFING**

Following an officer-involved shooting or death, the Los Angeles Port Police should conduct both a critical incident/stress debriefing and a tactical debriefing.

**310.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Administrative Services Group Division Commander 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 nonsworn 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 Professional Standards Section personnel.

**310.10.2 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

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should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

**310.11 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, Criminal Investigations Section Division Commander, and Public Information Officer in the event of inquiries from the media.

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

**310.12 REPORTING**

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

## Firearms

### 312.1 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 policy manual § 300 and policy manual § 310.

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

### 312.2 POLICY

The Los Angeles Port Police 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.

### 312.3 AUTHORIZED FIREARMS, AMMUNITION, AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor holding the rank of sergeant or above, no firearm shall be carried by a member who has not qualified with that firearm at an authorized Department range.

All other weapons not provided by the Department, including, but not limited to edged weapons, chemical or electronic weapons, impact weapons, or any weapon prohibited or restricted by law or that is not covered elsewhere by Department policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law or a fixed blade knife carried concealed and in such a manner as to prevent loss of physical control (Penal Code section 17515).

All weapons shall at all times be in unmodified, factory condition as to internal and functional components, and shall be equipped with a manual safety, de-cocker, drop safety, or internal safety. All firearms shall be set to factory specifications as to spring pressures, trigger resistance etc. Extended slide release mechanisms, external components such as grips, sights, or lasers may be approved by the Rangemaster on a case by case basis.

Supervisors and Range staff are authorized to disallow the use of any weapon for the above reasons, for any concern regarding the safety of the weapon or the operation of the weapon due to either the weapon or the proficiency of the officer.

Los Angeles Port Police weapons and authorized equipment are for official duty use by Los Angeles Port Police personnel. Only those with an assignment requiring training in the use of specified weapons for official use are authorized to handle, use, or train with those weapons. No Los Angeles Port Police weapons may be used, possessed, or handled by non-

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department personnel without approval from the Rangemaster and the Commanding Officer of Professional Development and Training Division under the direct and immediate supervision of the Rangemaster or designated range staff. Other usage of Department issued equipment must be approved in advance by the Rangemaster. Department issued equipment shall not be used for outside employment purposes.

No recreational use of Los Angeles Port Police weapons is permitted unless participating in Department sanctioned competition or practicing at an appropriate firearms training facility.

Los Angeles Port Police firearms are not to be removed from any storage location, armory, checked out, transported, or moved without a written record or log that is submitted to a supervisor of higher rank detailing the purpose of use, who has possession and responsibility for the weapons, their locations, and serial numbers. Individually issued duty pistols which are logged out by the Rangemaster are in compliance with the requirements of this section.

Unless being used in a police operation, no Los Angeles Port Police weapons, other than the personally issued duty pistol, may be taken to or stored in any facility that is not an official Los Angeles Port Police facility. This includes personally owned vehicles and residences. Commanding Officers may make exceptions to the storage and transportation prohibitions based on operational needs. The Offsite Weapon Storage Form (LAPP Form No. 4/2-03.66) shall be completed and approved by the requesting officer's commanding officer.

#### 312.3.1 HANDGUNS

The Rangemaster shall only authorize an optional weapon if the user can demonstrate a high degree of proficiency with and knowledge of the weapon. The Rangemaster shall maintain the list of approved firearm weapons for primary weapons, secondary weapons, and administrative position weapons (as appropriate for the position).

#### 312.3.2 PRECISION PISTOL PROGRAM

The Rangemaster shall maintain the list of approved additional firearm weapons.

No weapon shall be approved for use until after individual inspection and approval by the Rangemaster or designated range staff. The Rangemaster shall only approve optional weapons if the user can demonstrate a high degree of proficiency with and knowledge of the firearm for which approval is sought. All requirements to maintain the pistol in unmodified factory condition remain as set forth above.

No officers shall be approved to carry the 1911 variant pistols until they have successfully completed a transition course to the satisfaction of the Rangemaster. No officer shall be approved to carry a precision pistol on or off duty unless they are able to perform to the level of Expert Shooter on the approved course of fire. A qualifying score of marksman or greater on the bonus course will be required to maintain approval to carry a 1911 variant. This must be demonstrated as ordered by the Rangemaster and in no case more than one year from the last qualifying score under the Precision Pistol Program.



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**312.3.3 SHOTGUNS**

The authorized department-issued shotgun is the Remington Model 870, 12 Gauge.

When not deployed, the shotgun shall be properly secured in the Department mounted weapons rack in the patrol vehicle/vessel with the magazine loaded with **00 Buck ONLY**, the action closed on an empty chamber, and the safety in the safe position. If time permits, Officers should broadcast "Shotgun Slug Deployed" over the radio to advise they are deploying a shotgun.

**312.3.4 PERSONALLY OWNED DUTY FIREARMS**

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Rangemaster. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the Department list of approved firearms.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the Department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, serial number, and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

**312.3.5 AUTHORIZED SECONDARY HANDGUN**

Members desiring to carry Department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the Department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The handgun shall be carried holstered and concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- (d) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (e) 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.
- (f) Members shall provide written notice of the make, model, serial number, and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

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#### 312.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

The Rangemaster shall maintain a list of the approved ammunition.

#### 312.3.7 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 (d), (e), and (f) of this section.
- (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, 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 badge and Los Angeles Port Police identification cards.

#### 312.3.8 PATROL RIFLES

The authorized department-issued patrol rifle is the semi-automatic Colt M4 Carbine Variant.

Patrol rifles shall be issued, inventoried, and tracked as individually issued, equipment in the ArmorerLink system.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. If time permits, officers should broadcast

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"Code Robert Deployed" over the radio to advise they are deploying the patrol rifle. 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 patrol ready in the Department mounted weapons rack in the patrol vehicle/vessel. Patrol ready for the rifle is magazine inserted in the magazine well, bolt forward on an empty chamber, and the safety in the safe position.

#### 312.3.9 FIREARMS CAPABLE OF BURST OR AUTOMATIC FIRE

The Department authorized select-fire, burst or automatic fire capable, rifle is the Colt M16-A2 Variant.

The Department authorized select fire, burst or automatic fire capable, sub-machine pistols are the Heckler and Koch UMP 40 and the Heckler and Koch MP5-K.

Firearms capable of burst or automatic fire shall be secured in the locked OIS locker inside the secure Department Armory.

Firearms capable of burst or automatic fire shall be issued, inventoried, and tracked using the ArmorerLink system each time they are removed from the Department Armory or deployed.

Supervisors of the rank of Sergeant and above may issue firearms capable of burst or automatic fire for deployment if the following conditions are met:

- (a) Exigent circumstances exist that could reasonably be expected to require the use of firearms with the expanded capabilities of burst or automatic fire.
- (b) The deployment is specifically approved on a case by case basis by a sworn member of command staff holding the rank of Captain or above.
- (c) The Command Duty Officer is notified of their deployment as soon as practicable.
- (d) Any officer issued a firearm capable of burst or automatic fire must be currently certified by the Rangemaster as holding current training and qualification for the use of that firearm. This training shall include POST rifle training and any additional use, updates, and perishable skills training required by the Rangemaster.

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#### **312.4 EQUIPMENT**

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

##### **312.4.1 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.

##### **312.4.2 HOLSTERS**

Only department-approved holsters shall be used and worn by members.

Duty holsters for officers in uniformed field assignments with a Sam or Sally Brown are limited to the following:

- (a) The Safariland SLS that is issued for the Department issued weapon or the same, in appropriate model number for other approved weapons; with or without the capability to accept a light.
- (b) Other holsters may be approved by the Commanding Officer over the Range upon recommendation of the Rangemaster if the following conditions are met:
  1. The holster must be a Level 2 Retention or above as defined herein. The holster must completely cover the barrel and the trigger guard. Level 2 retention is defined to require the manipulation of the holster with two distinct muscle movements before the weapon may be pulled from the holster. Tension screws or devices that merely create resistance to removal of the pistol from the holster are not considered a valid level of retention.
  2. No holster shall be recommended by the Rangemaster or approved unless it has been demonstrated that the officer who proposes to use it has demonstrated a high level of proficiency in its use and qualified with it to the satisfaction of the Rangemaster.

Duty holsters for officers in uniformed administrative assignments shall be inspected and approved by the Rangemaster. Duty holsters for officers in plain clothes field assignments shall be inspected and approved by the Rangemaster.

##### **312.4.3 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

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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.

#### **312.4.4 OPTICS OR LASER SIGHTS**

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

#### **312.5 SAFE HANDLING, INSPECTION, AND STORAGE**

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load, or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) 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.

#### **312.5.1 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

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weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Firearms may be safely stored in lockers or another approved location at the end of the shift. 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, using a clearing barrel, and then stored in the appropriate equipment storage room.

#### **312.5.2 STORAGE AT HOME**

Members shall ensure that all firearms are locked and secured while in their homes, vehicles, or any other area under their control, and in a manner that is 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).

#### **312.5.3 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, or has taken any drugs, or medication, has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

#### **312.5.4 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).

### **312.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete qualification quarterly, or more frequently as ordered, with any firearm carried as a primary duty weapon. Members shall qualify with their issued shotgun quarterly or more frequently as ordered.

Members will qualify with off-duty and secondary firearms at least once a year or more frequently as ordered. Qualifications must be on an approved range course.

At least annually, or more frequently as ordered, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting, shoot/don't shoot, and transitioning to other force options.

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#### **312.6.1 RIFLE TRAINING**

Officers shall not carry or utilize the patrol rifle unless they have successfully completed the required training. This training shall consist of an initial POST certified patrol rifle user's course and qualification with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete biannual training and qualification conducted by a certified patrol rifle instructor. In addition to this training and qualification, officers will go through manipulation-only training annually or more frequently as ordered.

#### **312.6.2 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, and submit a copy to the Rangemaster, 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 attend, or to satisfactorily complete required training, or to meet minimum standards may be removed from field assignment and may be subject to disciplinary action.

Any member who fails to successfully complete the required training and qualifications for patrol rifles as specified will no longer be authorized to carry the patrol rifle without successfully retaking the 8-hour Department Rifle Course. Any member who fails to follow the firearm safety rules, demonstrate firearms safety, and/or firearm proficiency is subject to being removed from the Patrol Rifle Program.

Any member who is on an extended leave of absence including but not limited to extended medical leave for a period of longer than one year, shall return their Department issued firearm(s) to the Rangemaster for storage. This does not limit the officer from carrying personally owned firearms while on leave.

#### **312.7 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 policy manual § 310. If a firearm

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was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in policy manual § 300.

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

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

#### **312.7.1 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, conducted energy weapon, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

#### **312.7.2 INJURED ANIMALS**

With the approval of a supervisor, and where other dispositions are impracticable, a member may euthanize an animal that is so badly injured that the most humane course of action is to euthanize that animal. Penal Code § 597.1(e)).

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

#### **312.7.3 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.

#### **312.8 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.



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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this Department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning, and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Commanding Officer over the Range 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 in ArmorerLink, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance, or other records as directed by the Commanding Officer over the Range. The Rangemaster shall at the completion of each qualification period, provide Professional Standards Section and Professional Development and Training Division a list that includes all members that failed to qualify during that reporting period.

#### **312.9 USE OF RANGE FACILITIES**

Los Angeles Port Police weapons facilities are for the official, on-duty use of Department personnel who are authorized to carry firearms in the performance of their duty. Los Angeles Port Police facilities include all facilities used for weapons training including those owned, rented, leased, or otherwise used in whole or in part for Department training.

Only those with an assignment requiring training in the use of weapons for official use are authorized to use Los Angeles Port Police equipment or facilities unless approved by the Rangemaster and then only under the direct supervision of the Rangemaster.

Visitors entering Los Angeles Port Police firearms facilities shall be recorded in a log and be required to sign a liability waiver and indemnification agreement.

Police capabilities, training, and tactics are security sensitive information that should not be viewed or accessed by non-department persons. This includes but is not limited to ride alongs, family members, media, other City employees, or members of the public.

The use of personal firearms is not permitted in Los Angeles Port Police facilities except those firearms approved for duty, secondary, or administrative use, unless authorized by the Rangemaster.

This section does not prohibit qualified Los Angeles Port Police retirees from qualifying with approved firearms as required under Rangemaster supervision.

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**312.10 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to 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 Los Angeles Port Police 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 Los Angeles Port Police must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Los Angeles Port Police 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 must 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.

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**312.11 CARRYING FIREARMS OUT OF STATE**

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

- (a) The officer shall carry his/her Los Angeles Port Police 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.

**312.12 POLICY ADMINISTRATION**

Adherence to providing training under this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Vehicle Pursuits

### 314.1 PURPOSE AND SCOPE

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

#### 314.1.1 DEFINITIONS

Definitions related to this policy include:

**Vehicle Pursuits-** The California Highway Patrol defines a vehicular pursuit as, "An event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid arrest (or detention) 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 the officer's signal to stop".

**Driver Responsibility -** Vehicle Code § 21055 specifies that in emergency situations the driver of an authorized emergency vehicle is exempt from the "Rules of the Road" as specified in Division 11 of the Code, when the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front. Vehicle Code § 21056, however, specified that this exemption "...does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect him from the consequences of an arbitrary exercise of the privileges granted in Vehicle Code § 21055."

### 314.2 INITIATION OF A VEHICLE PURSUIT

Officers should not initiate a pursuit based only on an infraction, misdemeanor evading (including failure to yield), or reckless driving in response to enforcement action taken by Department personnel.

Officers may pursue felons and misdemeanants, including law violators who exhibit behaviors of illegally driving under the influence of drugs or alcohol. If reasonable suspicion or probable cause exists that a misdemeanor (significant caution should be exercised for pursuing misdemeanor evading or reckless driving in response to enforcement action by Department personnel) or felony has occurred, is occurring or is about to occur, officers may pursue a suspect vehicle.

**Note:** Unmarked units without emergency equipment shall not engage in a pursuit. Dual-purpose, hybrid vehicles, and motorcycles may engage in a vehicle pursuit, however, the unit shall relinquish the role of primary unit when a marked black and white vehicle arrives on scene.

In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle shall, when practicable, be within close proximity to the vehicle before attempting the stop. When circumstances indicate a high potential for a pursuit, e.g., felony want on vehicle, possible stolen vehicle, felony suspect, officers shall determine the availability and estimated time of arrival of an

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air unit and, if tactically possible, wait for its arrival prior to initiating the vehicle stop. Additionally, officers should request a back-up unit.

#### 314.2.1 FACTORS IN INITIATING A PURSUIT

Officers must also weigh the seriousness of the offense against the potential dangers to themselves or members of the community and should consider the following factors when assessing whether to initiate a pursuit:

- (a) Whether there is an unreasonable risk to the public's safety, to the pursuing officers' safety or the safety of the occupant(s) in the fleeing vehicle.
- (b) The speed of the fleeing vehicle, relative to other roadway conditions and factors.
- (c) Whether vehicular and/or pedestrian traffic safety is unreasonably compromised.
- (d) The traffic conditions: volume of vehicular traffic, volume of pedestrian traffic, and road conditions.
- (e) Nature of the area of the pursuit: residential, commercial, or rural.
- (f) Whether the suspect can be apprehended at a later time.
- (g) If weather conditions such as rain, fog, snow, etc., create an unreasonable risk of injury to the public or the pursuing officers.
- (h) The seriousness of the crime and its relationship to community safety.
- (i) Whether the lack or quality of communication between the primary unit and the Communications Center or the primary unit and a supervisor causes an unreasonable risk to the public.
- (j) The familiarity of the primary pursuing unit with the area of the pursuit.

The same liability and potential danger inherent in a vehicle pursuit is also present when following a vehicle. Officers shall not violate the rules of the road, e.g., Vehicle Code Division 11, when following a vehicle. Exemption from provisions of the Vehicle Code Division 11 is granted only when officers sound a siren as may be reasonably necessary and the officer's vehicle displays a lighted red lamp visible from the front. The decision whether or not to initiate a pursuit should be made as soon as it is clearly evident that the law violator is intending to flee.

#### 314.3 CONTROL OF A VEHICLE PURSUIT

##### 314.3.1 GENERAL GUIDELINE

The Communications Center will be responsible for requesting and assigning to the pursuit the back-up units, an air support unit, and an available supervisor in close proximity to the pursuit. Responding back-up units may respond Code Three. However, once all authorized units have joined the pursuit, all other units shall discontinue their Code Three response. Officers in all other units shall stay clear of the pursuit, but remain alert to its progress and location.

Note: When available, any unit in a pursuit should be a two-officer unit. Tactically, two officers (driver and passenger) are better able to evaluate and control activities in a pursuit.

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If the unit initiating the pursuit cannot continue as the primary unit, the secondary unit shall become the primary unit. The secondary unit shall advise the Communications Center that it is the primary unit. Another unit may then enter the pursuit and shall advise the Communications Center that it is involved in the pursuit. All authorized units are required to advise the Communications Center of their participation.

In the event a pursuit is initiated by an officer on a motorcycle or in a hybrid or dual-purpose vehicle, the pursuing motor officer or driver of the hybrid or dual-purpose vehicle shall relinquish the role as the primary unit when a four-wheeled, black-and-white unit equipped with external roof-mounted emergency lights has joined the pursuit. Absent exigent circumstances, officers on a motorcycle or in a hybrid or dual-purpose vehicle shall not remain actively involved in the pursuit after they become aware of the arrival of a secondary black-and-white, four-wheeled unit equipped with emergency lights.

#### **314.3.2 TRACKING MODE OF A PURSUED VEHICLE**

Whenever possible, air units should assume responsibility for tracking a suspect vehicle. During this tracking mode, authorized ground units should continue their Code Three response, but should reduce their speed and, if reasonable, maintain a position out of the line-of-sight of the suspect's vehicle to maximize public safety. The Department shall make every effort to provide immediate supervisory oversight at the beginning of the pursuit and through its termination.

When tracking does not produce the desired result of slowing the suspect's driving or the suspect's driving actions are contributing to an increasingly hazardous situation, the Incident Commander, at their discretion may direct units to re-engage the suspect vehicle. Absent exigent circumstances, Incident Commander approval during the tracking mode is required by the primary and/or secondary unit to re-engage the pursuit of the vehicle. Should the situation dictate the air unit's discontinuance of the tracking mode, (e.g., visibility, restricted air space, aircraft mechanical issues, etc.), the air unit shall notify the Communications Center and the Incident Commander of the circumstances.

#### **314.4 CONTINUATION/TERMINATION OF THE PURSUIT**

Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

Officers involved in a pursuit shall continually evaluate the necessity for continuing the pursuit. The following factors should be considered when evaluating speeds throughout a pursuit and assessing whether to continue or terminate a pursuit:

- (a) Whether there is an unreasonable risk of injury to the public's safety, the pursuing officers' safety or the safety of the occupant(s) in the fleeing vehicle.

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- (b) Whether speeds dangerously exceed the normal flow of traffic.
- (c) Whether vehicular and/or pedestrian traffic safety is unreasonably compromised.
- (d) Whether the suspects can be apprehended at a later time.
- (e) If the weather conditions such as rain, fog, snow, etc., create an unreasonable risk of injury to the public or the pursuing officers.
- (f) The seriousness of the crime and its relationship to community safety.
- (g) The traffic conditions: volume of vehicular traffic, volume of pedestrian traffic, and road conditions.
- (h) Nature of the area of the pursuit: residential, commercial, or rural.
- (i) Loss of radio communications between the pursuing units and the Communications Center,
- (j) The familiarity of the primary pursuing officer with the area.
- (k) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (l) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (m) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (n) The availability of an air unit.
- (o) The loss of pursued vehicle, or unknown location of the pursued vehicle.

Since driver officers are usually concentrating on the safe operation of the police vehicle, passenger officers are particularly responsible for advising drivers when they feel the pursuit is exceeding reasonable limits.

### **314.5 SPEED LIMITS**

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

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

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicles thus making its operation unsafe.

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**314.6 AUTHORIZED UNITS IN THE PURSUIT**

Vehicle pursuits should be limited to three vehicles (or less as directed by a supervisor), however, the number of units involved may vary with the circumstances.

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

**314.6.1 MOTORCYCLE OFFICERS**

When involved in a pursuit, Department motorcycles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

**314.6.2 UNMARKED UNITS**

Unmarked units with emergency equipment (dual-purpose or hybrid), when involved in a pursuit, should be replaced by a marked four-wheel emergency vehicle as soon as practicable.

Unmarked units without emergency equipment shall not engage in a pursuit. However, officers in unmarked units without emergency equipment may become involved in emergency activities involving a serious crime or a life-endangering situation. In those rare instances, it may be necessary to follow a suspect vehicle while summoning assistance from a black-and-white, four-wheeled unit equipped with external roof-mounted emergency lights. Officers in an unmarked unit without emergency equipment shall not violate the rules of the road as defined in Division 11 of the Vehicle Code.

When officers in an unmarked unit without emergency equipment become aware that a unit with emergency equipment has arrived and will attempt to stop the suspect vehicle, the unmarked unit shall disengage.

**314.6.3 PRIMARY UNIT RESPONSIBILITIES**

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the management of the pursuit. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit shall notify the Communications Center, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

- (a) The location, direction of travel, and estimated speed of the suspect's vehicle.
- (b) The description of the suspect's vehicle including license plate number, if known.
- (c) The reason for the pursuit.
- (d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.



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- (e) The suspected number of occupants and identity or description.
- (f) The weather, road, and traffic conditions.
- (g) The need for any additional resources or equipment.
- (h) The identity of other law enforcement agencies involved in the pursuit.

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

#### 314.6.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary unit and is responsible for:

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

#### 314.6.5 ADDITIONAL APPROVED UNIT(S) RESPONSIBILITIES

All additional approved units in the pursuit are responsible to:

- (a) Notify the dispatcher of entry into the pursuit as soon as reasonably practicable.
- (b) Remain a safe distance behind the other units unless directed to assume the role of primary or secondary pursuit vehicle or if the primary or secondary pursuit vehicles are unable to continue the pursuit.
- (c) Identifying the need for additional resources or equipment as appropriate.
- (d) Serving as back-up to the primary pursuing officer once the suspect has been stopped.

#### 314.7 VEHICLE PURSUIT DRIVING TACTICS

During the course of the pursuit, officers shall continuously assess the road conditions and the actions of the suspect. Primary responsibility for pursuit activities shall be restricted to the primary unit, secondary units, and involved supervisor. All other units **shall remain clear of the pursuit**, but shall remain alert to the location and progress of the pursuit. Units remaining clear of the pursuit shall follow the rules of the road and shall not drive Code Three. Unless requested by the primary unit, secondary units, or involved supervisor, all other units shall not become involved in the pursuit.

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#### **314.7.1 PARALLELING**

Units shall not parallel nor pass units engaged in the pursuit and shall follow the rules of the road as required by Vehicle Code § 21052 for purposes of this order, paralleling is defined as any law enforcement vehicle positioned alongside a pursued or pursuing vehicle, or along an adjacent street so as to be parallel to the suspect's or pursuing vehicle's position.

Tactics employed to stop a pursued suspect, such as establishing a physical barricade (road block), boxing in, heading off, ramming, or driving alongside the pursued vehicle are strongly discouraged. These tactics are extremely hazardous and should only be considered in those rare instances when warranted to save a life, and then only as a last resort.

#### **314.7.2 WRONG-WAY TRAFFIC**

Generally, officers shall not pursue a vehicle the wrong way on a freeway, nor shall officers pursue the wrong way on a one-way street. In the event a pursued suspect enters the freeway the wrong way, the following options should be considered:

- (a) Requesting an air unit to assist and coordinate field activities.
- (b) The Estimated Time of Arrival (ETA) of the air unit.
- (c) Maintaining visual contact with the suspect vehicle by driving on the correct side of the freeway.
- (d) Requesting other units to observe the exits available to the suspect vehicle.
- (e) Notifying the California Highway Patrol and other police agencies as appropriate.

#### **314.7.3 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 information and assistance for the arrest of the suspects and reporting the incident.

#### **314.8 UNITS NOT INVOLVED IN THE PURSUIT**

Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

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.

#### **314.9 AIR SUPPORT/TRACKING A PURSUIT**

The use of an air unit to track a suspect vehicle is a valuable law enforcement tool intended to enhance public and officer safety by encouraging a fleeing suspect(s) to operate their vehicle responsibly and/or terminate the pursuit.

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Note: Upon the air unit's arrival at the scene of a pursuit, the air unit will assess the situation, advise the Incident Commander of the number of police units in the pursuit, and request if tracking should be initiated. Exigent circumstances may preclude tracking.

Whenever possible, air units shall assume responsibility for tracking a suspect vehicle. In the absence of exigent circumstances (e.g., armed suspect, murder suspect, hostage situation, etc.), which may require pursuing units to remain in pursuit of the suspect's vehicle, authorized ground units shall continue Code Three, and attempt to remain out of the suspect's line of sight, but remain in close proximity to the suspect's vehicle. Authorized ground units shall broadcast whatever information is necessary to assist the air unit.

To assist the Incident Commander in controlling the pursuit, the air unit shall:

- (a) Assume pursuit broadcast responsibilities during the tracking mode.
- (b) Advise the Incident Commander regarding suspect actions and applicable tactical considerations.
- (c) Identify all law enforcement vehicles involved in the pursuit and record the corresponding shop numbers (or vehicle descriptions when shop numbers are not available).
- (d) Respond, as practicable,

Note: An air unit assigned to the pursuit shall, if necessary, advise non-department aircraft monitoring the pursuit that the Department's air unit is in tracking mode.

### **314.10 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this Department.

The first available supervisor will become the Incident Commander of the pursuit and will be responsible for:

- (a) Immediately notifying involved units and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, only when necessary and appropriate.
- (c) Exercising management and control of the pursuit and providing on-scene supervision at the termination point of the pursuit.
- (d) Ensuring that not more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated, if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.

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- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification an/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this Department.
- (j) Controlling and managing Los Angeles Port Police units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
- (l) If a suspect vehicle flees for an infraction, misdemeanor evading (including failure to yield), or reckless driving in response to enforcement to enforcement action taken by Department personnel, ensure an Investigative Report is filed by the involved officer.
- (m) Supervisors should initiate follow-up or additional review when appropriate.

#### **314.11 WATCH COMMANDER RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. Once notified, the Watch Commander will continuously monitor the pursuit and consider taking over the role of Incident Commander in the pursuit if appropriate.

Watch commander should ensure the terminal Facility Security Officer and appropriate Harbor Department stakeholders are notified of all active pursuits within the area of the port complex so they can take precautions to secure Maritime Transportation Security Act regulated terminals. An automated system text message is considered adequate to make this notification.

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

#### **314.12 THE COMMUNICATIONS CENTER**

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

##### **314.12.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

- (a) Requesting and assigning to the pursuit the back-up units, an air support unit, and an available supervisor.
- (b) Clearing the radio channel of non-emergency traffic.
- (c) Coordinating pursuit communications of the involved units and personnel.
- (d) Broadcasting pursuit updates as well as other pertinent information as necessary.

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- (e) Ensuring that a field supervisor is notified of the pursuit.
- (f) Notifying and coordinating with other involved or affected agencies as practicable.
- (g) Ensure the Watch Commander is notified as soon as practicable.
- (h) Assigning an incident number and logging all pursuit activities.

**314.13 LOSS OF PURSUED VEHICLE**

When a pursued vehicle is lost, officers in the primary unit shall immediately broadcast the necessary information to the Communications Center. The primary unit shall broadcast supplemental information on the appropriate tactical frequency and coordinate the search as needed. When an air unit is assisting, descriptive and directional information shall be specifically broadcast to the air unit. If it is determined that the location of the pursued vehicle is unknown or the vehicle has been lost, the pursuit shall be discontinued.

**314.14 INTER-JURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area, and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

**314.14.1 PURSUITS EXTENDING INTO THIS JURISDICTION**

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

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

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

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

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

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

#### **314.15 VEHICLE INTERVENTION TECHNIQUES**

Officers shall obtain approval from a supervisor prior to deploying a Vehicle Intervention Technique (VIT), unless exigent circumstances exist that require immediate action and preclude officers from seeking prior supervisor approval.

A VIT may be deployed when the officer believes that the continued movement of the vehicle would place persons in imminent danger of great bodily harm or death and/or the risk of harm to persons outweighs any risks created by the application of a VIT. The decision to deploy a VIT shall be based on careful consideration of the situation, while maintaining a significant regard for public and officer safety. Only officers who have successfully completed Department approved practical application training are authorized to deploy these methods.

Currently, the Department has authorized the following:

- (a) Tire Deflation Devices - A Tire Deflation Device (TDD), commonly referred to as a Spike Strip is used to impede or stop the movement of vehicles by deflating the tires.
  - 1. The TDD normally should not be deployed for a pursued vehicle traveling at speeds in excess of 65 mph.
  - 2. Absent exigent circumstances, the TDD should generally not be used in adverse terrain or where geographic configurations increase the risk of injury to the suspect (e.g., on roadways bounded by steep descending embankments, curves), or at any location where safety of proceeding or opposing traffic cannot be assured. Absent exigent circumstances where lethal force is authorized, officers shall not use a TDD on two or three wheeled vehicles.
- (b) Pursuit Intervention Technique - The Pursuit Intervention Technique (PIT) is designed to be executed by a pursuing police vehicle. The PIT is a technique in which the officer's rotate and come to a stop. If the technique is properly executed, damage to the officer's vehicle should be minor or negligible. The location chosen to implement a PIT is of paramount importance. The area should be clear of pedestrians and other occupied vehicles, and road conditions should be in good condition (e.g., free from loose gravel, significant road repair). Unless exigent circumstances exist, the PIT should not be attempted when the following exists:
  - 1. The pursued vehicle is traveling in excess of 35 mph.
  - 2. The size of the pursued vehicle is significantly heavier than the primary unit's police vehicle (e.g., buses, motor homes, semi-trucks, dual-rear-wheel pick-up trucks).

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3. Vehicles with a higher center of gravity.
4. The pursued vehicle is transporting hazardous material.
5. Since deploying the PIT will cause officers to be in close proximity to the suspect, a PIT should not be used on a suspect who is known to be armed.
6. The pursued vehicle is a motorcycle (includes motor scooters or three-wheeled cycles).

**314.16 USE OF FIREARMS**

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. When possible, officers should take actions to remove the need to use deadly force such as avoiding being in the path of the vehicle.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (see policy manual § 300).

**314.17 INTERVENTION STANDARDS**

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

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

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1. Supervisory approval should be obtained before using the technique.
  2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  3. It reasonably appears the technique will terminate or prevent the pursuit.
  4. Ramming may be used only under circumstances when deadly force would be authorized.
  5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
1. The technique should only be used by officers who have received training in the technique.
  2. Supervisory approval should be obtained before using the technique.
  3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Tire deflation device should only be used after considering the following:
1. Tire deflation devices should only be used by officers who have received training in their use.
  2. Supervisory approval should be obtained before using tire deflation devices.
  3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  4. It reasonably appears the use will terminate or prevent the pursuit.
  5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
  6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (f) Roadblocks should only be used after considering the following:
1. Roadblocks should only be used by officers who have received training in their use.
  2. Supervisory approval should be obtained before using the technique.
  3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.



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4. It reasonably appears the technique will terminate or prevent the pursuit.
5. Roadblocks may be used only under circumstances when deadly force would be authorized and other reasonable alternatives have been exhausted or reasonably appear ineffective.

#### **314.18 POST - PURSUIT CONDUCT**

Safety is critical at the termination of a pursuit, therefore, the need for decisive action, self-control, and strict personal discipline is essential. Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects.

The responsibility for maintaining command and control at the termination point of a vehicle pursuit must remain with the Incident Commander. The officers in the secondary units shall be responsible for backing up the primary unit and broadcasting pertinent information at the termination of the pursuit.

Note: Responding plainclothes personnel shall ensure that they are readily identifiable as police officers by affixing proper identification on their outer garment.

When the pursuit is terminated and the suspect(s) flees on foot, the air unit, when involved, shall broadcast any information which may assist in the deployment of ground units.

When the Communications Center broadcasts the location and other information indicating that the vehicle pursuit is terminated, involved units shall consider temporarily switch their radios to the appropriate tactical frequency. When appropriate, the tactical frequency should be used to coordinate the search for a suspect(s) fleeing on foot.

#### **314.19 APPREHENSION OF SUSPECTS**

Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish the apprehension of evading suspects.

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

#### **314.20 HOSTAGE - INVOLVED VEHICLE PURSUIT**

It must be emphasized that the safety of the hostage must be the primary consideration in determining the tactics that will be employed to effect the release of the hostage and apprehend the suspect(s).

##### **314.20.1 HOSTAGE - INITIAL NOTIFICATION**

When a member of the Department becomes aware that a hostage is, or may be, in a pursued vehicle, the Communications Center shall be advised immediately. All available information shall

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be reported, including a physical description of the hostage, manner of dress, and the exact location of the hostage within the vehicle (when known).

#### **314.20.2 HOSTAGE - THE COMMUNICATIONS CENTER'S RESPONSIBILITY**

The Communications Center shall ensure all hostage-related information is immediately broadcast. The fact that a hostage may be involved in a pursuit shall be periodically transmitted during the subsequent pursuit status broadcasts. In instances where the taking of a hostage has not been confirmed, the Communications Center shall attempt to obtain additional information from the original reporting person via telephone. If a callback number is not available, or the reporting person cannot be contacted, the Communications Center shall assign a specific unit to respond to the scene of the initial occurrence to verify the taking of a hostage.

#### **314.20.3 HOSTAGE - PRIMARY UNIT'S RESPONSIBILITY**

The primary unit shall broadcast any known information regarding the hostage's position within the vehicle, a description of the hostage, suspect information, and information regarding the suspect's weaponry. The presence of a hostage in the pursuit magnifies the importance of the primary unit maintaining maximum control and ensuring that nonessential units do not become involved in the pursuit.

#### **314.20.4 HOSTAGE - SUPERVISOR'S RESPONSIBILITY AT TERMINATION OF PURSUIT**

Upon arrival at the termination point, the supervisor shall immediately assume responsibility for controlling police action at the scene and ensuring adherence to Departmental policies. The supervisor shall retain these responsibilities until the suspect is booked or released and all reports are completed. The supervisor shall submit a CHP Pursuit Report Form No. CHP 187A and complete any required agency supervisor pursuit report.

#### **314.21 POST VEHICLE PURSUIT SAFETY INSPECTION**

The supervisor managing the pursuit shall consider if the vehicles involved in the pursuit should be taken out of service for a safety inspection (see policy manual § 704.2). Factors to consider for this include speed of the pursuit, vehicles striking curbs or other impacts that occurred during the pursuit, and input/feedback from the officers in those vehicles.

#### **314.22 REPORTING REQUIREMENTS**

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

- (a) The primary officer should complete appropriate crime/arrest reports, including the Allied Agency Vehicle Pursuit Report (CHP Form No. CHP 187A).
- (b) The involved supervisor shall ensure that an Allied Agency Vehicle Pursuit Report (CHP Form No. CHP 187A) is filed with the CHP no 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 supervisor managing the pursuit, who will review it and then forward it to the Watch Commander for review and distribution.

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- (c) After first obtaining the available information, the involved supervisor shall promptly complete the agency's supervisor pursuit report. The information included in the agency's supervisor pursuit report should include, at a minimum:
1. Date and time of pursuit.
  2. Initial reason and circumstances surrounding the pursuit.
  3. Length of pursuit in distance and time, including the starting and termination points.
  4. Involved units and officers, including air support and tracking details.
  5. Outside Agencies or Areas involved.
  6. Alleged offenses.
  7. Whether a suspect was apprehended, as well as the means and methods used.
  8. Any use of force that occurred during the vehicle pursuit.
    - (a) Any use of force by a member should be documented in the appropriate report (see policy manual § 300).
  9. Any show of force that occurred during the vehicle pursuit.
    - (a) Any show of force by a member should be documented in the appropriate report (see policy manual § 344).
  10. Any injuries and/or medical treatment.
  11. Any property or equipment damage.
  12. Name of supervisor at scene or who handled the incident.
- (d) After receiving copies of reports, logs, and other pertinent information, the Deputy Chief of Operations or their authorized designee should conduct a post pursuit review.

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

**314.23 VEHICLE PURSUIT INTERVENTION REPORT GUIDELINES**

In the event that a PIT or deployment of a tire deflation device, or other intervention technique is attempted, the Vehicle Pursuit Report shall include the heading, "Pursuit Intervention." It shall be included in the report immediately following the, "Circumstances of Pursuit Termination" section.

Additionally, the following information shall be provided:

- (a) Who authorized the deployment.
- (b) The date and time of the deployment.
- (c) The specific location of the deployment.
- (d) The direction of the suspect's travel.
- (e) The estimated speed of the suspect's vehicle at the time of deployment.

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- (f) The results of the deployment.
- (g) Any damage to any vehicle resulting from an intervention.
- (h) A description of where in the roadway the deflation device was placed.
- (i) Any unintended traffic collisions that occurred.
- (j) Any injuries observed or complained of that are or could be related to the intervention.

Note: Since the PIT maneuver is an intentional act, it is not considered a traffic collision unless a third party is struck in the process.

**314.23.1 SUPERVISOR'S RESPONSIBILITY VEHICLE PURSUIT INTERVENTION REPORT GUIDELINES**

- (a) The Incident Commander controlling the pursuit is responsible for managing, and when possible, approving a PIT or the deployment of a tire deflation device. In the event a PIT is employed, the controlling supervisor shall ensure that a detailed description of the method used is contained in the CHP Report Form No. CHP 187A.
- (b) Photographs shall be taken of all vehicles affected by any intervention attempt.
- (c) Photographs are intended to show any damage resulting from the intervention or the lack thereof.
- (d) Photographs should be stored in accordance with policy manual § 804.
- (e) In the event damage occurs to Department vehicles, it shall be recorded in accordance with established guidelines in policy manual § 706.7.

Note: Medical treatment shall be provided to the injured parties and photographs of the injuries shall be obtained.

**314.24 ANNUAL VEHICLE PURSUIT POLICY TRAINING AND ELECTRONIC SENATE BILL 719 PURSUIT POLICY TRAINING ATTESTATION**

All sworn personnel shall comply with Vehicle Code § 17004.7, which mandates that in order to obtain immunity for vehicle pursuits, all California law enforcement officers must receive Annual Vehicle Pursuit Policy Training and certify that they have "received, read, and understand" the pursuit policy on an annual basis. Accordingly, all sworn personnel shall complete and sign the Annual Vehicle Pursuit Policy Training and Senate Bill 719 Pursuit Policy Training Attestation (Attestation).

**314.25 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

Adherence to the administrative reporting compliance of this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Officer Response to Calls

### 316.1 PURPOSE AND SCOPE

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

### 316.2 RESPONSE TO CALLS

Officers dispatched "Code Three" shall consider the call an emergency response and proceed immediately. Officers responding Code Three 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 Three when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not authorized to respond Code Three shall observe all traffic laws and proceed without the use of emergency lights and siren.

### 316.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

#### 316.3.1 NUMBER OF UNITS ASSIGNED

Normally, only two units and a supervisor should respond to an emergency call Code Three unless the Watch Commander or the field supervisor authorizes an additional unit(s).

### 316.4 INITIATING CODE 3 RESPONSE

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

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notification shall be given, with consideration to radio congestion or other factors that occur during emergency situations.

**316.5 RESPONSIBILITIES OF RESPONDING OFFICERS**

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

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

Upon receiving authorization or determining a Code Three response is appropriate, an officer shall immediately give the location from which he/she is responding. The Communication Center shall broadcast the starting location of all the units who are authorized a Code three response. All officers shall remain situationally aware of other unit's emergency vehicle response.

**316.6 COMMUNICATIONS RESPONSIBILITIES**

A dispatcher shall assign a Code Three 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.

The dispatcher shall:

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

**316.7 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code Three 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.

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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 Three response, the supervisor may do so.

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

When making the decision to authorize a Code Three 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.

Supervisors are obligated to assess the appropriateness of officers requests and to manage the Code Three responses of other units. Supervisors shall immediately intervene when necessary to coordinate the response of sufficient units, minimize the risks to officers and the public, and ensure patrol operations resources are not unnecessarily depleted. In addition, supervisors shall direct units back into service as applicable to ensure response to any calls for service.

#### **316.8 FAILURE OF EMERGENCY EQUIPMENT**

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

## Canines

### 318.1 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.

### 318.2 POLICY

It is the policy of the Los Angeles Port Police that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

#### 318.2.1 PURCHASE AND CERTIFICATION OF CANINES

The Los Angeles Port Police Canine Unit is comprised of canine teams consisting of a mixture of single and dual-purpose capabilities including patrol, narcotic, and explosive detection. Fiscal Operations and Human Resources Division will facilitate the initial purchase of a new canine. Before assignment in the field, each canine handler and canine shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards.

### 318.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Operations Group to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as radio calls for service, based upon current operational needs and Port operations.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Watch Commander.

### 318.4 CANINE SUPERVISOR

The canine supervisor shall be selected in accordance with the Department's internal selection process and directly reports to the Patrol Operations Division or their authorized designee.

The responsibilities of the canine supervisor include, but are not limited to:

- (a) Field Deployment of canine operations.
- (b) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (c) Maintaining a liaison with canine contractors and vendors for the kennel.
- (d) Maintaining a liaison with command staff and functional supervisors.
- (e) Maintaining a liaison with other agency canine coordinators.
- (f) Maintaining accurate records to document canine activities.
- (g) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.



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- (h) Scheduling all canine-related activities.
- (i) Ensuring the canine teams are scheduled for regular training to meet the National Police Canine Association's standard of a minimum of sixteen (16) training hours per month.

**318.5 REQUESTS FOR CANINE TEAMS**

Patrol Operations Division members are encouraged to request the use of a canine. All requests for canine assistance must be approved by the on-duty Watch Commander or field supervisor. If a request is approved by the Commanding Officer, the canine unit supervisor shall also ensure that the Watch Commander is informed of any deployment of the canine unit in response to a request for assistance.

**318.5.1 OUTSIDE AGENCY REQUESTS**

All requests for canine assistance from outside agencies are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury or use of force.
- (d) It shall be the responsibility of the canine handler to complete all necessary canine related reports or as directed.
- (e) A supervisor response to any requests for an article or illicit substance search will be made at the discretion of the Watch Commander.

Upon approval for canine assistance, the canine supervisor should respond accordingly to the requesting agency's incident location involving the search of residence or occupied structure and any request for a search of outstanding suspect(s). In the absence of the canine supervisor, a field supervisor from Patrol Operations Division should respond for supervisor responsibility of the Los Angeles Port Police personnel.

**318.5.2 PUBLIC DEMONSTRATION**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine supervisor prior to making any resource commitment. The canine supervisor 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 supervisor or the Commanding Officer of Patrol Operations Division.

**318.6 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:

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- (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 and gain compliance.
- (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.

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 bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect. The canine handler shall ensure the suspect receives necessary emergency medical treatment and that the injuries are documented including photographs.

#### 318.6.1 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 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.

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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 exposure to potential injury and interference with the canine.

#### 318.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

#### 318.6.3 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 including photographs. 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 Watch Commander and the Canine Supervisor. Unintended bites or injuries caused by a canine shall 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).

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**318.7 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.
- (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.

**318.7.1 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.

**318.7.2 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.

**318.7.3 BOMB/EXPLOSIVE DETECTION**

Due to the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

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- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

#### **318.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced, single-family residence (minimum 5-foot-high fence with locking gates).
- (c) A garage that can be secured and can accommodate a marked black and white police canine vehicle.
- (d) Agreeing to be assigned to the position for a minimum of three years.
- (e) Officers must live within a 60-minute commute of his/her regularly assigned work location (based on average traffic flow). (see policy manual § 706.4 for additional information).

#### **318.9 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) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Los Angeles Port Police facility.
- (e) Handlers shall permit the canine supervisor to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment confirm to this policy.
- (f) 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 supervisor as soon as possible.

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- (g) 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.
- (h) 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. Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor or the Commanding Office of Patrol Operations Division.
- (i) 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 supervisor or the Commanding Officer of Patrol Operations Division.
- (j) 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 supervisor so that appropriate arrangements can be made.
- (k) Maintain and meet required handler canine certifications.

Failure to meet or maintain above minimum qualifications of a canine handler could result in deselection from the unit.

#### **318.9.1 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 habitable for the canine.

#### **318.10 HANDLER COMPENSATION**

The canine handler shall be available for call-out under conditions specified by the canine supervisor. The canine handler shall be compensated for call-out and standby duty as outlined in the terms of the collective bargaining agreement, MOU 38.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

#### **318.11 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 supervisor or Watch Commander as soon as practicable and appropriately documented.

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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 handler's personnel file.

#### **318.12 TRAINING**

The canine supervisor 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. Since canines may be exposed to dangerous substances such as opioids, as resources are available, the canine supervisor 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 supervisor or the Commanding Officer of Patrol Operations Division.

##### **318.12.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to a current POST, 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 Los Angeles Port Police canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine supervisor.
- (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.

##### **318.12.2 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.

##### **318.12.3 TRAINING RECORDS**

The canine supervisor shall be responsible for establishing a training records file for personnel assigned to the canine unit. All canine training records for officers assigned to the canine unit shall be maintained and stored at the Los Angeles Port Police Canine facility. The training records file shall include the canine handler's and the assigned canine's recurring training records. Such training records should be made readily available upon any legal request.

##### **318.12.4 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 Los Angeles Port Police may work with outside trainers with the applicable licenses or permits.

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#### 318.12.5 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)). All necessary controlled substance training samples shall be acquired from the Los Angeles Port Police's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handlers. A quarterly inventory report with the results shall be submitted to the Unit Supervisor and Patrol Operations Division Commander. An annual inventory report will be submitted to the Office of the Chief of Police by the Patrol Operations Division Commander.

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Los Angeles Port Police 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.

#### 318.12.6 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 weighted 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 supervisor 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 supervisor shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.



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- (g) Any unusable controlled substance training samples shall be returned to the Patrol Operations Division 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.

#### 318.12.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for all type of materials.
- (b) All training aid inventory shall be maintained in the Los Angeles Port Police inventory-tracking database (ArmorLink) to document the type and quantity of explosive training aids that are stored.
- (c) The canine supervisor shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Access to the explosive training aids at the Los Angeles Port Police storage facility shall be limited to the members of the canine team, the canine supervisor, or the Commanding Officer of Patrol Operations Division or their authorized designee.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be immediately reported to the canine supervisor and Patrol Operations Division Commander in writing, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). All appropriate reports shall be completed and forwarded to the Office of the Chief of Police.

#### 318.12.8 STANDARD OPERATING PROCEDURES

ArmorLink System will be the primary method of inventory and a paper log will be used as a back-up only if the system fails and there is a delay in repairs by the vendor.

- (a) Narcotic training aids will be audited monthly (randomly).
- (b) Old explosive training aids inventory will continue to be released to the Los Angeles Police Department/Federal Bureau of Investigation's Bomb Squad annually.
- (c) A quarterly report shall be generated to indicate training, audits, unusual occurrences (lost training aids), as they may apply. In addition, the Patrol Operations Division

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Commander must submit a copy of the aforementioned reports to the Chief of Police annually.

**318.13 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

## Domestic Violence

### 320.1 PURPOSE AND SCOPE

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

#### 320.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All 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.

### 320.2 POLICY

The Los Angeles Port Police'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.

### 320.3 OFFICER SAFETY

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

### 320.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Criminal Investigations Section in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officers should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.
  - 6. Denial that the abuse occurred where evidence indicates otherwise.
  - 7. A request by the victim not to arrest the suspect.
  - 8. Location of the incident (public/private).
  - 9. Speculation that the complainant may not follow through with the prosecution.
  - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  - 11. The social status, community status, or professional position of the victim or suspect.

**320.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

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

**320.4.2 IF NO ARREST IS MADE**

If no arrest is made, the officers should:

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

**320.5 VICTIM ASSISTANCE**

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

- (a) Victims should be provided with the Department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, officers should seek or assist the victim in obtaining an emergency order.

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

**320.6 DISPATCH ASSISTANCE**

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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

**320.7 FOREIGN COURT ORDERS**

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

**320.8 VERIFICATION OF COURT ORDERS**

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

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
  - 1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.
  - 1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

**320.9 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

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- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
  - 1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).
- (c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):
  - 1. Penal Code § 243(e)(1) (battery against spouse, cohabitant).
  - 2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child).
  - 3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
  - 4. Penal Code § 646.9 (stalking).
  - 5. Other serious or violent felonies specified in Penal Code § 1270.1.
- (d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:
  - 1. The intent of the law to protect victims of domestic violence from continuing abuse.
  - 2. The threats creating fear of physical injury.
  - 3. The history of domestic violence between the persons involved.
  - 4. Whether either person acted in self-defense.
- (e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

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**320.10 REPORTS AND RECORDS**

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

**320.11 RECORD-KEEPING AND DATA COLLECTION**

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

**320.12 SERVICE OF COURT ORDERS**

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).
- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected



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individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

**320.13 PUBLIC ACCESS TO POLICY**

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

**320.14 DECLARATION IN SUPPORT OF BAIL INCREASE**

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

**320.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM**

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

**320.16 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Search and Seizure

### 322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Los Angeles Port Police personnel to consider when dealing with search and seizure issues.

### 322.2 POLICY

It is the policy of the Los Angeles Port Police 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.

### 322.3 SEARCHES

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

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

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

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

Since 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.

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**322.4 SEARCH PROTOCOL**

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

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

**322.5 DOCUMENTATION**

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

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

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and Department policy have been met.

## Temporary Custody of Juveniles

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Los Angeles Port Police (34 USC § 11133).

Guidance regarding contacting juveniles at schools, or who may be victims is provided in policy manual § 330.

#### 324.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's 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 the juvenile's 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). Secure custody of a juvenile should only occur at the closest Los Angeles Police Department facility or other appropriate juvenile facility as approved by the Watch Commander.

Examples of secure custody include:

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

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- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (d) A juvenile being processed in a secure booking area when 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).

#### **324.2 POLICY**

The Los Angeles Port Police 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 Los Angeles Port Police. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

#### **324.3 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Los Angeles Port Police:

- (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.

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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 Los Angeles Port Police unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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

#### **324.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY**

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

#### **324.3.2 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 themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

#### **324.4 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Los Angeles Port Police when there is no other lawful and practicable alternative to temporary custody. Refer to policy manual § 330 for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Los Angeles Port Police 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 the juvenile's entry into the Los Angeles Port Police (34 USC § 11133; Welfare and Institutions Code § 207.1).

#### **324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with policy manual § 330 should generally not be held at the Los Angeles Port Police. 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

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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).

#### 324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

#### 324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Los Angeles Port Police 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 the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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**324.5 ADVISEMENTS**

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

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

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 their parent or guardian; one to a responsible relative or their 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 policy manual § 900 (Welfare and Institutions Code § 627; Penal Code § 851.5).

**324.6 JUVENILE NON-SECURE CUSTODY LOGS**

Any time a juvenile is held in non-secure 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 Los Angeles Port Police (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) 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 non-secure custody and shall also initial the log when the juvenile is released. All secure custody juveniles shall be transported to the closest Los Angeles Police Department facility or other appropriate juvenile facility as approved by the Watch Commander.

**324.7 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.



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

**324.8 NON-SECURE TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Los Angeles Port Police shall ensure the following:

- (a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Los Angeles Port Police more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Los Angeles Port Police 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) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) 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).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- (k) 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).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.

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- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) 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).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

**324.9 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with policy manual § 306. A juvenile offender may be handcuffed at the Los Angeles Port Police when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

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

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

**324.10 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the Los Angeles Port Police 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 Los Angeles Port Police.

**324.11 SECURE CUSTODY**

In the event of the need for secure custody, officers shall obtain approval from the Watch Commander to transport the juvenile to the closest Los Angeles Police Department facility or appropriate juvenile facility. Secure custody shall not occur at the Los Angeles Port Police Headquarters at any time.

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**324.12 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 Los Angeles Port Police (15 CCR 1142; 15 CCR 1047).

The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Criminal Investigations Section 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.

**324.13 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.

**324.13.1 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.

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- (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).

**324.14 FORMAL BOOKING**

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

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the Criminal Investigations 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.

**324.15 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.

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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 Los Angeles Port Police Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

#### **324.16 RELIGIOUS ACCOMMODATION**

Juveniles have the right to the same religious accommodation as adults in temporary custody (see policy manual § 900).

#### **324.17 TRAINING**

Department members should be trained on and familiar with this policy and any supplemental procedures.

## Transportation of Arrestees

### 325.1 PURPOSE AND SCOPE

This policy defines the requirements and protocols for transporting arrestees.

### 325.2 SECURING ARRESTEES WITH SEATBELTS

All arrestees transported in any Department vehicle, regardless of age or gender, shall be secured in the rear seat. A three-point safety belt shall be used; however, a two-point safety belt (lap belt) shall be worn when a three-point safety belt is not provided.

### 325.3 TRANSPORTING ARRESTEES IN NON-PARTITIONED AND PARTITIONED VEHICLES

**Two Officers** - If two officers are transporting an arrestee in a non partition-equipped vehicle, one officer shall be seated directly behind the driver of the vehicle. In a partition-equipped vehicle, the passenger officer shall ride in the front seat. Officers must remain in close proximity and visually monitor arrestees.

**One Officer** - A single officer in a non-partitioned vehicle may transport a non-belligerent arrestee. The officer must remain in close proximity to visually monitor the arrestee. Should the arrestee become belligerent, the transporting unit should stop the transport and request a unit with partition to continue to transport the arrestee.

### 325.4 TRANSPORTING PERSONS - TIME AND MILEAGE REQUIREMENTS

Officers are required to follow time and mileage reporting protocols whenever they are required to transfer:

- A person of the opposite sex (whether a transportation for safety or an arrestee).
- A juvenile.

Whenever practicable, a female juvenile shall be transported in the care and custody of a female police officer. If no female police officer is available, at least two male police officers shall be present during the entire period of transportation, and time and mileage procedures shall apply.

At the time of departure, officers shall notify the dispatcher of the following:

- Location of departure.
- Odometer reading.

Upon arrival at the destination, the dispatcher shall be informed of the:

- Location of arrival.
- Odometer reading.

The dispatcher shall be notified when any delay or detour is necessary during the transportation.

## Senior and Disability Victimization

### 326.1 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 Los Angeles Port Police members as required by law (Penal Code § 368.6).

The Los Angeles Port Police is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see policy manual § 330 for child abuse investigations and reporting).

#### 326.1.1 DEFINITIONS

Definitions related to this policy include:

**Abuse of an elder (age 65 or older) or dependent adult** - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

**Department protocols (or protocols)** - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

**Dependent adult** - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

**Elder and dependent adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

**Senior and disability victimization** - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse.
- (b) Unlawful interference with a mandated report.
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability.

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- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities.
- (e) Child abuse of children with disabilities.
- (f) Violation of relevant protective orders.
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them.
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age.

**326.2 POLICY**

The Los Angeles Port Police will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law. The Watch Commander shall make notifications to the Criminal Investigations Section supervisor to respond and conduct the primary interview(s) of the alleged victim(s).

**326.2.1 ARREST POLICY**

It is the Department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see policy manual § 100 and § 320 for additional guidance).

**326.2.2 ADHERENCE TO POLICY**

All officers are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves an officer's deviation from this policy shall provide a written report to the Chief of Police that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to Department protocols (Penal Code § 368.6(c)(27)).

The Chief of Police shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

**326.3 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.



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- (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.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see policy manual § 338 for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
  - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
  - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
  - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
  - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

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An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

**326.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS**

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see policy manual § 338 for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

**326.4 CHIEF OF POLICE RESPONSIBILITIES**

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of Department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including Department protocols in this policy, including but not limited to the following:
  - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
  - 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:

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- (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  - (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
  - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
  - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- (c) For each Department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
  - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B). ([see LAPP Form No. 4/2-03.78](#)).
  - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23). ([see LAPP Form No. 4/2-03.79](#)).
  - (f) Ensuring that all members carry out their responsibilities under this policy.
  - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
  - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

### **326.5 QUALIFIED INVESTIGATORS**

Responding units and field supervisors shall consider notifying a Criminal Investigations Section supervisor if the investigation warrants additional and immediate detective support. Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

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- (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see policy manual § 336 for additional guidance).
  - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see policy manual § 602 for additional guidance).
  - 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

**326.6 ELDER AND DEPENDENT ADULT ABUSE LIAISON**

A Department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

**326.7 MANDATORY NOTIFICATION**

Members of the Los Angeles Port Police shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

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

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

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1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
  3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
  4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).
  - (c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
  - (d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
  - (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
  - (f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
  - (g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
  - (h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).
    1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).
  - (i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
  - (j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing

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agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Criminal Investigations 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).

Failure to report, or impeding or inhibiting a report of abuse of an elder or dependent adult, is a misdemeanor (Welfare and Institutions Code §15630(h)).

**326.7.1 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.

**326.8 PROTECTIVE CUSTODY**

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this Department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

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Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, officer should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

#### **326.8.1 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)).

#### **326.8.2 VERIFICATION OF PROTECTIVE ORDER**

Whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the officer shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with Department procedures.

### **326.9 INTERVIEWS**

#### **326.9.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

#### **326.9.2 DETAINING VICTIMS FOR INTERVIEWS**

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:

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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.

**326.9.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS**

An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see policy manual § 370 for additional guidance).

**326.10 MEDICAL EXAMINATIONS**

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officer 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.

**326.11 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

**326.11.1 SUPERVISOR RESPONSIBILITIES**

The Criminal Investigations 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.
- (b) Activate any available interagency response when an officer notifies the Criminal Investigations 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.



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- (c) Follow proper procedures when officers respond to drug labs or other narcotics crime scenes. The officers should document the environmental, medical, social, and other conditions that may affect the adult.

#### **326.11.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigations Section supervisor so an interagency response can begin.

#### **326.12 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

##### **326.12.1 RECORDS UNIT RESPONSIBILITIES**

The Records Unit 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.

#### **326.13 JURISDICTION**

The Los Angeles Port Police has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this Department will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

#### **326.14 RELEVANT STATUTES**

##### **Penal Code § 288 (a) and Penal Code § 288 (b)(2)**

- (a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying

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the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

**Penal Code § 368 (c)**

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

**Penal Code § 368 (f)**

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

**Welfare and Institutions Code § 15610.05**

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

**Welfare and Institutions Code § 15610.06**

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

**Welfare and Institutions Code § 15610.30**

- (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

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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.
  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.

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- (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. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
  3. Failure to protect from health and safety hazards.
  4. Failure to prevent malnutrition or dehydration.
  5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
  6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

**Welfare and Institutions Code § 15610.63**

"Physical abuse" means any of the following:

- (a) Assault, as defined in Section 240 of the Penal Code.
- (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint or prolonged or continual deprivation of food or water.
- (e) Sexual assault, that means any of the following:
  1. Sexual battery, as defined in Section 243.4 of the Penal Code.
  2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.

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3. Rape in concert, as described in Section 264.1 of the Penal Code.
  4. Incest, as defined in Section 285 of the Penal Code.
  5. Sodomy, as defined in Section 286 of the Penal Code.
  6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
  7. Sexual penetration, as defined in Section 289 of the Penal Code.
  8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
1. For punishment.
  2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
  3. For any purpose not authorized by the physician and surgeon.

**326.15 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Discriminatory Harassment

### 328.1 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.

#### 328.1.1 CITY POLICY

See also the Los Angeles Harbor Department (LAHD) Employee Manual for additional information and procedures relative to the City's Discrimination and Harassment policies, and roles of the LAHD Affirmative Action Officer, the LAHD Sexual Harassment Counselor, and City Sexual Harassment Counselor.

### 328.2 POLICY

The Los Angeles Port Police 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 non-discrimination 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.

### 328.3 DEFINITIONS

Definitions related to this policy include:

#### 328.3.1 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,

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cartoons, posters, or material; making inappropriate physical contact; or using written material or Department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to Department policy and to a work environment that is free of discrimination.

#### **328.3.2 SEXUAL HARASSMENT**

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or 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.

#### **328.3.3 ADDITIONAL CONSIDERATIONS**

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

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or Department rules or regulations, or any other appropriate work-related communication between supervisor and member.

#### **328.3.4 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.

### **328.4 RESPONSIBILITIES**

This policy applies to all Department personnel. All members shall follow the intent of these guidelines in a manner that reflects Department policy, professional 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

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the Chief of Police, the Commanding Officer of Fiscal Operations and Human Resources Division, or the Harbor Department Executive Director. Members may also file complaints on-line with the City of Los Angeles Personnel Department's [www.MyVoiceLA.org](http://www.MyVoiceLA.org) portal.

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.

#### 328.4.1 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 Commanding Officer of Fiscal Operations and Human Resources Division in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### 328.4.2 SUPERVISOR'S ROLE

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.



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#### 328.4.3 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 Commanding Officer of Fiscal Operations and Human Resources Division, the Harbor Department Executive Director, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

#### **328.5 INVESTIGATION OF COMPLAINTS**

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

##### 328.5.1 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.

##### 328.5.2 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 Commanding Officer of Fiscal Operations and Human Resources Division, or the Harbor Department Executive Director. Members may also file complaints on-line with the City of Los Angeles Personnel Department's [www.MyVoiceLA.org](http://www.MyVoiceLA.org) portal.

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#### 328.5.3 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.

#### **328.6 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:

- Approved by the Chief of Police, the Harbor Department Executive Director, or the Commanding Officer of Fiscal Operations and Human Resources Division, depending on the ranks of the involved parties.
- Maintained in accordance with the Department's established records retention schedule.

#### 328.6.1 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.

#### **328.7 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. The City of Los Angeles Personnel Department will coordinate with the Harbor Department Human Resources Division for scheduling and compliance audits.

Cornerstone on Demand can be accessed by visiting <https://lacity.csod.com> to enroll in Workplace Harassment and Abusive Conduct Prevention at least every two years and/or as necessary. (Supervisory and Non-Supervisory versions available).

#### 328.7.1 STATE-REQUIRED TRAINING

The Deputy Chief of Training and Emergency Management Group 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):

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- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Deputy Chief of Training and Emergency Management Group should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

#### **328.7.2 TRAINING RECORDS**

The Deputy Chief of Training and Emergency Management Group shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

#### **328.8 WORKING CONDITIONS**

The Administrative Services Division Commander or their 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).

#### **328.9 REQUIRED POSTERS**

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

#### **328.10 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Administrative Services Division and their authorized designee.

## Child Abuse

### 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Los Angeles Port Police members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

#### 330.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

### 330.2 POLICY

The Los Angeles Port Police will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

### 330.3 MANDATORY NOTIFICATION

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

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

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

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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

#### **330.3.1 NOTIFICATION PROCEDURE**

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

- (a) Notification shall be made immediately, or as soon as practicable, by telephone, fax, or electronic transmission.
- (b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

#### **330.4 QUALIFIED INVESTIGATORS**

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

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

#### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.

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- (d) If a child was taken into protective custody, the reasons, the name, and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### **330.5.1 EXTRA JURISDICTIONAL REPORTS**

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, Department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

#### **330.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this Department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

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Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
  - 1. The child has an immediate need for medical care.
  - 2. The child is in immediate danger of physical or sexual abuse.
  - 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
  - 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  - 2. There is no lawful custodian available to take custody of the child.
  - 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
  - 4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

#### **330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW**

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

#### **330.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS**

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

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### **330.7 INTERVIEWS**

#### **330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

#### **330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

#### **330.7.3 INTERVIEWS AT A SCHOOL**

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

### **330.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.



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**330.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking, or use of narcotics.

**330.9.1 SUPERVISOR RESPONSIBILITIES**

The Criminal Investigations 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 Criminal Investigations Section supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.

**330.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social, and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Criminal Investigations Section supervisor so an interagency response can begin.

**330.10 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

**330.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and policy manual § 810 (Penal Code 841.5; Penal Code § 11167.5).

**330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)**

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation, or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

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**330.10.3 CACI HEARING OFFICER**

The Criminal Investigations 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.

**330.10.4 CACI HEARING PROCEDURES**

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports.
- (b) Statements by investigators.
- (c) Statements from representatives of the District Attorney's Office.
- (d) Statements by representatives of a child protective agency who may be familiar with the case.

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

**330.10.5 CHILD DEATH REVIEW TEAM**

This Department should cooperate with any interagency child death review team investigation. 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).

**330.11 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.

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- (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.

**330.12 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee. Adherence to this policy's training requirement is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Missing Persons

### 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 332.1.1 DEFINITIONS

**At risk** - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired, or developmentally disabled.

**Missing person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away, or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily, or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

**Missing person networks** - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons' investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS), and the Unidentified Persons System (UPS).

### 332.2 POLICY

The Los Angeles Port Police does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Los Angeles Port Police gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

### 332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Criminal Investigations Section 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.

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- Medical records release form from the California Department of Justice (DOJ).
- California DOJ missing person forms as appropriate.
- Biological sample collection kits.

#### **332.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides, or any other question of jurisdiction (Penal Code § 14211).

#### **332.5 INITIAL INVESTIGATION**

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see policy manual § 334).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- (e) Ensure that entries are made into the appropriate missing person networks as follows:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
  1. A photograph and a fingerprint card of the missing person, if available.
  2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  3. Any documents that may assist in the investigation, such as court orders regarding custody.
  4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

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- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

**332.6 REPORT PROCEDURES AND ROUTING**

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

**332.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Records Unit.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

**332.6.2 RECORDS UNIT 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 Criminal Investigations Section.

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- (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).

**332.7 CRIMINAL INVESTIGATIONS SECTION FOLLOW-UP**

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
  - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

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**332.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- (a) Notification is made to California DOJ.
- (b) The missing person's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) Immediately notify the Attorney General's Office.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

**332.8.1 UNIDENTIFIED PERSONS**

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

**332.9 CASE CLOSURE**

The Criminal Investigations 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 Port of Los Angeles or this Department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this Department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.



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**332.10 TRAINING**

Subject to available resources, the Deputy Chief of Training and Emergency Management Group should ensure that members of this Department whose duties include missing person investigations and reports receive regular training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews.
  - 2. Use of current resources, such as Mobile Audio Video (MAV).
  - 3. Confirming missing status and custody status of minors.
  - 4. Evaluating the need for a heightened response.
  - 5. Identifying the zone of safety based on chronological age and developmental stage.
- (b) Briefing of Department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile, and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., Internet use, cell phone use).
- (n) Media relations.

## Public Alerts

### 334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television, and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 334.3 RESPONSIBILITIES

#### 334.3.1 MEMBER RESPONSIBILITIES

Members of the Los Angeles Port Police should notify their supervisor, Watch Commander, or Criminal Investigations 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.

#### 334.3.2 SUPERVISOR RESPONSIBILITIES

All supervisors shall notify the Watch Commander upon confirmation of the need to make a public alert and provide updates as available.

#### 334.3.3 WATCH COMMANDER RESPONSIBILITIES

A Watch Commander apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander, Command Duty Officer, and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts.
- (b) Canceling alerts.
- (c) Ensuring all appropriate reports are completed.
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander.

### 334.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

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**334.4.1 CRITERIA FOR AMBER ALERT**

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

- (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.

**334.4.2 PROCEDURE FOR AMBER ALERT**

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
  - 1. The child's identity, age, and description.
  - 2. Photograph if available.
  - 3. The suspect's identity, age, and description, if known.
  - 4. Pertinent vehicle description.
  - 5. Detail regarding location of incident, direction of travel, potential destinations, if known.
  - 6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison.
  - 7. A telephone number for the public to call with leads or information.
- (b) The local California Highway Patrol (CHP) 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).

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**334.5 BLUE ALERTS**

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

**334.5.1 CRITERIA FOR BLUE ALERTS**

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

**334.5.2 PROCEDURE FOR BLUE ALERT**

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
  - 1. The license number and/or any other available description or photograph of the vehicle.
  - 2. Photograph, description, and/or identification of the suspect.
  - 3. The suspect's identity, age, and description, if known.
  - 4. Detail regarding location of incident, direction of travel, potential destinations, if known.
  - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison.
  - 6. A telephone number for the public to call with leads or information.
- (b) The local CHP 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.

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#### **334.6 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).

##### **334.6.1 CRITERIA FOR SILVER ALERTS**

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, 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.

##### **334.6.2 PROCEDURE FOR SILVER ALERT**

Requests for a Silver Alert shall be made through the CHP (Government Code § 8594.10).

#### **334.7 MUTUAL AID**

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Criminal Investigations Section supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this Department.

The Los Angeles Port Police shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and

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any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

#### **334.8 YELLOW ALERT**

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the Department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

##### **334.8.1 CRITERIA FOR YELLOW ALERT**

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.
- (c) The Department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
  - 1. The complete license plate number of the suspect's vehicle.
  - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
  - 3. The identity of a suspect.
  - 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

##### **334.8.2 PROCEDURE FOR YELLOW ALERT**

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

#### **334.9 FEATHER ALERT**

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

##### **334.9.1 CRITERIA FOR FEATHER ALERT**

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.

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- (c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

**334.9.2 PROCEDURE FOR FEATHER ALERT**

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

**334.10 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).

**334.10.1 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.
- (e) Earthquake Early Warning.

**334.10.2 PROCEDURE**

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

## Victim and Witness Assistance

### 336.1 PURPOSE AND SCOPE

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

### 336.2 POLICY

The Los Angeles Port Police is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Los Angeles Port Police will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 336.3 CRIME VICTIM LIAISON

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

#### 336.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- (a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with policy manual § 810.
- (d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
  1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Los Angeles Port Police jurisdiction (Penal Code § 680.2).
- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.



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1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

#### **336.4 CRIME VICTIMS**

Officers should provide all victims with the applicable victim information handouts.

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

##### **336.4.1 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).

#### **336.5 VICTIM INFORMATION**

The Support Services Division Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

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

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- (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).

**336.6 WITNESSES**

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

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

**336.7 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Hate Crimes

### 338.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provide Los Angeles Port Police members with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other biases.

#### 338.1.1 DEFINITIONS

**Hate crimes** - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (a) Disability.
- (b) Gender.
- (c) Nationality.
- (d) Race or ethnicity.
- (e) Religion.
- (f) Sexual orientation.
- (g) Association with a person or group with one or more of these actual or perceived characteristics.
- (h) Examples of hate crimes include, but are not limited to:
  1. Interfering with, oppressing, or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
  2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
  3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
  4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity, or disability (18 USC § 249).

**Victim** - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library, or other victim or intended victim of the offense (Penal Code § 422.56).

### 338.2 POLICY

It is the policy of this Department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with

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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.

### **338.3 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 Los Angeles Port Police 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).

#### **338.3.1 DEFINITION AND LAWS**

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a

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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, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

**Gender identity** - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (a) Disability.
- (b) Gender.
- (c) Nationality.
- (d) Race or ethnicity.
- (e) Religion.
- (f) Sexual orientation.
- (g) Association with a person or group with one or more of these actual or perceived characteristics:
  - 1. “Association with a person or group with one or more of these actual or perceived characteristics” includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

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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 means country of origin, immigration status, including citizenship, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center.
- Educational facility.
- Entity.

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- Family.
- Group.
- Individual.
- Office.
- Meeting hall.
- Person.
- Place of worship.
- Private institution.
- Public agency.
- Library.
- Other victim or intended victim of the offense.

#### **338.4 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.

##### **338.4.1 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.

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- (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 Deputy Chief of Training and Emergency Management Group 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 Unit for mandated reporting to the Department of Justice.
  - 1. Ensure the California Department of Justice crime data is posted monthly on the Department website (Penal Code § 13023).
- (l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of policy manual § 806.
- (m) Maintaining the Department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- (n) Annually assessing this policy, including:
  - 1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.
  - 2. Analysis of the Department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

#### 338.4.2 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.



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- (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 policy manual § 810 or as allowed by law. In accordance with policy manual § 346, 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:

- (a) Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- (b) 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.
- (c) Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- (d) Provide the community with ongoing information regarding hate crimes and/or hate incidents.

**338.5 PREVENTION AND PREPARATION**

While it is recognized that not all crime can be prevented, the Los Angeles Port Police are committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings, and school assemblies on recognizing, preparing for, and preventing hate crimes.

**338.6 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP**

**338.6.1 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

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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) (see LAPP Form No. 4/2-03.77)..
- (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 § 7923.615.
  4. Prior occurrences in this area or with this victim.
  5. Statements made by suspects; exact wording is critical.
  6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.

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- (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.

**338.6.2 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 policy manual § 804, 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 § 7923.615.

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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.

**338.6.3 SUPERVISION**

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
1. Expressing the Department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  2. Expressing the Department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
  3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a Department chaplain, as well as community service

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agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- (c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- (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.

**338.7 CRIMINAL INVESTIGATIONS SECTION RESPONSIBILITY**

If a hate crime case is assigned to the Criminal Investigations Section, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney, City Attorney, and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). (see policy manual § 806).
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate (see policy manual § 442).

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- (f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.
  - 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

**338.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
- (b) Make notification to appropriate personnel in the chain of command as soon as appropriate/practical, depending on the nature and seriousness of the offense and its potential inflammatory and related impacts on the community.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see policy manual § 442).

**338.8 TRAINING**

All members of this Department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

Professional Development and Training Division shall ensure Los Angeles Port Police members receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. The training curriculum should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

**338.9 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

**338.10 APPENDIX**

See attachments:

[Statutes and Legal Requirements.pdf](#)

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See attachment: [Hate Crimes Checklist 12162020.2.pdf](#)

See attachment: [Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf](#)

## Standards of Conduct

### 341.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Los Angeles Port Police and what is expected of all its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning 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 the Los Angeles Port Police or a member's supervisors.

#### 341.1.1 LAHD DISCIPLINARY ACTIONS GUIDE

See also the Los Angeles Harbor Department (LAHD) Employee Manual for additional information.

The Los Angeles Port Police Policy Manual augments the LAHD Employee Manual, providing more specific guidance relative to police functions and activities that may merit disciplinary action.

### 341.2 POLICY

The continued employment or appointment of every member of the Los Angeles Port Police 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.

### 341.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any Los Angeles Port Police supervisor or person in a position of authority, absent a reasonable and bona fide justification.

#### 341.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law, or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, Department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply.



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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.

#### **341.3.2 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.

#### **341.4 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Naivety or ignorance of policies or procedures is not a defense for violation of policy. 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.

#### **341.5 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.

##### **341.5.1 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 Los Angeles Port Police member of a higher rank.

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- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

#### 341.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Los Angeles Port Police 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 Los Angeles Port Police 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.

#### 341.5.3 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.

#### 341.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on--duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this Department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this Department.

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- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

**341.5.5 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.

**341.5.6 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 the Los Angeles Port Police.
  - 1. Members of the Los Angeles Port Police 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 the Los Angeles Port Police 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 Los Angeles Port Police badge, uniform, identification card, or Los Angeles Port Police property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using Los Angeles Port Police 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.

**341.5.7 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) Loafing or failure to be attentive to police business.
- (e) Unauthorized sleeping during on-duty time or assignments.

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- (f) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (g) Failure to notify the Fiscal Operations and Human Resources Division of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

**341.5.8 PERFORMANCE**

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work--related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any Department record, public record, book, paper, or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department--related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of the Los Angeles Port Police or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Los Angeles Port Police or subverts the good order, efficiency, and discipline of the Los Angeles Port Police or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on Los Angeles Port Police premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any Los Angeles Port Police equipment or system.
  - 3. Gambling activity undertaken as part of officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on--duty at official legislative or political sessions.
  - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or, on Los Angeles Port Police property except as expressly authorized by City policy, the Memorandum of Understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the Memorandum of Understanding, or the Chief of Police.

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- (i) Any act on- or off-duty that brings discredit to the Los Angeles Port Police.

**341.5.9 CONDUCT**

- (a) 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.
- (b) 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.
- (c) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (d) Exceeding lawful peace officer powers by unreasonable, unlawful, or excessive conduct.
- (e) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily harm on another.
- (f) Engaging in horseplay that reasonably could result in injury or property damage.
- (g) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of the Los Angeles Port Police or the City.
- (h) Use of obscene, indecent, profane, or derogatory language while on-duty or in uniform.
- (i) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with the Los Angeles Port Police.
- (j) Unauthorized possession of, loss of, or damage to Los Angeles Port Police property or the property of others, or endangering it through carelessness or maliciousness.
- (k) Attempted or actual theft of Los Angeles Port Police property, misappropriation or misuse of public funds, property, personnel, or the services or property of others, unauthorized removal or possession of Los Angeles Port Police property or the property of another person.
- (l) 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.
- (m) 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.
- (n) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Los Angeles Port Police, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon the Los Angeles Port Police or its members.

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**341.5.10 SAFETY**

- (a) Failure to observe or violating Los Angeles Port Police 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 member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

**341.5.11 INTOXICANTS**

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to any work site.

**341.6 OTHER CONTROLLING DOCUMENTS**

See policy manual § 106.7 for the hierarchy of City documents.

**341.7 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group, Professional Standards Section Commanding Officer, or their authorized designee.

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## Information Technology Use

### 342.1 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.

#### 342.1.1 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 Los Angeles Port Police 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.

#### 342.1.2 LOS ANGELES HARBOR DEPARTMENT COMPUTER USE POLICY

See also the Los Angeles Harbor Department (LAHD) Computer Acceptable Use Policy for additional information.

### 342.2 POLICY

It is the policy of the Los Angeles Port Police 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.

### 342.3 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

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database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through Department computers, electronic devices, or networks.

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### **342.4 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.

##### **342.4.1 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.

##### **342.4.2 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



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department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

#### **342.4.3 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.

#### **342.4.4 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.

See policy manual § 702 for guidelines regarding off-duty use of personally owned technology.

#### **342.5 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.

#### **342.6 INSPECTION OR REVIEW**

A supervisor or their 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.

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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.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the Department computer system when requested by a supervisor or during the course of regular duties that require such information.

## Report Preparation

### 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

#### 344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal, or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

### 344.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

#### 344.2.1 CRIMINAL ACTIVITY

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 a separate policy in this policy manual. These include:
  1. Use of Force Policy (see policy manual § 300).
  2. Domestic Violence Policy (see policy manual § 320).

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3. Child Abuse Policy (see policy manual § 330).
  4. Senior and Disability Victimization Policy (see policy manual § 326).
  5. Hate Crimes Policy (see policy manual § 338).
  6. Suspicious Activity Reporting Policy (see policy manual § 469).
- (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., Incident Event log).

**344.2.2 NON-CRIMINAL ACTIVITY**

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer directly points any weapon that fires a projectile including their duty firearm, Conductive Energy Weapon (CEW), or kinetic energy control device at any person as a Show of Force to de-escalate the situation and gain compliance, those actions shall be documented. A Show of Force with a CEW is the displaying and/or activation of the laser or arcing of a CEW at the subject or suspect in order to de-escalate the situation and/or gain compliance.
  1. Once the incident is under control, the officer shall notify an on-duty supervisor of the Show of Force and ensure that their actions are entered in detail into the CAD event notes of the call. If the disposition of the incident does not result in any other Los Angeles Port Police report such as an arrest or an investigative report, the primary officer's CAD event notes shall satisfy the reporting requirements for the Show of Force. The field supervisor shall ensure the Show of Force is electronically documented and submitted to their chain of command within 48-hours. The primary officer's approved report or CAD event notes documenting their actions will be uploaded into the electronic tracking database by the reporting supervisor.
- (b) Any use of force against any person by a member of this Department (see policy manual § 300).
- (c) Any firearm discharge (see policy manual § 312).
- (d) Anytime a person is reported missing, regardless of jurisdiction (see policy manual § 332).
- (e) Any found property or found evidence (see policy manual § 804).
- (f) Any traffic collisions above the minimum reporting level (see policy manual § 502).
- (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.

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#### 344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with policy manual § 360. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- (a) Sudden or accidental deaths.
- (b) Suicides.
- (c) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

#### 344.2.4 INJURY OR DAMAGE BY 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.

#### 344.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this Department shall require a report when:

- (a) Any injury occurs on Harbor Department or City property.
- (b) The injury is a result of drug overdose.
- (c) Attempted suicide.
- (d) The injury is major/serious, whereas death could result.
- (e) 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.

#### 344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Unit shall notify the California Department of Public Health (CDPH) of the incident, as required by CDPH (Penal Code § 23685).

### **344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports, or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

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#### **344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Department consistency.

#### **344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state, and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

#### **344.4 REVIEW AND APPROVAL OF REPORTS**

All reports, forms, and other work related documents created by Los Angeles Port Police officers shall be submitted to a supervisor for review and approval. Supervisors shall indicate their approval of a report of other document by signing it and writing their name and serial number.

Reports to be filed with Los Angeles Police Department (LAPD) or any other outside agency are to be reviewed and approved by a Los Angeles Port Police supervisor prior to filing. When an LAPD supervisor is also required to sign a report, the Los Angeles Port Police supervisor will write their name, serial number, and signature on the lower left margin of the report.

Unless otherwise directed, this section does not apply to reports created by officers and detectives assigned to a task force managed by another agency in the course of their work with that task force.

#### **344.5 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

#### **344.6 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Records Unit 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 Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

#### **344.7 ELECTRONIC SIGNATURES**

The Los Angeles Port Police has established an electronic signature procedure for use by all employees of the Los Angeles Port Police. The Patrol Operations Division Commander shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique and confidential password for his/her electronic signature.

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- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

## Media Relations

### 346.1 PURPOSE AND SCOPE

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

### 346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

### 346.3 POLICY

It is the policy of the Los Angeles Port Police to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

### 346.4 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- (c) No member of this Department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

#### 346.4.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize



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a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

#### **346.4.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

#### **346.4.3 RESTRICTED INFORMATION**

It shall be the responsibility of the authorized employee dealing with the 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.

#### **346.5 PROVIDING ADVANCE INFORMATION**

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

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

#### **346.6 MEDIA REQUESTS**

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this Department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.
- (c) Under no circumstance should any member of this Department make any comments to the media regarding any law enforcement incident not involving this Department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

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**346.7 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see policy manual § 810 and § 1026). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

**346.7.1 EMPLOYEE INFORMATION**

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of policy manual § 810 and public records laws.

**346.8 RELEASE OF INFORMATION**

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the Department website or other electronic data sources.

**346.8.1 INFORMATION LOG**

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date, and charges for each person arrested by this Department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The

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identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

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

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated Department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see policy manual § 810).

## Subpoenas and Court Appearances

### 348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Department members who must appear in court. It will allow the Los Angeles Port Police to cover any related work absences and keep the Department informed about relevant legal matters.

#### 348.1.1 DEFINITIONS

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

**Standby** - When an employee receives a subpoena of a type which allows him/her to not appear in court, but remain available by phone or pager so that he/she may be directed to appear in court within a reasonable amount of time.

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

**Mandatory Appearance** - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

### 348.2 POLICY

Employees who receive subpoenas related to their employment with this Department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

#### 348.2.1 SERVICE OF SUBPOENA

Service of a subpoena requiring the appearance of any Department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized Departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this Department. Service of subpoenas to officers related to their employment with this Department may be executed through automated email notification from the InTime Scheduling program.

#### 348.2.2 VALID SUBPOENAS

No subpoena shall be accepted for an employee of this Department unless it has been properly served and verified to have originated from a recognized legal authority.

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**348.2.3 ACCEPTANCE OF SUBPOENAS**

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the Department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the Department subpoena clerk. The subpoena clerk shall maintain a chronological log of all Department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.
- (c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

**348.2.4 REFUSAL OF SUBPOENA**

Except where previous arrangements with the issuing court exist, training, vacations, and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Watch Commander of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

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

**348.2.5 COURT STANDBY**

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

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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. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

#### **348.2.6 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Los Angeles Port Police shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

#### **348.2.7 FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

### **348.3 CIVIL SUBPOENAS**

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding (MOU). In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

#### **348.3.1 PROCEDURE**

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

#### **348.3.2 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

#### **348.3.3 PARTY MUST DEPOSIT FUNDS**

The party in the civil action that seeks to subpoena an officer must deposit the statutory fee of \$275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

### **348.4 OVERTIME APPEARANCES**

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee MOU.

The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

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**Trailing cases:** Cases which are "trailing" are those cases where a time deadline is approaching and the case is on calendar waiting for a courtroom. These cases often settle or are continued and thus there is no need for officers to be on call. In order to continue to be paid on-call pay, an officer will be required to submit confirmation with the overtime slip that indicates the case is still trailing along with the name and telephone number of the prosecutor or party who issued the subpoena, who told them to that the continued the case still requires the officer to be on-call. This is a daily requirement for each additional day of on-call pay on a trailing subpoena (usually worded as on call for the date of trial plus an additional ten days).

**348.5 COURTROOM PROTOCOL**

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

**348.5.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

**348.5.2 COURTROOM ATTIRE**

Employees shall dress in neatly pressed Class "A" or "B" uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

**348.6 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.

**348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding; or
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or

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- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.



## Reserve Officers

### **350.1 PURPOSE AND SCOPE**

The Los Angeles Port Police 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.

### **350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS**

The Los Angeles Port Police 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.

#### **350.2.1 PROCEDURE**

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a Peace Officer Standards and Training (POST) approved basic academy or extended basic academy.

#### **350.2.2 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.

#### **350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS**

Compensation for reserve officers is provided as follows:

All reserve officer appointees are equipped pursuant to the City of Los Angeles Administrative Code and this policy. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a set amount in reimbursement for expenses as set in the City of Los Angeles Administrative Code.

#### **350.2.4 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 Fiscal Operations and Human Resources Division prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

### **350.3 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 Patrol

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Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

#### 350.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all Departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

#### 350.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or the authorized designee.

#### 350.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel.
- (b) Conducting reserve meetings.
- (c) Establishing and maintaining a reserve call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual reserve officer performance.
- (f) Monitoring overall Reserve Program.
- (g) Maintaining liaison with other agency Reserve Coordinators.

### **350.4 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.

#### 350.4.1 TRAINING OFFICERS

Officers of this Department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

#### 350.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase (Phase 1).

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#### 350.4.3 FIELD TRAINING MANUAL

Each new reserve 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 Los Angeles Port Police. The reserve 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.

#### 350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Phase I, the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

#### 350.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training (as with Phase I) the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

#### 350.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

#### 350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

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**350.5 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 Commander.

**350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS**

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

**350.5.2 RESERVE OFFICER MEETINGS**

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

**350.5.3 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. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

**350.5.4 UNIFORM**

Reserve officers shall conform to all uniform regulation and appearance standards of this Department.

**350.5.5 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 Patrol Operations Division Commander.

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.

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#### 350.5.6 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly 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.

#### **350.6 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.

##### 350.6.1 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.

##### 350.6.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to Departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a Departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in § 350.4 of this policy), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Los Angeles Port Police.

##### 350.6.3 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 at least every other month.

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- (b) Reserve officers may fire at the 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 over a two-month period, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

**350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

## Outside Agency Assistance

### 352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 352.2 POLICY

It is the policy of the Los Angeles Port Police 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.

### 352.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a Memorandum of Understanding (MOU) or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this Department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this Department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Only in exceptional circumstances, and subject to supervisor approval, will this Department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### 352.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Los Angeles Port Police shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

### 352.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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**352.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

**352.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support Services Division Commander or their authorized designee.

The documentation should include:

- (a) The conditions relative to sharing
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Deputy Chief of Training and Emergency Management Group should maintain documentation that the appropriate members have received the required training.



## Registered Offender Information

### 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Los Angeles Port Police will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson, and drug offenders.

### 356.2 POLICY

The Los Angeles Police Department (LAPD), Harbor Division is responsible for handling the identification, registration, and monitoring registered sex, arson, and drug offenders. It is the policy of the Los Angeles Port Police to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 356.3 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 Los Angeles Port Police's website. Information on sex registrants placed on the Los Angeles Port Police's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

#### 356.3.1 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.

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- (g) The offender's date of birth.
- (h) Crimes resulting in the registration of the offender under Penal Code § 290.
- (i) The date of last registration.

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus, and other areas set forth in Penal Code § 290.01(d).

**356.3.2 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).

**356.4 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Major Incident Notification

### 358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this Department in determining when, how, and to whom notification of major incidents should be made.

### 358.2 POLICY

The Los Angeles Port Police recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this Department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- (a) Homicides.
- (b) Traffic accidents with serious injuries or fatalities.
- (c) Officer-involved shooting or accidental discharge on or off duty (see policy manual § 310).
- (d) Significant injury or death to or caused by an employee - on or off duty.
- (e) Death of a prominent Port of Los Angeles official.
- (f) Arrest of a Department employee or prominent official.
- (g) Aircraft or vessel crash with major damage and/or injury or death.
- (h) In-custody deaths.

### 358.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is the initial Incident Commander and is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

The Chief of Police shall be notified of all major incidents. Notification shall include initial response operations, media involvement, status of any injured individuals, all other notifications made, and any other pertinent information.

#### 358.4.1 STAFF NOTIFICATION AND RESPONSE

In the event an incident occurs described in policy manual § 358, the Command Duty Officer shall be notified along with the affected Division Commander and Detective Lieutenant if that group is affected. The Command Duty Officer shall respond or ensure that a member of the rank of Captain or above responds to the scene and assumes incident command. Once any tactical

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considerations are managed, a determination shall be made whether to conduct the investigation under procedures outlined in policy manual § 310. The order of preference for selecting the command officer to assume incident command shall be as follows:

- (a) Support Services Division Commander.
- (b) Patrol Operations Division Commander.
- (c) Marine Operations Division Commander.

The Incident Commander shall ensure the call out of additional investigative personnel as required, including but not limited to those identified in this policy.

#### 358.4.2 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.

#### 358.4.3 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.

#### 358.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

#### 358.4.5 PROFESSIONAL STANDARDS SECTION NOTIFICATION

The Incident Commander will in appropriate cases call out any Lieutenant and Sergeant to work under the direction of the Professional Standards Section in conducting an Administrative Investigation. The Lieutenant assigned to handle the administrative investigation shall act as liaison to outside investigating agencies.

## Administrative Investigation Team

### 359.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for Los Angeles Port Police Administrative Investigation Teams (AIT).

### 359.2 POLICY

The Los Angeles Port Police will activate an AIT when circumstances dictate that:

- (a) An administrative or significant investigation is necessary or in progress.
- (b) The investigation must be initiated as soon as possible following an incident.
- (c) The resources needed to conduct the investigation exceed available on-duty personnel.

### 359.3 ACTIVATION

The AIT will be activated by the Watch Commander or Command Duty Officer (CDO) whenever an incident has occurred where the initial facts indicate that an administrative or significant investigation will be necessary, and when there is a time-critical nature to the case. These incidents include:

- (a) Intentional discharge of a firearm by an officer other than range qualifications/training.
- (b) Accidental discharge of a firearm by an officer resulting in an injury.
- (c) Use of force by an officer resulting in death or serious injury.
- (d) In-custody death or serious injury.
- (e) Serious injury or death of an on-duty employee.
- (f) Significant Criminal Investigation where technical expertise would benefit the investigation.
- (g) Significant Risk Management event.

Watch Commanders may be directed to activate an AIT by the CDO or Chief of Police.

### 359.4 TEAM MAKEUP

AITs may be comprised of Sergeants and Lieutenants. Watch Commanders will contact members based on the AIT standby calendar to assemble a team that possesses the required knowledge and the appropriate rank structure based on the known facts of the incident.

#### 359.4.1 RECALL PROTOCOLS

Watch Commanders shall contact members that are in standby status. In the event the AIT cannot be fully staffed using members in standby status, Watch Commanders should implement additional recall procedures, as needed, to fully staff the AIT.

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**359.5 READY EQUIPMENT AND MATERIALS**

Equipment and materials necessary to properly conduct an administrative investigation will be maintained by Professional Standards Section. The equipment and materials will be secured in a portable case and made available for the standby team. The Lieutenant of the current standby team will store the portable case in their take-home vehicle. The kit contains, at a minimum, the following items:

- (a) Investigative report forms.
- (b) Audio and video recorders.
- (c) Crime scene materials.
- (d) Crime scene log.

**359.6 PROGRAM ADMINISTRATION**

The administration of the AIT program is the responsibility of the Commanding Officer of Professional Standards Section or their authorized designee.

## Death Investigation

### 360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

### 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

#### 360.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by 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).
- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.

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- (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.

#### 360.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

#### 360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

#### 360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

#### 360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.



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**360.2.6 SUSPECTED HOMICIDE**

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Criminal Investigations Section shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

**360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES**

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

## Identity Theft

### 362.1 PURPOSE AND SCOPE

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

### 362.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this Department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
  1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- (b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this Department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- (c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service, and DMV) with all known report numbers.
- (e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- (f) Following supervisory review and Departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies, and prosecution as circumstances dictate.

## Private Persons Arrests

### 364.1 PURPOSE AND SCOPE

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

### 364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

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

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 364.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence.
- (b) When the person arrested has committed a felony, although not in his or her presence.
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

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

### 364.4 OFFICER RESPONSIBILITIES

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

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest, and protect the public safety.
  1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
  2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should

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advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
1. Take the individual into physical custody for booking.
  2. Release the individual pursuant to a Notice to Appear.
  3. Release the individual pursuant to Penal Code § 849.

**364.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Department Private Person's Arrest Form (LAPP Form No. Arrest 09/01) under penalty of perjury.

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

## Anti-Reproductive Rights Crimes Reporting

### 366.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

### 366.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

### 366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

- (a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.
- (b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.
- (c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
  1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
  2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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## Limited English Proficiency Services

### 368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Los Angeles Port Police, designated by the Department, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 368.2 POLICY

It is the policy of the Los Angeles Port Police to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs, and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

### 368.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the Los Angeles Port Police's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and the Communications Supervisor. The list should include information regarding the following:
  - 1. Languages spoken.
  - 2. Contact information.
  - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding Department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Department services, programs, and activities.

**368.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

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- (b) The frequency with which LEP individuals are likely to come in contact with Department members, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **368.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Los Angeles Port Police members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **368.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **368.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **368.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established Department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence, or conveying rights or responsibilities.

When a qualified bilingual member from this Department is not available, personnel from other City Departments, who have been identified by the Department as having the requisite skills and competence, may be requested.



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**368.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the Department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this Department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

**368.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City Departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this Department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to Department guidelines.

**368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when

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appropriate. However, Department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **368.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this Department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this Department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Los Angeles Port Police will take reasonable steps and will work with the Fiscal Operations and Human Resources Division to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

##### **368.11.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual, and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

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**368.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

**368.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized Department member or allied agency interpreter.
- An authorized telephone interpreter.
- Any other authorized interpreter.

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors, or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

**368.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

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In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. (see policy manual § 600 for guidance on recording custodial interrogations).

#### **368.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **368.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this Department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with policy manual § 1020. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this Department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to policy manual § 1020 should be translated or otherwise communicated in a language-accessible manner.

#### **368.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

#### **368.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Deputy Chief of Training and Emergency Management Group shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Deputy Chief of Training and Emergency Management Group shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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#### 368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand, and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Deputy Chief of Training and Emergency Management Group shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

## Communications with Persons with Disabilities

### 370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 370.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - 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.

### 370.2 POLICY

It is the policy of the Los Angeles Port Police to reasonably ensure that people with disabilities, including victims, witnesses, suspects, and arrestees have equal access to law enforcement services, programs, and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon disabilities.

### 370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

Command Staff shall work with Harbor Department Human Resources to identify an ADA Coordinator that is responsible to work with Patrol Operations Division's Commanding Officer to ensure compliance with ADA and DAFN requirements.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Los Angeles Port Police's efforts to ensure equal access to services, programs, and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups, or other disability groups regarding access to Department services, programs, and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and the 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.

**370.4 FACTORS TO CONSIDER**

Since 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.

**370.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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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 Los Angeles Port Police, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **370.6 TYPES OF ASSISTANCE AVAILABLE**

Los Angeles Port Police members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

#### **370.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.



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**370.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

**370.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing, or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

**370.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department members must carefully consider the nature of the contact and the relationship between the

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individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

#### **370.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

#### **370.12 REPORTING**

Whenever any member of this Department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

#### **370.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control, and other routine field contacts 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

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request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **370.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing, or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speak read by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device, or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

#### **370.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing, or have speech impairment are protected during a custodial interrogation, this Department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. (see policy manual § 600 for guidance on recording custodial interrogations).

#### **370.15 ARREST AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a

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different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **370.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this Department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with policy manual § 1020. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

#### **370.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

#### **370.18 DISABILITIES, ACCESS, AND FUNCTIONAL NEEDS (DAFN)**

The Department shall follow the guidelines of DAFN when assisting individuals with a disability or access and functional needs, in particular during a disaster or emergency. Some specific examples of this are:

- (a) Ask the person how they can best be assisted before beginning any assistance. This will maintain their sense of safety and independence.
- (b) Allow individuals to explain what help is needed and avoid grabbing or attempting to guide them without first asking their permission.
- (c) For individuals that are blind or low vision, announce your presence and state the nature of the emergency.
- (d) Advise individuals of any obstacles (i.e. stairs, doorways, narrow passages, ramps, etc.).

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- (e) Once you have reached a safe location, provide a brief orientation of where the individual is located and ask if any further assistance is needed.
- (f) Enhance communication during times of elevated stress with eye contact, slow speech, and use of plain language.
- (g) For individuals that are deaf or hard of hearing, establish eye contact and use facial expressions and hand gestures as visual cues.
- (h) Once the individual is in a safe location, offer pencil and paper for written communication.
- (i) If the individual has a service animal, evacuate the individual and the animal together.
- (j) If the person states that the animal is a service animal and there is no other proof, treat it as such. However, if the animal is out of control or presents a threat to the individual or others, remove it from the scene.

**370.19 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 Deputy Chief of Training and Emergency Management Group 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 Deputy Chief of Training and Emergency Management Group 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.

**370.19.1 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 § 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.

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Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing, or have impaired speech. Refresher training should occur every six months.

**370.20 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Administrative Services Division or their authorized designee.

## **Mandatory Employer Notification**

### **372.1 PURPOSE AND SCOPE**

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

### **372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING**

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or the authorized designee is required to report the arrest as follows:

#### **372.2.1 ARREST OF PUBLIC SCHOOL TEACHER**

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

#### **372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE**

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

#### **372.2.3 ARREST OF PRIVATE SCHOOL TEACHER**

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or the authorized designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

#### **372.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR**

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health

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and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

#### **372.3 POLICY**

The Los Angeles Port Police will meet the reporting requirements of California law to minimize the risks to children and others.

#### **372.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES**

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



## Biological Samples

### 374.1 PURPOSE AND SCOPE

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

### 374.2 POLICY

The Los Angeles Port Police will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 374.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- (a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- (b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- (c) An adult arrested or charged with any felony.

### 374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

#### 374.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

### 374.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only

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with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

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

**374.5.1 VIDEO RECORDING**

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the Department's records retention schedule (15 CCR 1059).

**374.5.2 CELL EXTRACTIONS**

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

**374.6 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

**374.6.1 DOCUMENTATION RELATED TO FORCE**

The Watch Commander or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

**374.6.2 BLOOD SAMPLES**

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

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The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

#### 374.6.3 LITIGATION

The Chief of Police or the authorized designee should notify the California DOJ's DNA Legal Unit in the event this Department is named in a lawsuit involving the DNA Data Bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.

## Peer Support Program

### 375.1 PURPOSE AND SCOPE

The Department's most valuable resource is its employees. The Department recognizes the value of providing a way for employees and family members to deal with personal or professional problems and help them continue to be a productive member of the Department. This program offers a non-professional (peer) support program in addition to the professional Employee Assistance Program (EAP).

Peer Support Advisors are Department personnel who have specialized training in listening and assisting employees and their families to find the appropriate resources to aid in dealing with the adverse reactions to personal problems or traumatic incidents.

### 375.2 RESPONSIBILITIES OF PEER SUPPORT ADVISORS

Peer Support Advisors responsibilities shall include:

- (a) Advising peers seeking assistance that a Peer Support Advisor is not exempt from laws, rules, regulations, directives, or orders; but that any exchange of information not in violation will be kept confidential.
- (b) Advising a peer that any acts of self-injury or injury to others cannot go unreported.
- (c) Advising other parties seeking information about discussions shared between a peer and peer supporter that that information is confidential.
- (d) Providing short-term supportive assistance and, where appropriate, referral to professionals, within the scope of their ability, knowledge, and training.
- (e) Maintaining contact with the Program Coordinator regarding program activities and statistical data on program contacts for purposes of program evaluation, including the submission of a Monthly Peer Support Contact Summary regarding support contacts made with employees.
- (f) Establishing contact with, and offering assistance to, those employees who self-refer, or are referred by supervisory personnel.
- (g) Notifying the Program Coordinator should the Peer Supporter voluntarily withdraw from participation.
- (h) Abiding by the program policies and objectives or be removed from program participation.
- (i) Notifying the Program Coordinator should a conflict of interest arise.

### 375.3 CONFIDENTIALITY

The acceptance and success of the Peer Support Program will be determined, in part, by observance of confidential communications. It is imperative that each peer supporter maintain strict confidentiality of all information learned about an individual within the guidelines of this program. The policy of the Los Angeles Port Police Department's Peer Support Program is to

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maintain confidentiality. Communication between the peer supporter and a person is considered confidential except for matters which involve the following:

- (a) Danger to self.
- (b) Danger to others.
- (c) Suspected child abuse.
- (d) Narcotic offenses (sales or transportation).
- (e) Domestic violence.
- (f) Suspected elderly abuse.
- (g) In cases where law requires divulgence.
- (h) Where divulgence is consented to or requested by the peer.

Peer supporters shall inform the person, prior to discussion, what the limitations, and exceptions are regarding the information revealed. In those cases where a concern or a question regarding confidentiality arises, the peer supporter must immediately contact the Program Coordinator.

**375.3.1 CONFLICTS WITH SUPERVISORY INQUIRIES OR INTERNAL INVESTIGATIONS**

It may occur that a Peer Support Advisor is assisting an individual who is or becomes the subject of a supervisory inquiry, disciplinary investigation, or other similar internal process. The peer supporter should be guided by the confidentiality policy of the Peer Support Program. They should not volunteer any information received in confidence.

The Peer Support Advisor's role should be one of support and assisting individuals through the stress they may face during the disciplinary or investigative process. Peer Support Advisors may not hamper or impede any investigation, nor may they attempt to shelter the individual from the Department's investigation, or aid or encourage anyone else to do so. If Peer Support Advisors have any questions or concerns regarding these situations, they should consult with the Program Coordinator for guidelines and assistance.

**375.4 REFERRALS TO PEER SUPPORT**

The Referral Program is established to assist employees in dealing with emotional problems which are the result of domestic, financial, health, other personal problems, or job related difficulties, and to enable the employee to recognize and resolve the unfavorable reactions to that emotion or stress. Referrals may occur as follows:

- (a) An employee may personally contact a Peer Support Advisor, or the Peer Support Coordinator for referral to either professional counseling, a Chaplain, or a Peer Supporter.
- (b) Any employee aware of another employee who may need assistance can initiate a referral by contacting any Peer Support Advisor, Program Coordinator, or Supervisor. The referred employee will be contacted to assess their receptiveness to Peer Support.

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- (c) Supervisory personnel have the authority and responsibility to recommend a Peer Supporter to employees when appropriate. It must be understood that peer support is voluntary and that an employee cannot be ordered to participate. This is not involved in or related to any disciplinary process. The employee shall be assured that the consultation has been arranged solely for his benefit and will be confidential (This is different from mandatory referrals to EAP or Psychological services).
- (d) A family member or associate of the employee may make a referral, in which case, also, the employee's participation is voluntary.

**375.5 SELECTION AND REMOVAL OF PEER ADVISORS**

Peer Support Advisors serve at will and are appointed by the Chief of Police upon recommendation from the Peer Support Coordinator.

Prospective Peer Support Advisors must be willing to meet the following criteria:

- (a) Agree to maintain confidentiality within the guidelines.
- (b) Be empathetic and possess interpersonal and communication skills.
- (c) Be motivated and willing to manage time effectively.
- (d) Must successfully complete the selection process.
- (e) Must attend and successfully complete the training program.
- (f) Must have a recommendation from their supervisor.
- (g) Must be free of other collateral duties or relationships that could be perceived in any way as influencing their confidences or impartiality.
- (h) Peers supporters serve voluntarily and may resign or be removed at any time with or without cause.

**375.5.1 PEER SUPPORT TRAINING**

The training program will be coordinated by the Peer Support Training Coordinator in coordination with Professional Development and Training Division.

Peer Supporters are required to have successfully completed at least one of the following:

- (a) P.O.S.T. certified Peer Support training.
- (b) P.O.S.T. certified Chaplain training.
- (c) The Chaplain training course offered by the International Conference of Police Chaplains (ICPC).

The major emphasis will focus on skill development for conducting peer assistance including:

- Effective listening.
- General assessment skills.
- Problem-solving skills.
- Relationship termination (death, divorce, etc.).

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- Referral and follow-up.

**375.6 PROGRAM ADMINISTRATION**

Administration of the Peer Support Program will be under the chain of command of the Commanding Officer of Administrative Services Division and may be delegated.

All Peer Support members will be required to maintain a time sheet on all Peer Support activities or events and submit it to the coordinator each month. The time sheet will not reflect any names or confidential issues.

## Chaplains

### 376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Los Angeles Port Police chaplains to provide counseling or emotional support to members of the Department, their families, and members of the public.

### 376.2 POLICY

The Los Angeles Port Police shall ensure that Department chaplains are properly appointed, trained, and supervised to carry out their responsibilities without financial compensation.

### 376.3 ELIGIBILITY

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

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families, and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Successful completion of a California P.O.S.T. Chaplain course.
- (g) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

### 376.4 RECRUITMENT, SELECTION, AND APPOINTMENT

The Los Angeles Port Police shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this Department.

All applicants shall be required to meet and pass the same pre-employment procedures as Department personnel before appointment.

Sworn personnel assigned to the Chaplain program will follow their respective MOU agreements regarding compensation when requested to report for duty by the program administrator or watch commander.

#### 376.4.1 SELECTION AND APPOINTMENT FOR CIVILIAN CHAPLAINS

Civilian chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police and the chaplain coordinator.



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- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

#### **376.4.2 SELECTION AND APPOINTMENT FOR SWORN CHAPLAINS**

In addition to the process for the civilian chaplains, sworn candidates must have a letter of endorsement from their current commanding officer and a minimum of three years' experience in ministry is required.

After a completed package has been reviewed, a final determination of acceptance or rejection of each candidate will be made by the Office of the Chief of Police.

#### **376.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Los Angeles Port Police civilian identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Los Angeles Port Police civilian identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms and Department property upon demand or at the termination of service.

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

#### **376.6 CHAPLAIN COORDINATOR**

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

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

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

- (a) Recruiting, selecting and training qualified chaplains.

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- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

**376.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Department, its members, and the community, as needed. Assignments of chaplains should usually be to the Patrol Operations Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities, and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or their authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this Department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Los Angeles Port Police.

**376.7.1 OPERATIONAL GUIDELINES**

- (a) Chaplains will not be scheduled as on-call, but will be contacted as needed based on availability.
- (b) At the end of each watch, the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.
- (c) Chaplains may not use personally owned vehicles in the course of carrying out their duties. An unmarked City pool vehicle may be used, if available, in the event the chaplain cannot be transported as a passenger in a police vehicle.
- (d) Chaplains shall be permitted to ride with officers during any shift and observe Los Angeles Port Police operations, provided the Watch Commander has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Department.

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- (f) Unless chaplains are sworn police officers, they are not law enforcement officers and do not possess law enforcement authority. They are not authorized to carry a firearm (concealed or otherwise) when in the performance of their duties.
- (g) In the field, chaplains shall not interfere with officers performing their duties. When responding to in-progress calls for service, chaplains may be required to stand-by in a secure location until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Los Angeles Port Police unless otherwise authorized by the Chief of Police or the authorized designee.
- (i) Each chaplain shall have access to current Department member rosters, addresses, telephone numbers, duty assignments, and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

#### 376.7.2 COMPLIANCE

Civilian chaplains are volunteer members of this Department, and except as otherwise specified within this policy, are required to comply with policy manual § 384 and other applicable policies.

#### 376.7.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this Department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances, and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings, and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of Department members.
- (e) Attending Department and academy graduations, ceremonies, and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

#### 376.7.4 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to Department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.

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- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

#### **376.7.5 CHAPLAIN MEETINGS**

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

#### **376.7.6 ASSISTING THE COMMUNITY**

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

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators, and the Department.
- (c) Providing liaison with various civic, business, and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

#### **376.8 PRIVILEGED COMMUNICATIONS**

No person, except sworn police officers, who provide chaplain services to members of the Department may work or volunteer for the Los Angeles Port Police in any capacity other than that of chaplain.

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

No chaplain shall provide counsel to or receive confidential communications from any Los Angeles Port Police member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

#### **376.9 TRAINING**

The Department will establish a minimum number of training hours and standards for Department chaplains. The training, as approved by the Deputy Chief of Training and Emergency Management Group, may include:

- Stress management.
- Death notifications.

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- Symptoms of post-traumatic stress.
- Burnout for members of law enforcement and chaplains.
- Legal liability and confidentiality.
- Ethics.
- Responding to crisis situations.
- The law enforcement family.
- Substance abuse.
- Suicide.
- Officer injury or death.
- Sensitivity and diversity.

#### **376.10 PROGRAM ADMINISTRATION**

Administration of the Chaplain Program will be under the chain of command of the Commanding Officer of Administrative Services Division or their authorized designee.

# Public Safety Video Surveillance System

## 378.1 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.

## 378.2 POLICY

The Los Angeles Port Police operates a public safety video surveillance system to complement the 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 incidents, 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.

## 378.3 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.

### 378.3.1 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.
- (d) To assist in identifying, apprehending, and prosecuting offenders.

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- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Watch Commander's office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Watch Commander or trained personnel in the Communications Center 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.

#### **378.3.2 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 shall be well lit, placed appropriately, and without obstruction to ensure visibility.

#### **378.3.3 INTEGRATION WITH OTHER TECHNOLOGY**

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

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

#### **378.4 VIDEO SUPERVISION**

Supervisors shall monitor video surveillance access and usage to ensure members are within Department policy and applicable laws. Supervisors shall ensure such use and access is appropriately documented.

##### **378.4.1 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.

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Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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

#### **378.4.2 SENSITIVE SECURITY INFORMATION**

The Waterside Security Surveillance (WSS) system is classified as "Sensitive Security Information" which is utilized in all facilities managed by the port, shared facilities, and terminal facilities managed by independent operators. Authorized users shall be given their own unique administrative login access. Users shall lock their screen or log out of the WSS system when they have concluded their inquiry or will be away from the work station.

#### **378.4.3 VIDEO LOG**

An electronic log shall be maintained at all locations where video surveillance monitors are located. The log shall be used to document all persons who have administrative access to the WSS and who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

#### **378.5 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 shall be stored and retained in accordance with the established records retention schedule and for a minimum of two years. In some cases, routine video monitoring may be deleted or destroyed after two years with prior written consent 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.



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#### **378.5.1 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.

#### **378.6 RELEASE OF VIDEO IMAGES**

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Los Angeles Port Police.

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 Research and Discovery Section 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.

#### **378.7 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.

#### **378.8 VIDEO SURVEILLANCE AUDIT**

The Commanding Officer of Homeland Security/Grants Division or their authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit, and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline, or policy.

The results of each review shall be appropriately documented with any recommendations for training or policy updates. The annual report will be submitted to the Chief of Police or the authorized designee and other applicable advisory bodies.

## Labor Relations

### **379.1 PURPOSE AND SCOPE**

This policy presents the protocols and responsibilities for Los Angeles Port Police relative to organized labor disputes that may occur within Port of Los Angeles properties.

### **379.2 DEPARTMENT ROLE IN LABOR DISPUTES**

The right to engage in labor related activities is a constitutionally protected right, subject to reasonable restrictions as to time, place, and manner. Through the legally recognized methods of negotiation and collective bargaining, labor disputes are peacefully settled. In such disputes, it is not the function of the Department to deal with the issues involved rather it is the role of the Department to protect the rights of the public and the disputants by enforcing the law and maintaining order, finding the delicate balance between protecting the Constitutional rights to engage in labor related activities, and providing for community peace requires informed and sensitive police judgment.

### **379.3 IMPARTIALITY OF THE DEPARTMENT IN LABOR DISPUTES**

Strikes and mass or circular picketing are not, in themselves, violations of the law. It is the illegal acts which sometimes arise from such activities which are the concern of the police. The effectiveness of the Department in labor disputes is maintained by its remaining, at all times, impartial regarding the parties and issues involved, and by taking appropriate action whenever criminal violations are observed or reported.

### **379.4 ENFORCEMENT OF LAWS AT LABOR DISPUTES**

The Department seeks to minimize criminal violations connected with labor disputes by providing guidelines for the conduct of the parties and the area of the sidewalk or property to be used. These guidelines are discussed with management and labor officials at which time it is emphasized that the use of public sidewalks and roadways, the free access to public places, and the rights of persons to enter and leave private premises are to be preserved. In instances where there are criminal violations, the Department will take prompt and impartial action to protect the rights of the public and disputants. However, the individual unlawful acts, properly the subject of law enforcement response, may not necessarily warrant stopping an ongoing labor related activity. Violations of court orders and injunctions do not ordinarily constitute criminal offenses for which the Department may take enforcement action.

#### **379.4.1 INJUNCTIONS AT LABOR DISPUTES**

An injunction is a writ or Order of the Court restraining a person, or group of persons, from performing a particular act (525 C.C.P). An injunction is a civil process. A violation of an injunction is treated as a Contempt of Court. If either party desires legal recourse, such action must be filed in the court of issuance. It is NOT the duty of law enforcement to enforce an injunction except when the Court Order directs the Chief of Police by name, ordering the enforcement of the Writ of Order. In this case, related arrests are made pursuant to 166(4) PC.

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#### **379.5 LIAISON WITH LABOR AND MANAGEMENT**

The Department seeks to minimize criminal violations connected with labor officials to obtain information and to explain the Department's policies and procedures in relation to labor disputes. by seeking the cooperation of the parties involved, tensions are reduced, and self discipline is encouraged so that the parties may police their own conduct.

#### **379.6 DEPLOYMENT AT LABOR DISPUTES**

Recognizing that misunderstandings and law violations are minimized in an atmosphere of mutual cooperation and trust, the Department has designated a Labor Relations Unit to coordinate and advise the Department actively relating to labor disputes. The Labor Relations Unit gathers information regarding strikes, investigates selected related crimes, and meets with officials of labor, management, and the Department to discuss and alleviate police problems arising from such disputes. In a labor related demonstration, field commanders shall, with the assistance of the Labor Relations Unit, make every attempt to identify the union leadership, and maintain ongoing communication with those leaders through the duration of the demonstration, notifying them of problems if and as they develop, and enlisting their aid in policing the conduct of their own members. Should it become necessary to declare an unlawful assembly, the dispersal order should be announced in both English and a second language, if the situation is appropriate for those bilingual commands. Upon the declaration of such a dispersal order, the field commander should make every attempt to ensure demonstrators have a sufficient amount of time to disperse in an orderly and lawful fashion.

## Child and Dependent Adult Safety

### 380.1 PURPOSE AND SCOPE

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

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in policy manual § 330 and § 326.

### 380.2 POLICY

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

### 380.3 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.

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### *Child and Dependent Adult Safety*

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#### 380.3.1 AFTER AN ARREST

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

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 their own 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. Officers will document the disposition in CAD RMS.

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

#### 380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county, or state services agency.

**380.3.3 REPORTING**

- (a) For all arrests where children are present or living in the household, the reporting 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.

**380.3.4 SUPPORT AND COUNSELING REFERRAL**

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

**380.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

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

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**380.5 TRAINING**

The Deputy Chief of Training and Emergency Management is responsible to ensure that all personnel of this Department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

## Service Animals

### 382.1 PURPOSE AND SCOPE

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

#### 382.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

### 382.2 POLICY

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

### 382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

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

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



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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

#### **382.4 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 Los Angeles Port Police affords to all members of the public (28 CFR 35.136).

##### **382.4.1 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.

##### **382.4.2 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.

##### **382.4.3 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.

##### **382.4.4 COMPLAINTS**

When handling calls of a complaint regarding a service animal, members of this Department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany

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their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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

## Volunteer Program

### 384.1 PURPOSE AND SCOPE

It is the policy of this Department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase Departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

#### 384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation, or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support, and youth involved in a law enforcement Explorer Post, among others.

### 384.2 VOLUNTEER MANAGEMENT

#### 384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administrative Services Division Commanding Officer. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or the authorized designee, shall be responsible for the following:

- (a) Recruiting, selecting, and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies, and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

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### *Volunteer Program*

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- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

#### 384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with Department policy on equal opportunity non-discriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

#### 384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment.
- (c) References.
- (d) Credit check.

A polygraph exam may be required of each applicant depending on the type of assignment.

#### 384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities, and the needs of the Department.

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#### 384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies, and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

#### 384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness, or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license.
- (b) Medical condition.
- (c) Arrests.
- (d) Criminal investigations.

All volunteers shall adhere to the guidelines set forth by this Department regarding drug and alcohol use.

#### 384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official Department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or Department property at the termination of service.

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**384.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

**384.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or Departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by Departmental policy and supervisory personnel.

Each volunteer will be required to sign a non-disclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper Department personnel.

**384.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

**384.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

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- (a) A driving safety briefing and Department approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

#### **384.5.2 RADIO AND MDC USAGE**

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

#### **384.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

##### **384.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

#### **384.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

## Off-Duty Law Enforcement Actions

### 385.1 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 Los Angeles Port Police with respect to taking law enforcement action while off-duty.

### 385.2 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.

### 385.3 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 policy manual § 312. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

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

### 385.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC, or baton.



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- (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.

**385.4.1 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 Los Angeles Port Police officer until acknowledged. Official identification should also be displayed.

**385.4.2 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.

**385.4.3 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.

**385.4.4 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.

**385.5 REPORTING**

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

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Department Use of Social Media

### 387.1 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's 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 policy manual § 1058).
- Use of social media in personnel processes (see policy manual § 1000).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this Department (see policy manual § 600).

#### 387.1.1 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.

### 387.2 POLICY

The Los Angeles Port Police 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.

### 387.3 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 social media by Department members who are not authorized to post should be made through the member's chain of command.

### 387.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.

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- (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.

**387.4.1 INCIDENT-SPECIFIC USE**

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

**387.5 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 Los Angeles Port Police 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.

**387.5.1 PUBLIC POSTING PROHIBITED**

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

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

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#### **387.6 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.

#### **387.7 RETENTION OF RECORDS**

The Administrative Services Division Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

#### **387.8 TRAINING**

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

## Gun Violence Restraining Orders

### 388.1 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).

#### 388.1.1 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).

### 388.2 POLICY

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

### 388.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

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

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

#### 388.3.1 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.

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- (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 policy manual § 418) (Penal Code § 18108).

**388.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS**

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with policy manual § 804.

**388.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS**

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the court liaison officer for filing with the court and appropriate databases.

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**388.5 SEARCH WARRANTS**

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with this policy manual. 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.

**388.6 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 policy manual § 804.

**388.7 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 policy manual § 804. For firearms booked into property at LAPD, the restrained person will be referred to LAPD.

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**388.8 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**

The Commanding Officer of Support Services Division or their authorized designee will appoint a gun violence restraining order coordinator from the Criminal Investigations Unit. 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.
  - 2. Forwarding orders to the Records 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.



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5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
  - (d) Coordinating with the Deputy Chief of Training and Emergency Management Group 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).

**388.9 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

The Criminal Investigations Section supervisor is responsible for the review of a gun violence restraining orders obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

**388.10 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).

**388.11 TRAINING**

The Deputy Chief of Training and Emergency Management Group should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

**388.12 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## **Chapter 4 - Patrol Operations**

## Patrol Function

### **400.1 PURPOSE AND SCOPE**

The purpose of this policy is to define the patrol function and address intra-organizational cooperation and information sharing.

#### 400.1.1 TERRORISM

It is the goal of the Los Angeles Port Police to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FI's are forwarded to the Criminal Investigations Section supervisor in a timely fashion.

### **400.2 INFORMATION SHARING**

To the extent feasible, all information relevant to the mission of the Department should be shared among all Groups and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and to attend roll calls of other Groups or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with Department policies and applicable laws. Members are encouraged to share information with other units and Groups.

#### 400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will process and forward to the appropriate bureau for retention or follow-up investigation.

#### 400.2.2 PATROL ROLL CALLS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol roll calls as time permits.

### **400.3 CROWDS, EVENTS, AND GATHERINGS**

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

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

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

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

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

#### **400.4 POLICY**

The Los Angeles Port Police provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and Department members.

#### **400.5 FUNCTION**

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Port of Los Angeles. 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.e. Directed Enforcement based on Compstat).
- (i) Directing and controlling traffic.

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**400.6 POLICY ADMINISTRATION**

Administration of this policy will be under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to Los Angeles Port Police members that affirms the Los Angeles Port Police'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 Los Angeles Port Police's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

### 402.2 POLICY

The Los Angeles Port Police 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 the Los Angeles Port Police to provide law enforcement services and to enforce the law equally, fairly, objectively, and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the laws.

### 402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

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

#### 402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

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

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

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- (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, affiliation, national origin, or ethnicity.

**402.4 MEMBER RESPONSIBILITIES**

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

**402.4.1 REASON FOR CONTACT**

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

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

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

**402.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with policy manual § 1020.

- (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 Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
  - (a) Supervisors should document these periodic reviews.
  - (b) 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 the Los Angeles Port Police who discloses information concerning bias-based policing.

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**402.6 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Development and Training Division.

- (a) All sworn members of the Los Angeles Port Police 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 the Los Angeles Port Police are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of the Los Angeles Port Police who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

**402.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

Starting on the first day of January 2022 (Penal Code 12525.5(a)(2)), the Professional Standards Section Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). (see policy manual § 806)

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (see policy manual § 806).

**402.8 POLICY ADMINISTRATION**

Adherence to providing training under this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.



## Roll Call Training

### **404.1 PURPOSE AND SCOPE**

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call; however officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new Special Orders or changes in Special Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

### **404.2 PREPARATION OF MATERIALS**

The supervisor conducting Roll Call is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

## Crime and Disaster Scene Integrity

### 406.1 PURPOSE AND SCOPE

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

### 406.2 POLICY

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

### 406.3 SCENE RESPONSIBILITY

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

### 406.4 FIRST RESPONDER CONSIDERATIONS

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

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing, or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### 406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### **406.5.1 CONSENT**

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

#### **406.6 EXECUTION OF HEALTH ORDERS**

Any sworn member of this Department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Health and Safety Code § 120155).

## Ride-Along Policy

### 410.1 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.

#### 410.1.1 ELIGIBILITY

The Los Angeles Port Police Ride-Along Program is offered to residents, students, and those employed within the City. Every attempt will be made to accommodate interested persons however they 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.

#### 410.1.2 AVAILABILITY

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

### 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Operations Division staff. The participant will complete a ride-along waiver form (LAPP Form No. 4/2-03.46). Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the ride-along waiver form.

The Patrol Operations Division staff will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

#### 410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in policy manual § 1048.

#### **410.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse, or jacket, slacks, and closed toe shoes. Sandals, T-shirts, tank tops, shorts, and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

#### **410.2.3 PEACE OFFICER RIDE-ALONGS**

Off-duty members of this Department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

#### **410.2.4 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 Los Angeles Port Police) (CLETS Polices, Practices, and Procedures Manual § 1.6.2F.2).

### **410.3 OFFICER'S RESPONSIBILITY**

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

The Patrol Operations Division staff will be responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the officer shall complete the Los Angeles Port Police Recruit Candidate Ride Along Assessment Sheet (LAPP Form No. 4/2-04.52) and submit to the Records Unit with the approved waiver form.

### **410.4 CONTROL OF RIDE-ALONG**

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

- (a) The ride-along will follow the directions of the officer.

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- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) The ride-along may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.

## Hazardous Material Response

### 412.1 PURPOSE AND SCOPE

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

#### 412.1.1 HAZARDOUS MATERIAL DEFINED

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

### 412.2 HAZARDOUS MATERIAL RESPONSE

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

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

- (a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- (b) Notify the Fire Department.
- (c) Provide first-aid for injured parties if it can be done safely and without contamination.
- (d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- (e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

#### 412.2.1 LOS ANGELES PORT POLICE HAZARDOUS MATERIALS UNIT

In a suspected hazardous materials incident, the Los Angeles Port Police Hazardous Materials Unit should be immediately notified.

### 412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the

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Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

#### 412.3.1 SUPERVISOR RESPONSIBILITY

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

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



## Preventative Radiological/Nuclear Detection

### 413.1 PURPOSE AND SCOPE

The Los Angeles Port Police conducts preventative radiological/nuclear detection (PRND) operations within the Port of Los Angeles to prevent radiological/nuclear terrorist incidents and to support a global architecture of radiological/nuclear security. These operations are conducted in coordination with the Department of Nuclear Detection Office of the U.S. Department of Homeland Security and the Federal Securing the Cities grant program.

### 413.2 PREVENTATIVE RADIOLOGICAL NUCLEAR DETECTION SCREENING

Los Angeles Port Police officers will be deployed either as primary or secondary Preventative Radiological Nuclear Detection (PRND) screeners. Screening operations will be conducted with the intent of interdicting illicit radiological/nuclear materials at the earliest point of detection, and may include contact with shipments, conveyances, or involved individuals. Officers conducting PRND screening will be equipped with a Personal Radiation Detector (PRD).

#### 413.2.1 PRIMARY SCREENING

Officers from units other than the Hazardous Materials Unit (HMU) that are members of the Los Angeles Port Police PRND, Primary Screening Cadre, will conduct primary PRND screening. The Primary Screening Cadres are officers who have attended the Securing the Cities Initiative, Counter Terrorism Operations Support (CTOS) lead Primary Screener/Personal Radiation Detector course and have been issued a PRD for daily use. These officers will carry and monitor a PRD during their normal duties in the field. Primary screening is generally conducted as an ancillary function of an officer's primary duties or during the course of patrols. In the event of a PRD alarm, primary screening officers are to notify dispatch and request an additional PRD equipped unit. Following a confirmed PRD alarm, response measures will be taken to locate and identify the source of the alarm. If an officer is unable to identify the source of the alarm and adjudicate it, they shall request a secondary screening team to assist in the response.

#### 413.2.2 SECONDARY SCREENING

Secondary PRND screening will be conducted by HMU members. Secondary screening team members shall respond and assist in locating, identifying, and adjudicating PRD alarms using radiological isotope identification devices. Secondary teams shall notify the Southern California Radiological Intake Center of the incident and, when necessary, may initiate "reachback" support via the Los Angeles County Public Health Radiation Management Department. Secondary screening teams will consist of the on-duty or on-call HMU officer, in conjunction with an LAFD representative from the Joint Hazard Assessment Team and representative from the Los Angeles Department of Public Health/Radiation Management, when applicable. These teams are available for response on a 24/7 basis and can be contacted via the HMU.

### 413.3 PRD ISSUANCE AND MAINTENANCE

The PRD is an instrument that can detect the presence of radiation in the environment, on the surface of people, and/or inside a person or property. Officers identified as primary screeners will

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receive the required training and be issued a PRD. The PRD shall be worn on the duty belt at all times while the officer is in the field. Officers that have been issued a PRD are responsible to ensure that it is maintained in proper working order and is functioning correctly prior to taking it into the field. This will include periodically checking the PRD power level and performing weekly radiological sample tests. Los Angeles Port Police PRDs are powered by AA batteries that will power a PRD for approximately 1,000 hours of operation. A radiological check source test sample is available in HMU. In the event of PRD malfunction or damage, it shall be brought to the immediate attention of HMU personnel for repair or replacement.

#### **413.4 TRAINING**

Prior to carrying a PRD in the field, primary and secondary screeners shall attend the PRD Operations Course and the Radiation Awareness Course. These courses cover the concepts of PRD alarms, verification, location, and measurement methods, as well as preliminary adjudication procedures.

## Hostage and Barricade Incidents

### 414.1 PURPOSE AND SCOPE

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

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

#### 414.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

- (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.

### 414.2 POLICY

It is the policy of the Los Angeles Port Police to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders, and securing available evidence.

### 414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions, and obtain the suspect's surrender.

As soon as practical, a field supervisor shall formally request resources from Los Angeles Police Department's (LAPD) Metropolitan Division, Special Weapons and Tactics Unit (SWAT), Behavioral Science Services (BSS) Unit, and Crisis Negotiators to respond to the scene as soon as practical and assume communication and crisis negotiation responsibilities. First responders will attempt to de-escalate the situation until the arrival of the requested resources from LAPD.

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#### **414.3.1 EMERGENCY COMMUNICATIONS**

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- (a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i).
- (b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately.
- (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.

#### **414.4 FIRST RESPONDER CONSIDERATIONS**

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### **414.4.1 BARRICADE SITUATION**

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.

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- (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 Los Angeles Port Police, such as command officers and the Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

**414.4.2 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 policy manual § 424).
- (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.

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- (g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties, and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents, and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence, or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Los Angeles Port Police such as command officers and the PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

#### **414.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command, and assume the role of Incident Commander until properly relieved. This includes requesting mutual aid resources including but not limited to LAPD SWAT, BSS, and Crisis Negotiators, as necessary. The Incident Commander will provide the appropriate situational briefing and specific request to the LAPD SWAT Commander. 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 Los Angeles Port Police 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

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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.

- (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 the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the Department PIO or a designated temporary media representative provide media access in accordance with policy manual § 346.
- (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.

#### **414.6 LAPD SWAT RESPONSIBILITIES**

The Incident Commander will decide, with input from the LAPD SWAT Commander, whether to deploy the LAPD SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the LAPD SWAT Commander or their 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 LAPD SWAT. The Incident Commander and the LAPD SWAT Commander or their authorized designee shall maintain communications at all times.

#### **414.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

#### **414.8 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

## Response to Bomb Calls

### 416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Los Angeles Port Police in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents, or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### 416.2 POLICY

It is the policy of the Los Angeles Port Police to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement, and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established Department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

### 416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

#### 416.4.1 LOS ANGELES PORT POLICE FACILITY

If the bomb threat is against the Los Angeles Port Police facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police Department, as he/she deems appropriate.

#### 416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Los Angeles Port Police that is not the property of this Department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.



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#### 416.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

#### 416.5 PRIVATE FACILITY OR PROPERTY

When a member of this Department receives notification of a bomb threat at a location in the City of Port of Los Angeles, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

#### 416.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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

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

**416.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios.
  - 2. Cell phones.
  - 3. Other personal communication devices.
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
  - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

**416.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

**416.7.1 CONSIDERATIONS**

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, blood borne pathogens, and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

**416.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire Department.
- Bomb squad.
- Additional Department personnel, such as investigators and forensic services.
- Field supervisor.
- Watch Commander.
- Other law enforcement agencies, including local, state, or federal agencies, such as the Federal Bureau of Investigations (FBI) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).
- Other government agencies, as appropriate.

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#### 416.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

#### 416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

## Mental Illness Commitments

### 418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

### 418.2 POLICY

It is the policy of the Los Angeles Port Police to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

### 418.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- (a) An individual who is providing or has provided mental health treatment or related support services to the person.
- (b) A family member.
- (c) The person subject to the determination or anyone designated by the person.

#### 418.3.1 VOLUNTARY EVALUATION

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

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

### 418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

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- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

#### **418.4.1 SECURING OF PROPERTY**

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian, or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

#### **418.5 TRANSPORTATION**

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

Officers may transport individuals in a patrol unit and shall secure them in accordance with policy manual § 306. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

#### **418.6 TRANSFER TO APPROPRIATE FACILITY**

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

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

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#### **418.7 DOCUMENTATION**

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

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

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

##### **418.7.1 ADVISEMENT**

The officer taking a person into custody for evaluation shall advise the person of:

- (a) The officer's name and agency.
- (b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- (c) The name of the facility to which the person is being taken.
- (d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

#### **418.8 CRIMINAL OFFENSES**

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

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

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

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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 the Los Angeles Port Police to regain custody of the individual, Department resources (e.g., posting a guard), and other relevant factors in making this decision.

#### **418.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see policy manual § 804).

##### **418.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS**

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Criminal Investigations 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 informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

#### **418.10 TRAINING**

The Los Angeles Port Police will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments, crisis intervention, and tactical de-escalation training, as required.



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**418.11 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Cite and Release Policy

### **420.1 PURPOSE AND SCOPE**

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

### **420.2 POLICY**

It is the policy of the Los Angeles Port Police to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

### **420.3 RELEASE BY CITATION**

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance, and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

#### **420.3.1 FIELD CITATIONS**

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual, and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

#### **420.3.2 RELEASE AFTER BOOKING**

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or their authorized designee.

### **420.4 NON-RELEASE**

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#### 420.4.1 DISQUALIFYING OFFENSES

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

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

#### 420.4.2 REASONS FOR NON-RELEASE

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

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

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
  - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
  - 1. Previous failure to appear is on record
  - 2. The person lacks ties to the area, such as a residence, job, or family
  - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

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

**420.5 MISDEMEANOR WARRANTS**

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

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.

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

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

**420.6 JUVENILE CITATIONS**

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code.
- Violations of the Port of Los Angeles City Code.

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

**420.7 REQUESTING CASE NUMBERS**

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

# Foreign Diplomatic and Consular Representatives

## 422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Los Angeles Port Police extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 422.2 POLICY

The Los Angeles Port Police respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 422.3 CLAIMS OF IMMUNITY

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

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution, and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 422.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety, or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests, and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members.
  - 2. Diplomatic agents and recognized family members.
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members.
  - 4. Career consular officers, unless the person is the subject of a felony warrant.
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations.
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers.
  - 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

**422.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

**422.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

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<b>Category</b>	<b>Arrested or Detained</b>	<b>Enter Residence Subject to Ordinary Procedures</b>	<b>Issued Traffic Citation</b>	<b>Subpoenaed as Witness</b>	<b>Prosecuted</b>	<b>Recognized Family Members</b>
<b>Diplomatic Agent</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Career Consul Officer</b>	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
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	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))
<b>Int'l Org Staff (note (b))</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:



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- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response and Deployment

### 424.1 PURPOSE AND SCOPE

Violence 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 of resources to a tense and rapidly evolving situation.

### 424.2 POLICY

The Los Angeles Port Police 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.

### 424.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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### *Rapid Response and Deployment*

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- (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).

#### **424.3.1 RESPONSE TO SCHOOL THREATS**

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

#### **424.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore, and analyze sources of intelligence and known information regarding the circumstances, location, and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing, or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

#### **424.5 PLANNING**

The Deputy Chief of Training and Emergency Management Group 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.

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- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training (Active Shooter, MACTAC, Patrol Rifle, etc.).
- (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.

**424.6 TRAINING**

The Patrol Operations Division Commander 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).

**424.7 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of the Professional Development and Training Division or their authorized designee.

## Reporting Police Activity Outside of Jurisdiction

### 426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Los Angeles Port Police.

#### 426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practical.

#### 426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Port of Los Angeles shall notify his/her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Division Commander.

# Immigration Violations

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Los Angeles Port Police for enforcing immigration laws. This guidance is intended to provide consistency with the policies of the City of Los Angeles and the Los Angeles Police Department (LAPD) in the area of immigration enforcement.

## 428.2 POLICY

It is the policy of the Los Angeles Port Police 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 immigration status.

## 428.3 VICTIMS AND WITNESSES

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

## 428.4 ENFORCEMENT

Officers shall not initiate police action with the objective of discovering the immigration status of an individual. Officers shall not arrest nor book persons for violations of 8 USC § 1325.

The Los Angeles Port Police shall not participate in the voluntary program authorized by Section 287(g) of the Federal Immigration and Nationality Act.

### 428.4.1 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

## 428.5 IMMIGRATION HOLDS

No individual shall be held solely on a request by Immigrations and Customs Enforcement (ICE) if they are otherwise eligible for release unless the request is accompanied by a valid and properly issued judicial criminal warrant.

## 428.6 ICE REQUESTS FOR ASSISTANCE

Los Angeles Port Police will not provide assistance to ICE with the direct purpose of assisting enforcement of civil immigration activities. Requests by ICE, or any other federal agency, for assistance from this Department should be directed to a supervisor. The Los Angeles Port Police may conduct services such as traffic control or peace keeping efforts in order to provide public safety in conformance with our local law enforcement mission.

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**428.7 ARREST NOTIFICATION TO ICE**

When booking arrestees at the Los Angeles City or County jail, ICE notification should be handled according to jail procedures.

As mandated by California law, whenever an officer has a reason to believe that an individual arrested for any offense listed in Health and Safety Code § 11369 may not be a citizen of the United States, and the individual is not going to be booked into a jail, the arresting officer shall notify ICE or other appropriate agency of the United States.

In conformance with Federal Law, individuals arrested for serious or violent felony or high-grade misdemeanor or repeat offenses who are not going to be booked into a jail may be reported to ICE or other appropriate agency of the United States.

When determining whether notification of immigration authorities is appropriate, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

- (a) Seriousness of the offense.
- (b) Community Safety.
- (c) Impact on the immigrant community.

No individual who is otherwise ready to be released should continue to be detained solely for the purpose of making notification to immigration authorities.

**428.7.1 IMMIGRATION HOLDS**

Individuals should not be held in custody solely for a civil immigration hold under 8 CFR 287.7 unless the individual (Government Code § 7282; Government Code § 7282.5):

- (a) Has been convicted of offenses specified in Government Code § 7282.5.
- (b) Has been charged with offenses specified in Government Code § 7282.5 after a court has determined probable cause supports the charge.
- (c) Is a sex or arson registrant.

In no event should a person be held under this section for longer than 48 hours. Notification to the federal authority should be made prior to the release.

**428.8 INFORMATION SHARING**

In conformance with Federal Law, 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):

- (a) Sending information to, or requesting, or receiving such information from ICE.
- (b) Maintaining such information in Department records.
- (c) Exchanging such information with any other federal, state, or local government entity.

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**428.8.1 NOTICE TO INDIVIDUALS**

Individuals shall be given a copy of documentation received from ICE regarding a hold, notification, or transfer request along with information as to whether the Los Angeles Port Police intends to comply with the request (Government Code § 7283.1).

If the Los Angeles Port Police provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

**428.8.2 ICE INTERVIEWS**

Before any interview between ICE personnel and an individual in custody for civil immigration violations, the Los Angeles Port Police shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed, or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

**428.9 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for a U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Section supervisor assigned to oversee the handling of any related case.

The Criminal Investigations 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) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure that certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHA) website.
  - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).



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- (d) Ensure that any decision to complete, or not complete, a certification, or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

**428.9.1 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 a 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 for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 90 days of a request from the victim or victim's family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

**428.9.2 REPORTING TO LEGISLATURE**

The Criminal Investigations 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).

**428.10 TRAINING**

The Deputy Chief of Training and Emergency Management Group or their authorized designee shall ensure that all appropriate members receive immigration training.

## Emergency Utility Service

### 430.1 PURPOSE AND SCOPE

The City Department of Public Works and Department of Water and Power (DWP) have 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. While routine service calls may be forwarded to the City's 3-1-1 Service Request Line, emergency utility issues should be referred to the appropriate Department directly.

#### 430.1.1 WATER SYSTEM MALFUNCTION

DWP is responsible for the City's water treatment and distribution system. Should flooding or other emergency system malfunction occur, they should be contacted immediately. When a water system malfunction or flood poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by the incident.

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. DWP can only turn off the valve at the meter. The citizen can normally accomplish this.

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

#### 430.1.2 ELECTRICAL LINES

DWP maintains electrical lines in its own power transmission system. 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 hazardous power lines. DWP should be promptly notified, as appropriate.

#### 430.1.3 TRAFFIC SIGNAL OR SYSTEM MALFUNCTION

The Department of Transportation is responsible for the traffic signal, signage, and system maintenance. In the event of a traffic system malfunction, they should be contacted directly. When a traffic system malfunction poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by the incident.

#### 430.1.4 WASTE-WATER (SEWER) SYSTEM MALFUNCTION

The Department of Public Works - Bureau of Sanitation is responsible for the construction and maintenance of the City's waste-water system. Should any malfunction in this system be encountered, they should be contacted directly. When a waste water system malfunction poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by the incident.

### 430.2 EMERGENCY CONTACT NUMBERS

A current list of emergency contact numbers for utilities and public infrastructure systems will be maintained by the Communications Center.

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**430.2.1 OFFICERS' AND COMMUNICATIONS' RESPONSIBILITIES**

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and nature of the problem. The dispatcher should make the necessary notification to the proper maintenance agency.

# BLANK POLICY HOLDER

## Aircraft Accidents

### 434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of policy manual § 406, Emergency Management Plan, and policy manual § 412.

#### 434.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible, or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 434.2 POLICY

It is the policy of the Los Angeles Port Police to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

#### 434.2.1 COMMUNICATIONS RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed 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. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred:

- (a) Los Angeles Fire Department (LAFD).
- (b) Los Angeles Port Police Dive Unit.
- (c) City Department of Recreation and Parks Lifeguards.
- (d) County Fire Department Lifeguards.
- (e) City's Emergency Operations Center (EOC).
- (f) United States Coast Guard (USCG).
- (g) Los Angeles Police Department (LAPD).
- (h) Los Angeles World Airports (LAWA).
- (i) National Transportation Safety Board (NTSB).
- (j) Federal Bureau of Investigation (FBI).
- (k) Los Angeles Port Pilots Station/Marine exchange.
- (l) The affected airport tower.
- (m) Closest military base if a military aircraft is involved.
- (n) Ambulances or other assistance as required.

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- (o) Other related agencies as appropriate to the incident location, type, and circumstances.

When an aircraft accident is reported to the Los Angeles Port Police by the airport tower personnel, the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office, and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

#### **434.3 ARRIVAL AT SCENE**

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

#### **434.4 WATERSIDE AIRCRAFT ACCIDENTS**

Air disasters will require multi-agency coordination and the use of the National Incident Management System (NIMS). Incidents that occur waterside within the Port of Los Angeles should be coordinated with the USCG, LAFD, and the County Lifeguards. If additional support is needed LAPD, Long Beach Police Department (LBPD), Long Beach Fire Department (LBFD) should be considered for assistance.

Whether landside or waterside, Los Angeles Port Police will support LAFD until the life safety issues have been mitigated and the scene has transitioned into an investigation. Generally, the FAA, FBI, or NTSB will be the lead investigative agency.

An initial assessment shall be transmitted as soon as possible to USCG and other agencies via Marine Radion Channel 16. The assessment should include the following information:

- (a) Type of aircraft and carrier name if possible.
- (b) Approximate number of survivors/victims.
- (c) Latitude and longitude or specific location.
- (d) On-scene weather and sea conditions.
- (e) Recommendations for a shore-side survivor, victim evacuation, triage site, or shore branch.

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**434.5 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 NTSB before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions, and instrument/gauge readings.

**434.6 NOTIFICATIONS**

When an aircraft accident is reported to this Department, the responding supervisor shall ensure notification is or has been made to NTSB, FAA, and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire Department.
- (b) Appropriate airport tower.
- (c) Emergency medical services (EMS).

**434.7 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.

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**434.8 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials, and bombs, or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators, and tires.
- (c) Fluids, batteries, flares, and igniters.
- (d) Evacuation chutes, ballistic parachute systems, and composite materials.

**434.9 DOCUMENTATION**

All aircraft accidents occurring within the City of Port of Los Angeles shall be documented. At a minimum the documentation should include:

- (a) The date, time, and location of the incident.
- (b) Any witness statements, if taken.
- (c) The names of Los Angeles Port Police members deployed to assist.
- (d) Other City resources that were utilized.
- (e) Cross reference information to other investigating agencies.

Suspected criminal activity should be documented on the appropriate crime report.

**434.9.1 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).
  - 2. 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.
- (d) Acquire copies of any recordings from security cameras that may have captured the incident.

**434.9.2 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.



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- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

**434.10 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours, and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should 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.

## Field Training Program

### 436.1 PURPOSE AND SCOPE

The Field Training 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 Los Angeles Port Police.

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

### 436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

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

#### 436.2.1 SELECTION PROCESS

FTOs will be selected in a competitive process based on the following requirements:

- (a) Desire to be an FTO with a minimum commitment of two years unless released due to Department or unit staffing needs.
- (b) Minimum of two years as a Los Angeles Port Police officer II including one year of patrol experience with this Department.
- (c) Demonstrated leadership ability as a positive role model with the ability to provide constructive criticism.
- (d) Strong written and verbal skills.
- (e) Participate and pass an internal oral interview selection process.
- (f) Evaluation by an interview panel, that will consider qualifications, personnel file, performance evaluations, and past written work product.
- (g) Possess a Peace Officer Standards and Training (POST) Basic certificate.
- (h) Officers appointed to Police Officer III will be subject to a six month probation period.

#### 436.2.2 TRAINING

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

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

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

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**436.3 FIELD TRAINING PROGRAM SUPERVISOR**

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

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

- (a) Assignment of trainees to FTOs.
- (b) Conduct Field Training Program meetings.
- (c) Maintain and ensure FTO/trainee performance evaluations are completed.
- (d) Maintain, update, and issue the Field Training Manual to each trainee.
- (e) Insure that trainees are provided access to the Policy Manual, Daily Training Bulletins, and Peace Officer's Legal Sourcebook.
- (f) Monitor individual FTO performance.
- (g) Monitor the overall Field Training Program.
- (h) Maintain liaison with Field Training Program coordinators of other agencies.
- (i) Maintain liaison with academy staff on recruit performance during the academy.
- (j) Develop ongoing training for FTOs.
- (k) Manage reacclimation training for officers who have not worked a field assignment for an extended period of time of six months or greater.

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

**436.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the Los Angeles Port Police who has successfully completed a POST approved Basic Academy.

**436.5 REQUIRED TRAINING**

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (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 10 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.

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*Field Training Program*

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**436.5.1 FIELD TRAINING MANUAL**

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Los Angeles Port Police. 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 Los Angeles Port Police.

**436.6 EVALUATIONS**

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

**436.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Observation Reports with the trainee each day.
- (c) Review the Weekly Training Progress Reports with the trainee each week.
- (d) Complete a detailed end-of-phase performance report on his/her assigned trainee at the end of each phase of training.
- (e) 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.
- (f) Other training related duties as assigned by the Field Training Program supervisor.

**436.6.2 IMMEDIATE SUPERVISOR**

The immediate supervisor shall review and approve the Daily Trainee Observation Reports and Weekly Training Progress Reports and forward them to the Field Training Program supervisor.

**436.6.3 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

**436.7 DOCUMENTATION**

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

- (a) Daily Trainee Observation Reports.
- (b) Weekly Training Progress Reports.
- (c) End-of-phase Reports.
- (d) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

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**436.8 REINTEGRATION TRAINING PROGRAM**

The Reintegration Training Program is for all sworn members of the Los Angeles Port Police who are returning to work after an extended period of leave (six months or greater). Using a standardized approach to training, members will be provided with current training and information pertaining to patrol services and Department protocol. This training is developed for their benefit and to ensure they make a smooth transition back to uniformed patrol functions and the duties within their current assignment. Additionally, reintegration training will also be provided to all members who have been assigned to a specialized unit for one year or more and are returning to uniformed Patrol or Marine Operations.

## Obtaining Helicopter Assistance

### 438.1 PURPOSE AND SCOPE

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

#### 438.1.1 LOS ANGELES PORT POLICE HELICOPTER SUPPORT AGENCIES

The Los Angeles Port Police maintains Memoranda of Agreement (MOA) with the Los Angeles Police Department (LAPD) and the Los Angeles Department of Water and Power (DWP) for helicopter support.

Refer to these MOAs for additional information regarding protocols for helicopter deployment.

### 438.2 REQUEST FOR HELICOPTER ASSISTANCE

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

#### 438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or the authorized designee, will call the LAPD and request assistance from its Air Support Division. The Watch Commander on duty will apprise LAPD of the specific details of the incident prompting the request.

#### 438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

- (a) When the helicopter is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.
- (f) When extra patrol flights are necessary due to special events, unusual occurrences, or an elevated level of security, these operations may be conducted by either DWP or LAPD flight crews.

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

## Contacts and Temporary Detentions

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and dispositions of photographs.

#### 440.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### 440.2 POLICY

The Los Angeles Port Police 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.

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### *Contacts and Temporary Detentions*

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#### **440.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Los Angeles Port Police to strengthen community involvement, community awareness, and problem identification.

##### **440.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

#### **440.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.



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- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

**440.5 FIELD PHOTOGRAPHS**

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

**440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

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

**440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

**440.5.3 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in policy manual § 442.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.

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When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### **440.5.4 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

#### **440.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Since 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 Los Angeles Port Police 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.

#### **440.7 PURGING THE FIELD PHOTO FILE**

The Records Supervisor will be responsible for ensuring that photographs maintained by the Records Unit that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Los Angeles Port Police and the booking file remains in the Records Unit.

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### *Contacts and Temporary Detentions*

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#### **440.8 REVIEW PROCESS**

Upon receipt of such a written request, the Chief of Police or the authorized designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30-days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or the authorized designee to discuss the matter.

After carefully considering the information available, the Chief of Police or the authorized designee will determine, generally within 30-days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Los Angeles Port Police policy, and even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or the authorized designee determines that the photograph/FI was obtained in accordance with existing law and Department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or the authorized designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Los Angeles Port Police policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained in accordance with Department policy and applicable law.

If the Chief of Police or the authorized designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or Los Angeles Port Police policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or the authorized designee determines that any involved Los Angeles Port Police personnel violated existing law or Department policy, the Chief of Police or the authorized designee shall initiate a separate internal investigation which may result in additional training, discipline, or other appropriate action for the involved employees.

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The person photographed/FI'd will be informed in writing within 30-days of the Chief of Police's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

## Criminal Organizations

### 442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Los Angeles Port Police appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

#### 442.1.1 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.

#### 442.1.2 LOS ANGELES POLICE DEPARTMENT STREET GANG ENFORCEMENT

This policy provides general guidelines for investigating criminal gang activity. Specialized gang enforcement is generally the responsibility of the Los Angeles Police Department (LAPD).

### 442.2 POLICY

The Los Angeles Port Police recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this Department to collect and share relevant information while respecting the privacy and legal rights of the public.

### 442.3 CRIMINAL INTELLIGENCE SYSTEMS

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

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

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

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

#### 442.3.1 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

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### *Criminal Organizations*

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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 Unit. Any supporting documentation for an entry shall be retained by the Records Unit 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 Unit are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

#### 442.3.2 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 Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

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It is the responsibility of the Records Unit 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).

#### **442.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

##### **442.4.1 FILE CONTENTS**

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible Department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Unit or Patrol Operations Division, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization, or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

##### **442.4.2 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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**442.5 INFORMATION RECOGNITION**

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

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Deputy Chief of Training and Emergency Management Group to train members to identify information that may be particularly relevant for inclusion.

**442.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

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 policy manual § 810.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

**442.7 CRIMINAL STREET GANGS**

The Criminal Investigations 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.



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**442.8 TRAINING**

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

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

**442.8.1 SHARED GANG DATABASE TRAINING**

The Deputy Chief of Training and Emergency Management Group should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

## Watch Commanders

### **444.1 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 Lieutenant heads each watch.

### **444.2 DESIGNATION AS ACTING WATCH COMMANDER**

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.

## Policy Title

## Mobile Digital Computer Use

### 448.1 PURPOSE AND SCOPE

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

#### 448.1.1 FUTURE EXPANDED MDT CAPABILITY

MDT functionality will be expanded as Los Angeles Port Police implements Computer Assisted Dispatch (CAD) and Incident Command Management applications.

### 448.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received, or reviewed on any Department technology system (see policy manual § 342 for additional guidance).

### 448.3 POLICY

Los Angeles Port Police members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

### 448.4 RESTRICTED ACCESS AND USE

MDC use is subject to policy manual § 342 and § 812.

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

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

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

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

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### *Mobile Digital Computer Use*

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#### 448.4.1 USE WHILE DRIVING

Use of the MDC 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.

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.

#### **448.5 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 MDC unless security or confidentiality prevents such broadcasting.

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

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

#### 448.5.1 STATUS CHANGES

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

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

#### 448.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with policy manual § 316.

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.

#### **448.6 EQUIPMENT CONSIDERATIONS**

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#### 448.6.1 MALFUNCTIONING MDC

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

#### 448.6.2 BOMB CALLS

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

## Body Worn and Mobile Audio Video Recorders

### 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held, or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Los Angeles Port Police facility, authorized undercover operations, wiretaps, or eavesdropping (concealed listening devices).

### 450.2 TRAINING

Prior to usage and deployment in the field, officers assigned a Body Worn Camera (BWC) or a Mobile Audio Video (MAV) equipped vehicle must complete department-approved training on the proper use and maintenance of the BWC or MAV and their associated devices. To ensure the positive implementation of the BWCs and MAV vehicles, a 90-day transitional grace period is established to provide officers with adequate time to become acclimated to the use of BWCs and MAV equipped vehicles in the field following training. The transition period begins when the officer is issued their BWC and completes the BWC and MAV trainings. Should any officer be absent from their assignment for a period greater than six months (FMLA, Long Term IOD, etc.), they would be afforded their first 30 days to get re-acclimated in the use of BWC and MAV equipped vehicles. Intentional failures to activate the camera or comply with this policy are not subject to the grace period.

#### 450.2.1 DEFINITIONS

- (a) **Activate** - Any process that causes the BWC or MAV system to transmit or store audio/video or data in an active mode.
- (b) **Body Worn Camera (BWC)** - Audio and video recording device in or on an officer's uniform issued by the Department.
- (c) **Buffering Mode** - The BWC system will continuously loop a video recording for 120 seconds and the MAV system for 60 seconds before the officer initiates the recording. While buffering, only video (no audio) is being recorded.
- (d) **Digital Evidence** - Photographs, audio records, and video footage captured by a BWC or MAV device and stored digitally.
- (e) **Digital Evidence Management System** - A technological solution (i.e. Evidence.com), which stores digitally encrypted data accessible to personnel based on security clearance.
- (f) **Docking** - The process by which an employee places a BWC into a network attached data transfer device, which causes videos recorded onto the BWC to be uploaded to the Digital Evidence Management System, the BWC battery to charge, and the firmware to update.

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- (g) Evidence.com - An online, cloud-based digital media storage repository. All media is stored in a highly secure environment, accessible only by authorized personnel.
- (h) Metadata - DR numbers, CAD numbers, GPS, and other descriptors used to identify digital evidence.
- (i) Mobile Audio Video (MAV) Dash Camera - Any system that captures audio and video signals, that is capable of installation in a vehicle (or motorcycle), and that includes at a minimum, a camera, microphone, recorder, and monitor.
- (j) Recorded Media - Audio/Video signals recorded or digitally stored on a storage device or portable media.

It is the intent of this policy to encompass any and all audio and/or video type recording devices regardless of make, model, type of deployment, etc. Examples include BWCs, MAVs, audio only recorders, cellular (Smart) telephones, motor officer helmet cameras, etc. Simply, any device that can capture and/or record any type of media (digital or analog) is to be considered an audio/video recording device for the purpose of this policy regardless of personally or Department owned.

#### **450.3 POLICY**

The Los Angeles Port Police may provide members with access to MAV, BWC, or portable recorders for use during the performance of their duties. The use of audio or video recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

It shall be deemed a violation of this policy for an officer to fail to activate a BWC or MAV when activation is required under this policy; or intentionally terminate a recording in order to commit a violation of law or Department policy.

At no time is a member expected to jeopardize his/her safety in order to activate their BWC, MAV, or change their recording media. However, the recorder should be activated as soon as reasonably practical.

#### **450.4 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):

- (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.



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- (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.

**450.5 MEMBER PRIVACY EXPECTATION**

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this Department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

**450.6 MEMBER RESPONSIBILITIES**

When portable recorders are provided, prior to going into service, each uniformed field member, other than administrative staff, shall be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable. The BWC is worn on the outside an officer's uniform, generally at chest level, facing forward to make video and audio recordings.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful, or at the direction of a supervisor. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, Los Angeles Port Police identification number, and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned, or the member deactivated the recording. Members should include the reason for deactivation.

**450.6.1 SUPERVISOR RESPONSIBILITIES**

Supervisors should determine if the vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, appropriate documentation indicating the inoperability shall be made on the deployment roster and notification to the Watch Commander.

When an incident arises, that requires the immediate retrieval of the recorded media (e/g., serious critical incidents, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician, or crime scene

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investigator properly retrieves or secures the recorded media. The media shall be treated as evidence and handled in accordance with current evidence procedures for recorded media (see policy manual § 804).

Supervisors should take custody of a portable audio/video recording device that does not have automatic downloading capability 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).

**450.7 ACTIVATION OF THE BODY WORN OR MOBILE AUDIO VIDEO RECORDER**

This policy is not intended to describe every possible situation in which the audio/video recording device should be used, although there are many situations where its use is appropriate.

In some circumstances, it is not possible to capture images of the incident due to conditions or the location of the MAV camera position. However, the audio portion along with the video from the BWC can be valuable evidence and is subject to the same activation requirements as the MAV.

Officers shall activate the BWC and MAV (if the vehicle is so equipped) prior to initiating any investigative or enforcement activity involving a member of the public, including all:

- (a) Response to calls for service to include any crimes in progress.
- (b) Vehicle stops: including traffic stops, stranded motorist, suspicious vehicles, and vehicle checkpoints.
- (c) Pedestrian stops.
- (d) Consensual encounters.
- (e) Code Three responses (including vehicle pursuits) regardless of whether the vehicle is equipped with In-Car Video equipment.
- (f) Foot pursuits.
- (g) Vehicle and Field Searches.
- (h) DWI/DUI investigations including field sobriety tests.
- (i) Arrests.
- (j) Use of force.
- (k) In-custody transports.
- (l) Witness and victim interviews (except as specified below).
- (m) Crowd management and control involving enforcement or investigative contacts.
- (n) Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (o) Other investigative or enforcement activities where, in the officers' judgment, a video recording would assist in the investigation or prosecution of a crime or when a recording of an encounter would assist in documenting the incident for later investigation or review.

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- (p) Any incident where the supervisor requests recording.

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 an issue unless the circumstances no longer fit the criteria for recording.

**DOCUMENTATION REQUIRED FOR FAILING TO ACTIVATE BODY WORN CAMERA OR MOBILE AUDIO VIDEO OR RECORDING THE DURATION OF THE CONTACT:**

If an officer is unable or fails to activate the BWC or MAV when required, fails to record the entire contact, or interrupts the recording for any reason, the officer shall set forth the reasons why a recording was not made, was delayed, was interrupted, or was terminated in the comments field of the incident in the Computer Aided Dispatch (CAD) System, Daily Field Activity Report (DFAR), or the Watch Commander's Log.

**EXCEPTIONS:** Officers are not required to activate and record investigative or enforcement encounters with the public when:

- (a) A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational.
- (b) In the officer's or supervisor's reasonable belief, a recording would interfere with his/her ability to conduct an investigation, or may be inappropriate, because of the victim or witness' physical condition, emotional state, age, or other sensitive circumstances (e.g. a victim of rape, incest, or other forms of sexual assault).
- (c) Situations where recording would risk the safety of a confidential informant, citizen informant, or undercover officer.
- (d) In patient-care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taken in these areas.

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 situations described above as soon as reasonably practicable.

**450.7.1 CESSATION OF RECORDING**

Once activated, the MAV, BWC, or portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported, and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or in other similar situations. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

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Members shall cease 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).

#### **450.7.2 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 where an explosive device may be present.

#### **450.7.3 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another Department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

Employees shall not activate their recorders for the purpose of recording another employee, except in the course of an official investigation, as appropriate.

#### **450.8 UPLOADING/OFFLOADING OF RECORDINGS**

All BWCs will automatically upload data once placed into their docking station located in the Los Angeles Port Police armory. MAV records will either automatically be uploaded to Evidence.com ("the cloud") once within range of the Los Angeles Port Police or a public/private WiFi network designated for such purpose.

All audio/video recordings from devices other than BWCs and/or MAVs that contain information of evidentiary value in a criminal case and/or actual or potential City, Department, or individual liability shall be noted via the assigned incident number and uploaded into the Los Angeles Port Police's network for storage or other locations as appropriate.

Any recording that requires an upload/offload per this policy, shall be uploaded/offloaded by the end of a member's shift, unless prior approval is obtained from a supervisor.

#### **450.9 PROHIBITED USE OF AUDIO VIDEO RECORDERS**

Members are prohibited from using department-issued audio video, 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.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned

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recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and shall notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment, or ridicule.

Generally, BWC and recording devices should not be activated in any Los Angeles Port Police facility except for official purposes such as interviewing victims, witnesses, or suspects.

No BWC or recording devices shall be activated in private spaces such as locker rooms or restrooms without the express permission of the Chief of Police for official purposes only, or in the event of a criminal act in progress.

#### **450.10 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag, or mark these in accordance with procedure. Any report should document the existence of the recording and where it is stored or archived so that it can be retrieved if needed.

A member should transfer, tag, or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil, or administrative matters.
- (b) A complainant, victim, or witness has requested non-disclosure.
- (c) A complainant, victim, or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

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.

#### **450.11 RETENTION OF RECORDINGS**

Recordings of the following shall be retained for a minimum of five years per Los Angeles Harbor Department (LAHD) retention guidelines (City of Los Angeles Administrative Code § 12.3(b) and Penal Code § 832.18):

- (a) Incident involving use of force by an officer.
- (b) Officer-involved shootings.
- (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 Los Angeles Port Police.

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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 non-evidentiary recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule of not less than two years (City of Los Angeles Administrative Code §12.3(b)).

Records or logs of access and deletion of recordings shall be retained permanently (Penal Code § 832.18).

**450.11.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with policy manual § 810.

**450.12 REPORT WRITING/DOCUMENTATION**

Employees who upload/offload any audio/video recording should note the existence of the media in the official report (if a report is taken).

**450.13 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see policy manual § 310 for guidance in those cases). 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.

**SUPERVISOR RESPONSIBILITIES - AUDITING:**

Supervisors shall:

- (a) Conduct regular random reviews of BWC and MAV recordings captured by their assigned officers and review the recordings to evaluate officer performance, to ensure the BWC or MAV is being used properly, and to select incidents that may have value for training purposes. Supervisors/managers shall not review recordings for the sole purpose of searching for violations of Department policy not related to a specific complaint or incident not associated with the assessment of employee performance as indicated elsewhere in this policy. Supervisors shall tag any video reviewed with the appropriate code in the BWC/MAV database, as determined by the System Coordinator.
- (b) Ensure officers under their supervision are categorizing video with proper event tags and event notes.
- (c) Supervisors who discover minor misconduct such as, but not limited to, the use of profanity or disrespect during the review shall counsel the involved employees. However, supervisors who discover serious misconduct, such as, but not limited to, criminal or constitutional violations or acts of moral turpitude shall cause the initiation of a personnel complaint.

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- (d) The operation of MAV and BWC systems by probationary employees should be reviewed and assessed by the Field Training Officer or Officer-in-Charge no less than biweekly.

**COMMANDING OFFICER'S RESPONSIBILITIES:**

Division Commanders shall periodically review supervisor's compliance with the audit policy through the BWC/MAV database which captures records of video access and review. Such review and results shall be reported to the Commanding Officer of the Operations Group.

**450.13.1 OTHER AUTHORIZED VIEWINGS**

BWC or MAV recordings may also be reviewed:

- (a) Upon request and with permission of the Chief of Police, by members of Los Angeles Harbor Department (LAHD) Board of Harbor Commissioners, and LAHD Executive Director about a pending or anticipated claim or litigation, or a critical incident including a use of deadly force or force that resulted in serious bodily injury.
- (b) Upon request and with permission of the Chief of Police or the authorized designee, by members of the Los Angeles County District Attorney's Office, or other third party law enforcement agencies about a pending criminal or administrative investigation.
- (c) Upon request with permission of the Chief of Police by members of the City Attorney's Office, or Risk Management Division about a pending or anticipated claim or litigation.
- (d) 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.
- (e) When conducting a personnel investigation, participating in another inquiry or administrative investigation, a criminal or other official investigation, or when otherwise authorized as provided for in § 450.13.
- (f) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (g) By media personnel with permission of the Chief of Police or the authorized designee.
- (h) In compliance with a public records request, if permitted, and in accordance with policy manual § 810.
- (i) By the officer(s) attorney or representation in an Officer Involved Incident.
- (j) Members may review their recordings prior to any court ordered appearance.
- (k) For training purposes.

Although prior permission need not be obtained from any officer(s) shown on a recording, supervisors may use recordings obtained pursuant to this policy for training purposes with the prior notification of the involved officer(s) and with prior approval of the Chief of Police or the authorized designee. If the officer(s) objects to the showing of the recording, their objection will be submitted to Command Staff to determine if the training value outweighs the officer(s) objection for not showing the recording. The use of the recordings for training must be illustrative of positive

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principles of policing or demonstrate proper handling of unusual incidents. Supervisors shall not use recordings that are the subject of litigation or personnel actions, or any that are humiliating to employees, unnecessarily gruesome, or otherwise offensive.

All recordings should be reviewed by the Custodian of Records prior to public release (see policy manual § 810). 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.

#### COMMANDING OFFICER'S RESPONSIBILITIES:

The Commanding Officer must confirm that the particular video recording that is requested is to be used for the training is not the subject of or relevant to:

- (a) Any on-going administrative investigation, pending personnel complaint, administrative appeal, grievance, arbitration, criminal investigation against an officer, or civil litigation against the Department.
- (b) A pending adjudication regarding a use of force, pursuit, or traffic collision.

Note: If one of these actions is initiated and pending after approval to use the BWC footage for Department training purposes, the Department entity that learns of the new circumstances must immediately notify Professional Development and Training Division to determine, in consultation with appropriate Department entities, whether the footage should continue to be used for training purposes.

#### **450.14 REVIEW OF RECORDINGS IN USE OF DEADLY FORCE INCIDENTS**

If an officer is involved in a use of deadly force incident or use of force that results in Serious Bodily Injury, the officer shall not review any recordings until authorized by the Command Duty Officer, in conjunction with the investigation by the Los Angeles Police Department Force Investigation Division. Once authorized, the officer shall review the recording. An officer may have an employee representative present during the review of the recording. Additionally, an officer may elect to review the recordings without an investigator or supervisor present. The separating and monitoring of officers involved in a deadly force incident shall be maintained during the review of recordings and review shall not occur jointly among involved employees.

The supervisor that responds to the scene of the deadly force incident shall ensure the recording has stopped and maintain custody of the recording device or media until it is transferred to investigators or until given other direction by the Command Duty Officer. Supervisors shall not view recordings unless directed to do so by investigators or the Command Duty Officer.

#### **450.15 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Support Services Division or their authorized designee.



## Medical Marijuana

### 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under California's medical marijuana laws.

#### 452.1.1 DEFINITIONS

Definitions related to this policy include:

**Cardholder** - A person issued a current identification card.

**Compassionate Use Act (CUA)** (Health and Safety 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).

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#### **452.2 POLICY**

It is the policy of the Los Angeles Port Police 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 Los Angeles Port Police will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

#### **452.3 INVESTIGATION**

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

##### **452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation 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.

##### **452.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER**

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery, or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- (a) The information contained in the card is false or falsified.
- (b) The card has been obtained or used by means of fraud.
- (c) The person is otherwise in violation of the provisions of the MMP.
- (d) The person possesses marijuana but not for personal medical purposes.

Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

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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.

#### 452.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

#### 452.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) Since enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
  1. The suspect has been identified and can be easily located at a later time.
  2. The case would benefit from review by a person with expertise in medical marijuana investigations.
  3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
  4. Other relevant factors, such as available Department resources and time constraints prohibit making an immediate arrest.

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- (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.

#### 452.3.5 EXCEPTIONS

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

- (a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- (b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- (c) Smoking marijuana (Health and Safety Code § 11362.79):
  - 1. In any place where smoking is prohibited by law.
  - 2. In or within 1,000 feet of the grounds of a school, recreation center, or youth center, unless the medical use occurs within a residence.
  - 3. On a school bus.
  - 4. While in a motor vehicle that is being operated.
  - 5. While operating a boat.
- (d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

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### *Medical Marijuana*

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#### **452.3.6 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).

#### **452.4 FEDERAL LAW ENFORCEMENT**

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

#### **452.5 PATROL OPERATIONS DIVISION SUPERVISOR RESPONSIBILITIES**

The Patrol Operations Division supervisor should ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Patrol Operations Division supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Patrol Operations Division supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia, or other related property.

The Patrol Operations Division supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Section supervisor.

## Bicycle Patrol Unit

### 454.1 PURPOSE AND SCOPE

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

### 454.2 POLICY

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

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

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

### 454.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

#### 454.3.1 BICYCLE PATROL UNIT SUPERVISOR

The BPU supervisor will be selected from the rank of sergeant by the Patrol Operations Division Commander or their authorized designee.

The BPU supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Patrol Operations Division.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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### *Bicycle Patrol Unit*

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#### **454.4 TRAINING**

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health, and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

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

#### **454.5 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.

The BPU 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.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters 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.

Officers will be responsible for obtaining the necessary forms, citation books, and other Department equipment needed while on bicycle patrol.

#### **454.6 CARE AND USE OF PATROL BICYCLES**

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries, and a charger.

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

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage, and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information, and use manuals. These items are to remain with/on the bicycle at all times.

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Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a Department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify, or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

**454.7 OFFICER RESPONSIBILITY**

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.



## Foot Pursuits

### 458.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 458.2 DECISION TO PURSUE

The safety of Department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in, or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place Department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

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**458.3 GENERAL GUIDELINES**

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
- (h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department members or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness, or other environmental conditions.

**458.4 RESPONSIBILITIES IN FOOT PURSUITS**

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### *Foot Pursuits*

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#### 458.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel.
- (b) Call sign identifier.
- (c) Reason for the foot pursuit, such as the crime classification.
- (d) Number of suspects and description, to include name if known.
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

#### 458.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

#### 458.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control, and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

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Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

**458.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

**458.5 REPORTING REQUIREMENTS**

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance policy manual § 300.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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#### **458.6 POLICY**

It is the policy of this Department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department members, the public, or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

## Automated License Plate Readers (ALPRs)

### 462.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

### 462.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Los Angeles Port Police to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates, and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Support Services Division Commander. The Support Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

#### 462.2.1 ALPR ADMINISTRATOR

The Support Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- (b) Training requirements for authorized users.
- (c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- (d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- (e) The title and name of the current designee in overseeing the ALPR operation.
- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the Department's website.

### 462.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

- (a) An ALPR shall only be used for official law enforcement business.

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- (b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings, and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this Department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) No ALPR operator may access department, state, or federal data unless otherwise authorized to do so.
- (f) Officers shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before initiating a directed traffic enforcement stop or lawful detention that is based solely on an ALPR alert.

**462.4 DATA COLLECTION AND RETENTION**

The Support Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with Department procedures.

All ALPR data downloaded to the server should be stored for a minimum of five years pursuant to the Los Angeles Harbor Department (LAHD) retention schedule. Thereafter, ALPR data should be purged in conformance with the LAHD document retention procedures unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action, or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded from the server onto portable media and booked into evidence.

**462.5 ACCOUNTABILITY**

All data will be closely safeguarded and protected by both procedural and technological means. The Los Angeles Port Police 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.

For security or data breaches, see policy manual § 810.

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### *Automated License Plate Readers (ALPRs)*

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#### **462.6 POLICY**

The policy of the Los Angeles Port Police 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. Since such data may contain confidential information, it is not open to public review.

#### **462.7 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 ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, who are signatories to a mutual participating agency agreement, or
- (b) If 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.
- (c) The request or participating agency agreement is reviewed by the Support Services Division Commander or their authorized designee and approved before the request is fulfilled.
- (d) The approved request or participating agency agreement is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in policy manual § 810 (Civil Code § 1798.90.55).

#### **462.8 TRAINING**

The Deputy Chief of Training and Emergency Management Group 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).



## Mobile Identification Devices

### 463.1 PURPOSE AND SCOPE

Mobile identification devices (Mobile ID or MID) includes mobile fingerprint scanners and facial recognition equipment. These devices are designed to aid law enforcement personnel in the identification of persons through the evaluation of fingerprints and/or facial recognition.

Mobile identification devices are issued by the Los Angeles County Regional Identification System (LACRIS) unit who is responsible for managing the handheld mobile identification program.

Mobile fingerprint scanners verify a person's identity by conducting an automatic search of the Regional Automated Fingerprint Identification System (Regional AFIS), or Criminal Offender Registrant Index (C.O.R.I.), and other criminal history data bases.

This policy aims to establish procedures for the acceptable use of the images (probe and candidate), information, and tools within the facial recognition system. Facial recognition shall only be used when there is a reasonable suspicion that such use will provide information relevant to an active investigation, imminent threat to health or safety ("at-risk"), or help in the identification of a deceased person or persons unable to identify themselves. this policy applies to all Los Angeles Port Police personnel who are granted direct access to the facial recognition system and the personnel permitted to request facial recognition searches. Any outside agency, or personnel from an outside agency, requesting facial recognition assistance with an investigation must also adhere to this policy and fill out a request form, which affirms adherence to this policy. (LAPP Form No. 4/2-04.69)

### 463.2 DEFINITIONS

Candidate Images - the possible results of a facial recognition search. When facial recognition software compares a probe image against the images contained in a repository, the result is a list of most likely candidate images that were determined by the software to be sufficiently similar to or most likely resemble the probe image to warrant further analysis. A candidate image is an investigative lead only and does not establish probable cause to obtain an arrest warrant without further investigation.

Digital Mugshot System (DMS) - DMS is the repository for all criminal booking photos (mugshots) associated with criminal tenprint fingerprints and a criminal history records, including a Facial Recognition application.

Facial Recognition (FR) - The automated searching of a facial image (probe) against a known database(s), resulting in a list of candidates ranked by computer-evaluated similarity score. This is commonly referred to as a one-to-many comparison.

Facial Recognition Software/Technology - Third-party software that uses specific proprietary algorithms to compare facial features from one specific picture - a probe image - to many others (one-to-many) that are stored in an image repository to determine most likely candidates for further investigation.

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Facial Reviewer - A person who successfully completed facial recognition training by the Federal Bureau of Investigations (FBI) or LACRIS capable of performing comparisons of candidate images against probe images.

Investigative Lead - Any information which could potentially aid in the successful resolution of an investigation but does not imply positive identification of a subject or that the subject is guilty of a criminal act.

Los Angeles County Regional Identification System (LACRIS) - The California Department of Justice's CAL-ID program, is responsible for providing biometric identification services to Los Angeles County law enforcement agencies.

One-to-Many Face Image Comparison - The process whereby a probe image from one subject is compared with the features of reference images contained in an image repository, generally resulting in a list of most likely candidate images.

Probe - The facial image or template is searched against an known mugshot database in a Facial Recognition System.

Surveillance - Lawful close watch kept over someone or something.

Unsolved Image File - A lawfully obtained probe image of an unknown suspect may be added by authorized law enforcement users to an unsolved image file pursuant to an authorized criminal investigation and if a search has produced no candidates and the subject remains unknown. Images in an unsolved image file are periodically compared with known images in an image repository.

Valid Law Enforcement Purpose - Facial recognition is to be used for information/intelligence gathering, development, or collection, use, retention, or sharing that furthers the authorized functions and activities of a law enforcement agency, which may include the prevention of crime, ensuring the safety of the public, protection of public or private structures and property, furthering officer safety, while adhering to law and agency policy designed to protect the public.

### **463.3 POLICY**

Mobile identification devices shall only be used in circumstances in which an officer has the suspect's consent, or the officer has probable cause to arrest the person.

Force is not authorized to solely effect the use of a mobile identification device. This does not apply to obtaining fingerprints using force as directed by a supervisor in a jail or booking situation.

Mobile identification devices shall not be used as the sole criteria for confirming a person's identity. The identification information provided by the use of a mobile identification device is considered to be supplemental information, and shall be used to compare, evaluate, and/or corroborate information obtained through other investigative methods.

Mobile identification data is only an aid to the identification of a person. Information received from a mobile identification system shall not be used as the sole grounds for establishing probable cause for arrest.

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The Los Angeles Port Police considers the results, if any, of a facial recognition search to be advisory in nature as an investigative lead only. Facial recognition search results are not considered positive identification of a subject and do not, on their own, establish probable cause without further investigation. Any possible connection or involvement of the subject(s) to the investigation must be determined through further investigative methods. Investigative leads will need to be vetted with supervisory oversight.

#### **463.4 FACIAL RECOGNITION ACCESS**

Authorized access to a facial recognition system will be granted only to personnel whose positions and job duties require such access and who have successfully completed the required training. (see policy manual § 463.11) Personnel will be provided individual usernames and passwords to the facial recognition system that are not transferrable, must not be shared, and must be kept confidential.

#### **463.5 PROHIBITED USES**

The Los Angeles Port Police will prohibit access to and use of the facial recognition system, including dissemination of facial recognition search results, for the following purposes:

- (a) Non-law enforcement (including but not limited to personal purposes).
- (b) Always protecting the privacy of the public and civil liberties.
- (c) Prohibiting or deterring lawful individual exercise of other rights, such as freedom of association, implied by and secured by the U.S. Constitution or any other constitutionally protected right or attribute.
- (d) Members shall not use facial recognition to actively surveil members of the public through any camera or video device unless the person(s) are under an active criminal investigation or the surveillance is in response to an imminent threat of life.
- (e) Members shall not use facial recognition on live stream video unless there is an imminent threat to life or it involves at-risk individuals.
- (f) Members shall not use facial recognition for predictive analysis.
- (g) Any other access, use, disclosure, or retention that would violate applicable law, regulation, or policy.

The Los Angeles Port Police will not connect the facial recognition system to any interface that performs live video surveillance, including surveillance cameras, drone footage, and body-worn cameras (California Assembly Bill 1215). (see policy manual § 450).

#### **463.6 ADMINISTRATION**

Mobile identification devices are administered by the Operations Group, Support Services Division's Technology Unit, and shall be maintained in the Department Armory. Primary responsibility for the overall operation of the Los Angeles Port Police's facial recognition program and system, operations, and the coordination of personnel; the receiving, seeking, retention, evaluation, data quality, use, purging, sharing, disclosure, or dissemination of information; and the

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management is assigned to the Support Services Division Commanding Officer or their authorized designee.

The Commanding Officer of Support Services Division will be responsible for the following:

- (a) Managing the facial recognition program to ensure compliance with applicable laws, regulations, standards, and policy.
- (b) Acting as the authorizing official for individual access to facial recognition information.
- (c) Ensuring that user accounts and authorities granted to personnel are maintained in a current and secure "need-to-know" status.
- (d) Ensuring that random audits of user compliance with system requirements and the entity's facial recognition policy and applicable law are conducted and documented. Ensuring and documenting that personnel meet all prerequisites stated in this policy prior to being authorized to use the facial recognition system.

Each supervisor issuing the equipment shall complete the master log of their mobile fingerprint scanners, and who they are assigned to on each shift, and when returned.

#### **463.7 OPERATIONS**

Only individuals who have CLETS access authorized by the Department are authorized to access or use the devices.

The use of a mobile identification device in the field is discretionary and officers are not required to use the device in situations where officer safety would be compromised.

#### **463.8 DATA COLLECTION, RETENTION, AND RELEASE**

The Mobile ID search and response information will be limited to authorized criminal justice agencies for criminal justice purposes. The Mobile ID search and response information is considered CORI; therefore, all CORI rules regarding access to data apply.

#### **463.9 ACCOUNTABILITY**

If a mobile fingerprint device is not in use due to equipment/network failure, personnel shall:

1. Notify the watch sergeant.
2. Enter the issue and notification into master log.

If any of the mobile fingerprint devices are damage, lost, or stolen, immediate notification shall be made to the watch sergeant and an appropriate crime or incident report shall be written and a copy forwarded to the Support Services Division 's Technology Unit which is responsible for notifying LACRIS.

#### **463.10 USER AUDITS**

The Commanding Officer of Support Services Division or their authorized designee will maintain an audit report of requested, accessed, searched, or disseminated automated facial recognition information. The use of the LACRIS facial recognition system is controlled by state law pertaining to Criminal Offender Record Information (CORI). All use(s) of the LACRIS facial recognition

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system shall be performed on a right-to-know and need-to-know basis per CORI regulations. All use(s) of the LACRIS facial recognition system and search requests are subject to audit by the Cal-DOJ, LACRIS, and Support Services Division. In the event of an audit, the user will be required to provide appropriate justification for the use or request of a facial recognition search. Audits will be logged using LAPP Form No. 4/2-04.68.

Support Services Division must conduct monthly audits of all user activities within the Facial Recognition system as defined by LACRIS. Monthly audits shall be retained for a period of five (5) years and submitted to the Cal-DOJ or LACRIS upon request.

Appropriate justification shall include a situation description and purpose for the search, including a detailed account of circumstances amounting to a reasonable suspicion, a case/complaint number, and a file class/crime type, if available.

#### **463.11 DATABASE AND DATA LIMITATIONS**

The following limitations apply:

- (a) Los Angeles Port Police will not maintain, utilize, or keep any database to conduct facial recognition searches.
- (b) Los Angeles Port Police will only utilize the LACRIS DMS facial recognition system to conduct facial recognition searches.
- (c) No non-mugshot databases, such as the California driver's license photo database, or publicly sourced image databases, are linked to or accessible via the LACRIS DMS.
- (d) Potential matches returned by the facial recognition system are to be considered investigative leads only and cannot be used as the sole basis for an arrest, detention, or identification. Investigative leads require investigative follow-up to corroborate the lead before any action is taken.

#### **463.12 TRAINING**

Only personnel who have received familiarization training in the use of tactical identification equipment and acknowledge the applicable policies and procedures shall be authorized to access and operate mobile identification devices and data.

Only personnel who have successfully taken and passed the bi-annual "Less Than Full Access Operator Proficiency Examination" for CLETS access shall be authorized to access and operate mobile identification devices and data.

Los Angeles Port Police personnel accessing the facial recognition system shall have successfully completed training provided by the FBI or LACRIS, which meets the Criminal Justice Information Services (CJIS) minimum training criteria for using facial recognition systems. Investigative searches shall only be conducted by trained facial reviewers. Trained facial reviewers are qualified to assess image quality and suitability for facial recognition searches and to perform one-to-many and one-to-one face image comparisons.

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**463.13 FIRST AMENDMENT ACTIVITY**

Facial recognition must be used in accordance with all federal and state laws, and all Department policies.

Los Angeles Port Police and its members will not perform or request facial recognition searches about individuals or organizations that will violate the First, Fourth, or Fourteenth Amendments of the U.S. Constitution and shall not be based solely on any of the following:

- (a) Their religious, political, or social views or activities.
- (b) Their participation in a particular non-criminal organization.
- (c) Their race, ethnicity, citizenship, place of origin, age, disability, gender, gender identification, sexual orientation, or other protected classifications.

**463.14 DOCUMENTATION**

With any potential match where an investigative lead is generated on the facial recognition software, the facial reviewer and/or investigator should write a detailed report on the information they have obtained.

**463.15 INVESTIGATIVE SEARCHES**

- (a) Probe images will only be used for legally obtained sources.
- (b) Facial reviewers will determine if probe image(s) is suitable for facial recognition searches and may process images to conduct a facial recognition search.

**463.16 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Homeless Persons

### 464.1 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 Los Angeles Port Police recognizes that members of the homeless community are often in need of special protection and services. The Los Angeles Port Police will address these needs in balance with the overall mission of this Department. Therefore, officers will consider the following when serving the homeless community.

#### 464.1.1 POLICY

It is the policy of the Los Angeles Port Police 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.

### 464.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this Department 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 policy manual § 804 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.

### 464.3 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

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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.

#### **464.3.1 OTHER CONSIDERATIONS**

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses, or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with policy manual § 326.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

#### **464.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the



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Department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

#### **464.5 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 policy manual § 466).

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.

#### **464.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or Departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

## Public Recording of Law Enforcement Activity

### 465.1 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.

### 465.2 POLICY

The Los Angeles Port Police 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.

### 465.3 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.

### 465.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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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.

**465.5 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.

**465.6 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 evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of policy manual § 804.

# Critical Incident Stress Management

## 466.1 INTRODUCTION

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 to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 466.1.1 DEFINITION

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.

## 466.2 POLICY

The Los Angeles Port Police 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.

## 466.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness.
- (b) Threats of or attempted suicide.
- (c) Loss of memory.
- (d) Incoherence, disorientation, or slow response.
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas.
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness, or guilt.
- (g) Social withdrawal.
- (h) Manic or impulsive behavior, extreme agitation, lack of control.
- (i) Lack of fear.
- (j) Anxiety, aggression, rigidity, inflexibility, or paranoia.

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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#### **466.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide Department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **466.5 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; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit '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 and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights, or sirens.
- (d) Attempt to determine if weapons are present or available.
  - 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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#### **466.6 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 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.

#### **466.7 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 response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

#### **466.8 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.

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- (b) Closely monitor any use of force, including use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see policy manual § 306).
- (c) Consider strategic disengagement. Absent an imminent threat to the public, and as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

**466.9 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.

**466.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with policy manual § 418.

**466.10 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 requests, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

**466.11 EVALUATION**

The Division Commander designated to coordinate the crisis intervention strategy for this Department should ensure that a thorough review and analysis of the Department response to



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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.

#### **466.12 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 mentally disabled persons, welfare checks, and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

## First Amendment Assemblies

### 467.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 467.2 POLICY

The Los Angeles Port Police respects the rights of people to peaceably assemble. It is the policy of the Los Angeles Port Police 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.

### 467.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets, or walkways, generally have the right to assemble, rally, demonstrate, protest, or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- (a) Lawful, constitutionally protected actions, and speech.
- (b) Civil disobedience (typically involving minor criminal acts).
- (c) 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 Los Angeles Port Police members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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#### 467.3.1 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.

#### 467.4 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:

- (a) Location.
- (b) Number of participants.
- (c) Apparent purpose of the event.
- (d) Leadership (whether it is apparent and/or whether it is effective).
- (e) Any initial indicators of unlawful or disruptive activity.
- (f) Indicators that lawful use of public facilities, streets, or walkways will be impacted.
- (g) Ability and/or need to continue monitoring the incident.

Initial assessment information should be promptly communicated to the Communication Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

#### 467.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### 467.5.1 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.
- The potential time, duration, scope, and type of planned activities.

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- 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).

#### 467.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles, and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multi-jurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) 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.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

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#### **467.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see policy manual § 352).

#### **467.6 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 their 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 their 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.

#### **467.7 USE OF FORCE**

Use of force is governed by current Los Angeles Port Police policy and applicable law (see policy manual § 300, § 306, § 308, and § 309). Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Conductive Energy Weapons 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 policy manual § 308 and policy manual § 309).

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.

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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.

#### **467.8 ARRESTS**

The Los Angeles Port Police 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 their 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 policy manual § 420).

#### **467.9 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL**

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents

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are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.

- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
  - 1. A violation of an imposed curfew.
  - 2. A verbal threat.
  - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

#### **467.9.1 USE SUMMARY**

The Administrative Services Division Commander or their authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the Department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

#### **467.10 MEDIA RELATIONS**

The Public Information Officer (PIO) 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 policy manual § 346).

##### **467.10.1 MEDIA ACCESS**

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment,

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officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

#### **467.11 DEMOBILIZATION**

When appropriate, the Incident Commander or their 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.

#### **467.12 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, the Communications Center records/tapes.
- (g) Media accounts (print and broadcast media).

##### **467.12.1 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.

#### **467.13 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.



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**467.14 ANTI-REPRODUCTIVE RIGHTS CALLS**

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

**467.15 POLICY ADMINISTRATION**

Adherence to this policy under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Civil Disputes

### 468.1 PURPOSE AND SCOPE

This policy provides members of the Los Angeles Port Police 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 policy manual § 320 will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

### 468.2 POLICY

The Los Angeles Port Police recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this Department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity, and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides, and refrain from giving legal or inappropriate advice.

### 468.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

### 468.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **468.4.1 STANDBY REQUESTS**

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **468.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **468.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# Suspicious Activity Reporting

## 469.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 469.1.1 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.

## 469.2 POLICY

The Los Angeles Port Police 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.

## 469.3 RESPONSIBILITIES

The Criminal Investigations Section Division Commander and their authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for Department participation in criminal intelligence systems as outlined in policy manual § 442.

The responsibilities of the Criminal Investigations Section Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative, or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

**469.4 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 a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR, and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

**469.5 HANDLING INFORMATION**

The Records Unit will forward copies of SARs, in a timely manner, to the following:

- Criminal Investigations Section supervisor.
- Crime Analysis Unit.
- Other authorized designees.

## Medical Aid and Response

### 470.1 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.

### 470.2 POLICY

It is the policy of the Los Angeles Port Police that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 470.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids (see policy manual § 1016). Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. Number of patients, sex, and age, if known.
  4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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.

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#### **470.4 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.

#### **470.5 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) (see policy manual § 418).

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.

#### **470.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in policy manual § 300, § 306, § 308, and § 309.

#### **470.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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The Patrol Operations Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Los Angeles Port Police should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas, or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One Los Angeles Port Police member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights, and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **470.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

##### **470.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in Los Angeles Port Police 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 Deputy Chief of Training and Emergency Management Group 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.



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Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

#### 470.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

#### 470.8.3 AED TRAINING AND MAINTENANCE

The Deputy Chief of Training and Emergency Management Group should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Deputy Chief of Training and Emergency Management Group 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).

### **470.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019):

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the LEMSAs.
- (c) In accordance with California Peace Officer Standards and Training (POST) standards.

#### 470.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Deputy Chief of Training and Emergency Management Group.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

#### 470.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Deputy Chief of Training and Emergency Management Group will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

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#### **470.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Deputy Chief of Training and Emergency Management Group 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).

#### **470.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION**

The Deputy Chief of Training and Emergency Management Group shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

#### **470.9.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT**

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

#### **470.10 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS**

Los Angeles Port Police Officers do not administer epinephrine auto injectors at any time. Only trained members of EMS shall administer epinephrine auto injectors. Any member who needs to have epinephrine auto injectors administered, should contact the Communications Center as soon as possible to request a response by EMS (Health and Safety Code § 1797.197a(b)).

#### **470.11 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **470.12 FIRST AID TRAINING**

The Deputy Chief of Training and Emergency Management Group 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).

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**470.13 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## **Chapter 5 - Traffic Operations**

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This Department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

#### 500.1.1 ROLE OF PORT SPECIFIC TRAFFIC ENFORCEMENT

Due to the unique mission of the Port of Los Angeles, the Traffic Enforcement function for the Los Angeles Port Police is to support the free flow of goods through the harbor to surface transportation systems. This involves enforcing state, federal, and municipal codes that govern commercial vehicle movement and that are designed to protect the public. Enforcement of these laws would mitigate adverse impacts that commercial traffic has to the surrounding communities. It also involves providing traffic enforcement in the recreational, pedestrian pathways, cruise terminal, and commercial terminal areas of the Port.

The Specialized Traffic Enforcement Unit is contained in the Patrol Operations Division of the Operations Group.

### 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Los Angeles Port Police. 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:

- (a) Location.
- (b) Time.
- (c) Day.
- (d) Violation factors.

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones, or special events.

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#### **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 should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

##### **500.3.2 CITATIONS**

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

##### **500.3.3 PHYSICAL ARREST**

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- (a) Vehicular manslaughter.
- (b) Felony and misdemeanor driving under the influence of alcohol/drugs.
- (c) Felony or misdemeanor hit-and-run.
- (d) Refusal to sign notice to appear.
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

#### **500.4 SUSPENDED OR REVOKED DRIVERS LICENSES**

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his/her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV Form No. DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

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### *Traffic Function and Responsibility*

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#### **500.5 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery, and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

##### **500.5.1 REQUIRED USE**

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall 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**

Employees shall ensure high-visibility vests are stored and maintained in a serviceable condition in the trunk of each patrol and investigation unit, in the side box of each police motorcycle, and in the saddlebag or gear bag of each police bicycle.

#### **500.6 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

## Traffic Collision Reporting

### 502.1 PURPOSE AND SCOPE

The Los Angeles Port Police prepares traffic collision reports in compliance with the California Highway Patrol (CHP) Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

### 502.2 RESPONSIBILITY

The Training Sergeant will be responsible for distribution of the Collision Investigation Manual. The Training Sergeant will receive all changes in the state manual and ensure conformity with this policy.

### 502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this Department shall be forwarded to the appropriate Divisions/Sections, or other persons as required including the Traffic Collision Review Board in accordance with policy manual §707.

Command staff may be directed to prepare regular statistical reports on traffic collisions.

### 502.4 REPORTING SITUATIONS

#### 502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a Harbor Department-owned vehicle is involved in a traffic collision upon a roadway or highway within the jurisdiction of the Port of Los Angeles, and wherein any damage or injury results. A Property Damage report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a Harbor Department vehicle, a Property Damage Report shall be completed and forwarded to the appropriate Divisions/Sections, or other persons as required.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the investigating officer or any supervisor.

#### 502.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this Department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Los Angeles Port Police, the responding field supervisor shall:

- Notify either the Los Angeles Police Department (LAPD) South Traffic Division or the CHP to conduct a traffic collision investigation and prepare the traffic collision report; and
- Also prepare a supervisor's traffic collision report and obtain any photos of the vehicles involved for the Los Angeles Port Police's own investigation.

All two party (e.g. two vehicles, or a vehicle and pedestrian) traffic accidents shall be reported and investigated by a third party agency to eliminate any appearance of a conflict of interest.



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### *Traffic Collision Reporting*

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The term serious injury is defined as any injury that may result in a fatality.

#### **502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS**

The Field Supervisor or on-duty Watch Commander may request assistance from either the LAPD South Traffic Division or the CHP for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

#### **502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY**

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property. All traffic collisions involving death or injury to any person involved, a hit and run violation, or Vehicle Code violation shall be referred to the LAPD South Traffic Division. An Incident Report may be taken at the discretion of any supervisor.

#### **502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS**

Traffic collision reports shall be referred to the LAPD South Traffic Division when they occur on a roadway or highway within the jurisdiction of this Department and when there is a death or injury to any persons involved in the collision.

#### **502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION**

In the event of a serious injury or death related traffic collision, the incident shall be referred to the LAPD South Traffic Division.

#### **502.6 COLLECTION OF EVENT DATA RECORDER RECORDS FOR CITY OWNED VEHICLES INVOLVED IN COLLISIONS**

Notwithstanding the City's excellent safety record, there have been vehicular accidents which have exposed the City to liability. In one such recent case, a city vehicle involved in the accident was equipped with an electronic communication module (ECM) aka: Event Data Recorder (EDR) which records critical information regarding the vehicle's operation at the moment of impact. Unfortunately, the vehicle was moved from the scene of the accident before this critical information could be collected from the ECM/EDR. Such information can be crucial evidence in substantiating the city's innocence in such incidents, particularly when there is inconsistent or contradictory testimony.

The City Council enacted a motion on July 25, 2008 that instructs all general managers for all City Departments, including proprietary Departments (Harbor Department), to develop protocols to ensure that data contained in electronic communication modules (ECMs) on vehicles involved in accidents be saved before such vehicles are moved from the accident scene to protect evidence which could prove the innocence of the city, and its employees, in legal actions involving vehicular accidents.

**EMPLOYEE RESPONSIBILITY:** All Harbor Department employees have a responsibility to report their involvement in any traffic collision while driving a city vehicle. Employees involved in traffic collisions while operating city vehicles shall continue to immediately report such incidents by notifying the Los Angeles Port Police Communications Unit at (310) 732-3500, which is

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responsible for contacting the LAPD Traffic Coordination Section for investigation of traffic collisions where injuries or damage occur involving all city vehicles or city property.

**The city vehicle involved in the traffic collision shall NOT be started or driven from the accident scene**, as this will erase recorded critical accident event data information. Vehicles shall be TOWED to their assigned secure storage facility and placed on "Hold for LAPD TCS", for recorded ECM data retrieval.

TRAFFIC COLLISION REPORTING PROCEDURES The LAPD Traffic Coordination Section (TCS), Traffic Analytical Unit, are trained and certified as technicians and analysts.

The Los Angeles Port Police shall notify the LAPD Traffic Coordination Section, Traffic Analytical Unit (TAU) at (213) 486-0690 and request an Event Data Recorder (EDR) download for all Harbor Department vehicles involved in a major collision involving: injuries air bag deployment city property damage It is important to ensure that Harbor Department vehicles involved in such incidents are NOT started or driven from the traffic collision scene, as this will erase critical electronic communication data (ECM), but are towed to the appropriate storage facility with a "Hold for LAPD TCS". If you have any questions regarding EDR download requests, please contact LAPD TCS, at (213) 486-0690.

## Vehicle Towing and Release

### 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Los Angeles Port Police.

### 510.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone, or by leaving a Los Angeles Port Police Warning of Parking Violation notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing, or impounding a vehicle are listed below.

#### 510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete California Highway Patrol (CHP) Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Unit as soon as practicable after the vehicle is stored.

#### 510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Port of Los Angeles. The officer will then store the vehicle using a CHP Form 180.

#### 510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this Department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

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The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- (a) Traffic related warrant arrest.
- (b) Situations where the vehicle was not used to further the offense for which the driver was arrested.
- (c) Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- (d) Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

#### 510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

#### 510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

#### 510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

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**510.2.7 RECORDS UNIT RESPONSIBILITY**

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the Stolen Vehicle System of California Law Enforcement Telecommunication System (CLETS) so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Unit to determine the names and addresses of any individuals having an interest in the vehicle through Department of Motor Vehicles (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, writing, or by telephone within 10 days of the date appearing on the notice.

**510.3 TOWING SERVICES**

The City of Port of Los Angeles periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is being held as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

**510.4 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

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**510.5 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband. Officers shall ensure all other safety precautions are performed prior to retrieving the property for the owner or the allowance of the driver/owner to enter their vehicle to retrieve their small personal property.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

**510.6 RELEASE OF VEHICLE**

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- (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.

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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 (see policy manual § 512).

## Vehicle Impound Hearings

### 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

### 512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Los Angeles Port Police, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

#### 512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing, or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Specialized Traffic Enforcement Unit will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations



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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this Department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
  - 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage, or assessment of fees as warranted.
- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

## Impaired Driving

### 514.1 PURPOSE AND SCOPE

This policy provides guidance to those Department members who play a role in the detection and investigation of driving under the influence (DUI).

### 514.2 POLICY

The Los Angeles Port Police is committed to the safety of the roadways and the community and will proactively pursue fair and appropriate enforcement of California's impaired driving laws.

### 514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Specialized Traffic Enforcement Unit 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.

### 514.4 FIELD TESTS

The Specialized Traffic Enforcement Unit should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

### 514.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

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- (b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- (c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 514.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

#### 514.5.2 BREATH SAMPLES

The Specialized Traffic Enforcement Unit 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 Specialized Traffic Enforcement Unit.

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

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alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

#### 514.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### 514.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

#### 514.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

#### 514.5.6 FIELD SOBRIETY TEST AND BREATHALYZER SCREENING

Officers may use a field sobriety test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the field sobriety test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the field sobriety test is voluntary. The officer shall also advise the person that submitting to a field sobriety test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612). Officers should utilize the nearest available Los Angeles Police Department facility to gain access to the appropriate breathalyzer screening equipment.

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**514.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21**

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a field sobriety test to determine the presence of alcohol in the person, if a PAS test device is immediately available.

If the person refuses to take or fails to complete the field sobriety test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

**514.6 REFUSALS**

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- (b) Audio- and/or video-record the admonishment when it is practicable.
- (c) Document the refusal in the appropriate report

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

**514.6.1 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained (Penal Code § 1524).
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

**514.6.2 FORCED BLOOD SAMPLE**

If an arrestee indicates by word or action that the person 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.

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- (c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
  - 1. This dialogue should be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 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.

**514.6.3 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)).

**514.7 RECORDS UNIT RESPONSIBILITIES**

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

**514.8 ADMINISTRATIVE HEARINGS**

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to Department of Motor Vehicles (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.

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**514.9 TRAINING**

The Deputy Chief of Training and Emergency Management Group 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 Deputy Chief of Training and Emergency Management Group should confer with the prosecuting attorney's office and update training topics as needed.

**514.10 ARREST AND INVESTIGATION**

**514.10.1 WARRANTLESS ARREST**

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- (a) The person is involved in a traffic crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

**514.10.2 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.

**514.11 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

## Traffic Citations

### 516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

### 516.2 RESPONSIBILITIES

The Specialized Traffic Enforcement Unit shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this Department.

### 516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this Department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)).

Any request from a recipient to dismiss a citation shall be referred to the Specialized Traffic Enforcement Unit Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Sergeant may request the Patrol Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a written request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Outside of the formal court proceedings, employees do not have the authority to negotiate with recipients of citations or to agree to any lesser disposition of a citation. The employee is present as a witness, only the court or a prosecutor from the District Attorney or City Attorney may negotiate charges.

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 so inform the court which could choose to dismiss the citation or to proceed with the hearing. Upon dismissal of a traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any an Employee's Report detailing the justification for his/her recommendation for dismissal.

### 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Unit.



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**516.5 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit a completed Proof of Service form TR-100. The officer shall send the violator the yellow copy via first class mail and submit the original TR-100 form to the appropriate court along with the original citation.

**516.6 DISPOSITION OF TRAFFIC CITATIONS**

The court copy of all traffic citations issued by members of this Department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall be retained by the officer for one year then be filed with the Records Unit.

Upon separation from employment with this Department, all employees issued traffic citations books shall return any unused citations to the Patrol Operations Division Sergeant.

**516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

**516.7.1 APPEAL STAGES**

Appeals may be pursued with the City of Los Angeles Parking Violation Bureau sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the City of Los Angeles Parking Violation Bureau who will review written/documentary data. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

**516.7.2 TIME REQUIREMENTS**

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

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- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

**516.8 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

## Disabled Vehicles

### 520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

### 520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Los Angeles Port Police personnel will be contingent on the time of day, the location, the availability of Los Angeles Port Police resources, and the vulnerability of the disabled motorist.

#### 520.3.1 MECHANICAL REPAIRS

Los Angeles Port Police personnel should not make mechanical repairs to a disabled vehicle except in exigent circumstances. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

#### 520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of the Los Angeles Port Police by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 520.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. Force may not be used to relocate or move a motorist unless other legal authority exists to do so. The Los Angeles Port Police member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

### 520.4 POLICY ADMINISTRATION

Adherence to this policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

## 72-Hour Parking Violations

### 524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

### 524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City 72-Hour Parking Ordinance shall be marked and noted on the Los Angeles Port Police Warning of Parking Violation form.

A photograph should be taken with the officer's Department issued camera or media device, time stamping the date, time, and location of the parked vehicle. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone, or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Warning of Parking Violation forms shall be submitted to the Records Unit for computer data entry and filing.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Warning of Parking Violation completed.

Parking citations for the 72-hour parking ordinance shall be issued when necessary to justify a tow or when required by another law enforcement agency.

#### 524.2.1 MARKED VEHICLE FILE

Specialized Traffic Enforcement Unit shall be responsible for maintaining a file for all Warning of Parking Violation forms.

#### 524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Unit immediately following the storage of the vehicle. It shall be the responsibility of the Records Unit to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS) (Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the officer 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).

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**524.3 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

## Chapter 6 - Investigation Operations

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

#### 600.1.1 LOS ANGELES PORT POLICE INVESTIGATIONS

Investigative functions within the Los Angeles Port Police are conducted within the Criminal Investigations Section.

### 600.2 POLICY

It is the policy of the Los Angeles Port Police to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

### 600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with policy manual § 324.

#### 600.3.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Criminal Investigations 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.

#### 600.3.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

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- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking, and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

**600.4 INITIAL INVESTIGATION**

**600.4.1 OFFICER RESPONSIBILITIES**

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - 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.



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4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  5. Collect any evidence.
  6. Take any appropriate law enforcement action.
  7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

**600.4.2 NON-SWORN MEMBER RESPONSIBILITIES**

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact, or interview a suspect face-to-face, or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of officers shall be requested.

**600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see policy manual § 602 for special considerations in these cases).

See policy manual § 320, § 330, and § 326 policies which may also require an arrest or submittal of a case to a prosecutor.

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**600.6 USE OF CERTAIN DNA SAMPLES**

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

**600.7 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 should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

**600.8 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 the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using Department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see policy manual § 810 and § 442).

**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.

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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.

#### **600.9 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

#### **600.10 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY**

The Criminal Investigations Section Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

- (a) Security procedures are developed to protect information gathered through the use of the technology.
- (b) A usage and privacy policy is developed that includes:
  1. The purposes for which using cellular communications interception technology, and collecting information is authorized.
  2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
  3. Training requirements necessary for those authorized employees.
  4. A description of how the Los Angeles Port Police will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
  5. Process and time period system audits.
  6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
  7. The purpose of, process for, and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.

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8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with the Los Angeles Port Police security procedures, the Los Angeles Port Police's usage and privacy procedures, and all applicable laws.

#### **600.11 CRIME ANALYSIS UNIT**

A Crime Analysis Unit (CAU) may be established to facilitate information exchange on crime and arrest activity, patterns, or hotspots. Criminal information and intelligence reports can be submitted to the Records Unit for distribution to all Groups within the Department through daily and special bulletins.

#### **600.12 ANTI-REPRODUCTIVE RIGHTS CRIMES**

A member should take a report any time a person living within the jurisdiction of the Los Angeles Port Police reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this Department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside Department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the city to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this Department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for Department use and are specific to this type of investigation.

The Criminal Investigations Section supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See policy manual § 806 for additional guidance.

#### **600.13 POLICY ADMINISTRATION**

Administration of this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Sexual Assault Investigations

### 602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims. When the Los Angeles Port Police does not have qualified personnel or resources to follow this policy, Los Angeles Police Department (LAPD) resources shall be requested to handle or advise.

Mandatory notifications requirements are addressed in policy manual § 330 and § 326.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible, forensic laboratory personnel, and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

### 602.2 POLICY

It is the policy of the Los Angeles Port Police that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

### 602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations utilizing LAPD resources if necessary. 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.

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**602.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

**602.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigations 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.

**602.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
  - 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communicating with victims to minimize trauma.

**602.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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

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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 policy manual § 336.

**602.7.1 VICTIM RIGHTS**

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
- (b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
  1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
  2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

**602.7.2 VICTIM CONFIDENTIALITY**

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this Department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

**602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

#### 602.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in policy manual § 804.

#### 602.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant 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 policy manual § 336.



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- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
  - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. Absent a written request, no member of this Department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Sexual assault victims shall further have the following rights (Penal Code § 680):
  - 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
  - 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  - 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
  - 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
  - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  - 2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

**602.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT**

The Patrol Operations Division supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

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**602.8.4 COLLECTION OF DNA REFERENCE SAMPLES**

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

**602.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Section supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigations 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.

**602.10 CASE REVIEW**

The Criminal Investigations 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.

**602.11 POLICY ADMINISTRATION**

Adherence to providing training under this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Asset Forfeiture

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture, and liquidation of property associated with designated offenses.

#### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Los Angeles Port Police seizes property for forfeiture or when the Los Angeles Port Police 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.
- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

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1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

**Seizure** - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

#### **606.2 POLICY**

The Los Angeles Port Police 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 Los Angeles Port Police that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

#### **606.3 ASSET SEIZURE**

Property may be seized for forfeiture as provided in this policy.

##### **606.3.1 PROPERTY SUBJECT TO SEIZURE**

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- (b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
  1. The property subject to forfeiture is legally seized incident to an arrest.
  2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

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.

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#### 606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- (d) Vehicles, boats, or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- (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).

#### 606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### 606.5 MAINTAINING SEIZED PROPERTY

The Patrol Operations Divisionsupervisor is responsible for ensuring compliance with the following:

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- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used unless the forfeiture action has been completed.

**606.6 FORFEITURE REVIEWER**

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing, and tracking forfeitures.
- (d) 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

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seizure, information regarding the process to contest the seizure, and a detailed description of the items seized.

- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs), or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
  - 1. Written documentation of the seizure and the items seized is in the case file.
  - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  - 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
  - 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
  - 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  - 6. Any cash received is deposited with the fiscal agent.
  - 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  - 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
  - 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the Department's regular inventory is in accordance with all applicable laws and consistent with the Department's use and disposition of similar property.
- (k) Keeping a manual that details the statutory grounds for forfeitures and Department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).
- (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code §11471).
- (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

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Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

#### **606.7 DISPOSITION OF FORFEITED PROPERTY**

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

##### **606.7.1 RECEIVING EQUITABLE SHARES**

When participating in a joint investigation with a federal agency, the Los Angeles Port Police 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.

#### **606.8 CLAIM INVESTIGATIONS**

An investigation shall be made as to any claimant of a vehicle, boat, or airplane whose right, title, interest, or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat, or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).



## Informants

### 608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

#### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Los Angeles Port Police for law enforcement purposes. This also includes a person agreeing to supply information to the Los Angeles Port Police for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 608.2 POLICY

The Los Angeles Port Police recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this Department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

### 608.3 USE OF INFORMANTS

#### 608.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity, and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this Department should not guarantee absolute safety or confidentiality to an informant.

#### 608.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana, or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians.
- (b) The juvenile's attorney, if any.
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5).
- (d) The Chief of Police or the authorized designee.

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#### **608.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated Department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

#### **608.4 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Support Services Division Commander, Criminal Investigations Section supervisor, or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees, or agents of the Los Angeles Port Police, and that they shall not represent themselves as such.
- (d) The relationship between Department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Criminal Investigations Section supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Criminal Investigations Section supervisor.
  - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### **608.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be

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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this Department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification, and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **608.5 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of Department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Criminal Investigations Section. The Criminal Investigations Section supervisor, or their authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Criminal Investigations Section supervisor, or their authorized designees.

The Criminal Investigations Section Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Criminal Investigations Section supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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#### **608.5.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases.
- (b) Date of birth.
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos, or other distinguishing features.
- (d) Photograph.
- (e) Current home address and telephone numbers.
- (f) Current employers, positions, addresses, and telephone numbers.
- (g) Vehicles owned and registration information.
- (h) Places frequented.
- (i) Briefs of information provided by the informant and his/her subsequent reliability.
  1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant.
- (k) Signed informant agreement.
- (l) Update on active or inactive status of informant.

#### **608.6 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value, or effect on crime.
- The value of assets seized.
- The quantity of the drugs or other contraband seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Criminal Investigations Section supervisor will discuss the above factors with the Patrol Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

#### **608.6.1 PAYMENT PROCESS**

Approved payments to an informant should be in cash using the following process:

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- (a) Payments of \$500 and under may be paid in cash from a Support Services Division buy/expense fund.
  - 1. The Criminal Investigations Section supervisor shall sign the voucher for cash payouts from the buy/expense fund.
- (b) Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
  - 1. The check shall list the case numbers related to and supporting the payment.
  - 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
  - 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
  - 4. Authorization signatures from the Chief of Police and the Harbor Department Executive Director are required for disbursement of the funds.
- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
  - 1. The cash transfer form shall include the following:
    - (a) Date.
    - (b) Payment amount.
    - (c) Los Angeles Port Police case number.
    - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
  - 2. The cash transfer form shall be signed by the informant.
  - 3. The cash transfer form will be kept in the informant's file.

**608.6.2 REPORTING OF PAYMENTS**

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers, or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

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#### **608.6.3 AUDIT OF PAYMENTS**

The Criminal Investigations Section supervisor or their authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts, and logs) will assist with the audit process.

#### **608.7 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Crime Stoppers Program

### 609.1 PURPOSE AND SCOPE

This policy provides guidelines and procedures for the Los Angeles Port Police's participation in the Crime Stoppers Program. As a participant in the Los Angeles Regional Crime Stoppers Program, the Los Angeles Port Police will accept tips on crime information submitted by the Crime Stoppers organization to aid in solving crimes. The Los Angeles Port Police will also provide updates to Crime Stoppers and feedback related to the issuance of reward money.

### 609.2 BACKGROUND

The Los Angeles Regional Crime Stoppers operates a system through which members of the community can submit anonymous crime tips via a toll-free telephone number, mobile phone app, or via their website. This program includes the potential for payment of rewards issued by Crime Stoppers to individuals who provide information that leads to an arrest.

### 609.3 AGREEMENT

The Los Angeles Regional Crime Stoppers participation agreement is not binding on Los Angeles Port Police but serves to establish protocols to ensure the timely transmission, investigation, and disposition of anonymous crime tips. If any provisions of the agreement are not consistent with current Los Angeles Port Police, the Los Angeles Port Police policy will take precedence.

The participation agreement includes the following requested actions:

- (a) Appropriately investigate all tips received from Crime Stoppers.
- (b) Periodically provide Crime Stoppers updates regarding the disposition of tips.
- (c) Provide feedback to Crime Stoppers that will aid them in determining if a reward payment may be warranted.

### 609.4 PROCESSING OF INFORMATION RECEIVED

The Department will designate a point of contact within the Criminal Investigations Section to receive Crime Stopper tips. All tips will be investigated within the bounds of the law related to anonymous tips. The scope and nature of the investigation will be based on the indicia of reliability of the information. Members involved with processing of information received from the Crime Stoppers program should refer to policy manual § 608 as necessary.

#### 609.4.1 INVOLVED PARTIES

Members of the public providing information are not intended to become or be used agents of the police. In cases where the citizens providing a tip chooses not to be anonymous, they may fall under the provisions of the Department's policy on informants. In appropriate cases, and with the approval of the Chief of Police, witnesses may be solicited by use of Crime Stoppers and other traditional media or social media outlets. In these cases it is always preferable to receive direct contact from witnesses and therefore any solicitation for information shall always first list

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direct contact information before any anonymous method. A person is not a material witness if they merely point the finger of suspicion towards an asserted law violator.

#### **609.4.2 CONFIDENTIALITY**

In order to protect members of the public who choose to aid the police, the identity of police informants can be privileged information pursuant to California Evidence Code §1041. This section allows the police to refuse to disclose the identity of a person who has furnished information regarding a purported violation of law in confidence and to prevent another from disclosing it as well. Since there may be extenuating circumstances in some cases, members are not to make assurances to informants that under all circumstances their identity will remain concealed.

#### **609.4.3 EXCULPATORY INFORMATION**

When following up on a Crime Stoppers tip, members shall attempt to obtain information to support the reliability of information gleaned from these sources. If there is information that the person providing information may be involved in the crime, a material witness, or have exculpatory information, there is a duty to attempt to obtain the identity of the person providing the information including their address or a means to locate them. Efforts made to locate such a witness are to be documented in an appropriate report.

#### **609.5 RELEASE OF INFORMATION**

There is no specific protection for information released to Crime Stoppers, therefore this information shall be strictly limited to that which could in the particular case be released to the public under California Government Code §6254 (f) (1), (2). Information related to the status of an investigation may be periodically related to Crime Stoppers with the approval of the investigating officer and the prosecutor. No information shall be shared on pending investigations other than that they "are under investigation". If a case is closed by arrest, no information shall be shared unless approved by the investigating officer and the prosecutor. No information is to be released beyond information that would otherwise be released to the public without approval of the Chief of Police.

#### **609.6 REWARDS**

Crime Stoppers may independently pay rewards depending on the value of the information received. Reward amounts vary and are approved by the Crime Stoppers Board of Directors. Determinations on monetary rewards are made by Crime Stoppers. The Los Angeles Port Police members should not promise monetary rewards within the Crime Stoppers program to members of the public.



# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this Department employ eyewitness identification techniques (Penal Code § 859.7).

### 610.1.1 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.

## 610.2 POLICY

The Los Angeles Port Police 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.

## 610.3 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.

## 610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Criminal Investigations 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.

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- (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.

**610.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

**610.6 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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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 manner in which the photographs were presented to the witness should be documented in the case report.

#### **610.6.1 DOCUMENTATION RELATED TO RECORDINGS**

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

#### **610.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION**

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

### **610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

Photographs should be shown as an entire set. The witness should view all persons in the lineup. When a photographic show-up is prepared using a software program (e.g., CAL Photo, LACRIS) the member shall show the witness the six-person printout and adhere to all display, admonition, and documentation requirements described in this policy.

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.

#### **610.7.1 OTHER SAFEGUARDS**

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings, or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

### **610.8 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

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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.
  - 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.

**610.9 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Brady Material Disclosure

### 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Los Angeles Port Police that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 612.2 POLICY

The Los Angeles Port Police 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 Los Angeles Port Police will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

### 612.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this Department who is a material witness in a criminal case, the following procedure shall apply:

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- (a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- (b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.
- (c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- (e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

**612.5 INVESTIGATING BRADY ISSUES**

If the Department receives information from any source that a member may have issues of credibility, dishonesty, or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with policy manual § 1020.

**612.6 TRAINING**

Department members should receive periodic training on the requirements of this policy.

## Unmanned Aerial System

### 613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval, and dissemination of images and data captured by the UAS.

#### 613.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

### 613.2 POLICY

Unmanned aerial systems may be utilized to enhance any aspect of the Department's mission. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

### 613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### 613.4 PROGRAM COORDINATOR

The Deputy Chief of Operations Group will appoint a program coordinator who will be responsible for the management of the Department's UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for Department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization of the Deputy Chief of Operations Group or their authorized designee, depending on the type of mission. A written UAS

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Deployment Authorization Report shall be completed for each mission and submitted to the Office of the Chief of Police, Deputy Chief Operations Group, for approval. The Chief of Police's Office will submit the report to the Records Unit for filing and retention.

- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of all UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

#### **613.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.



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**613.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

**613.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

**613.8 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Deputy Chief of the Operations Group or their authorized designee.

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# Operations Planning and Deconfliction Including Warrant Service

## 614.1 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 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 also provides guidelines for planning, deconfliction, and execution of high-risk operations, including warrant service.

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.

### 614.1.1 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.

## 614.2 POLICY

It is the policy of the Los Angeles Port Police 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. It is also the policy of the Los Angeles Port Police to properly plan and carry out high-risk operations, including participation in a regional de-confliction system. In order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations, and to prevent duplicating efforts, members shall make notifications to LA Clear, which is the regional deconfliction entity.

## 614.3 OPERATIONS DIRECTOR

The Commanding Officer of Support Services Division is the operations manager for operations planning and warrant service and shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service or the current high-risk operations.

The Criminal Investigation Section Officer in Charge (OIC) will also have the responsibility to coordinate service of those warrants that are categorized as high-risk. The OIC 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 OIC will review the risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The OIC will also have the responsibility for coordinating operations that are categorized as high-risk, including warrant service.

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Deconfliction, risk assessment, operational planning, briefing, and debriefing should follow guidelines in this policy.

#### **614.4 RISK ASSESSMENT**

##### **614.4.1 RISK ASSESSMENT FORM PREPARATION**

Officers 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.

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 building that are involved.
- (d) Historical information about the subject of the 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 other 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, chemical 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).

##### **614.4.2 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. The supervisor and OIC 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.

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**614.4.3 HIGH-RISK OPERATIONS**

If the OIC, after consultation with the involved supervisor, determines that the operation is high-risk, the OIC 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. Los Angeles Police Department (LAPD) SWAT.
  - 2. Additional personnel.
  - 3. Outside agency assistance.
  - 4. Special equipment.
  - 5. Medical personnel.
  - 6. Persons trained in negotiation.
  - 7. Additional surveillance.
  - 8. Canines.
  - 9. Patrol Operations Division or analytical personnel to assist with cataloging 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.
- (e) Notify the Deputy Chief of Operations Group.

**614.5 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 shall make notifications to LA Clear 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.

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**614.6 OPERATIONS PLAN**

The Commanding Officer of Support Services Division should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives, and strategies.
- (b) Operation location and people:
  - 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history).
  - 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams, and other visual aids.
  - 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
  - 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children.
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
  - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
  - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.

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- (j) Contingencies for handling children, dependents, adults, animals, and other people who might be at the location in accordance with policy manual § 330, § 380, and § 820.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing, and approving reports.

#### **614.6.1 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.

#### **614.7 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 for review and classification of risk.

#### **614.8 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 for review and classification of risk.

If the warrant is classified as high-risk, service will be coordinated by the Commanding Officer of Support Services Division. 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.

#### **614.9 WARRANT PREPARATION**

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.
- (b) A clear explanation of the affiant's training, experience, and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be

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disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application.

**614.10 HIGH-RISK WARRANT SERVICE**

The Commanding Officer of Support Services Division or their 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, subject to disapproval by the Deputy Chief of Operations Group or the Chief of Police.

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 see policy manual § 380).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

**614.11 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

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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 policy manual § 300).

As soon as it can be determined an individual is not the 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.

**614.12 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities, and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of a 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 shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the operations director 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 to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to the officers arriving at the location.
  - 2. If the radio channel needs to be monitored by the Communications Center, 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.



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#### **614.13 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 LAPD SWAT or Tactical Team debriefing.

##### **614.13.1 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.

#### **614.14 LAPD SWAT PARTICIPATION**

If the commanding officer determines that LAPD SWAT participation is appropriate, The Criminal Investigations Section OIC and the LAPD SWAT supervisor shall work together to develop a written plan. The LAPD 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 LAPD SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

#### **614.15 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The Commanding Officer of Support Services Division 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 Commanding Officer of Support Services Division. The Deputy Chief of Operations Group should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Commanding Officer of Support Services Division should ensure that members of the Los Angeles Port Police are utilized appropriately. Any concerns regarding the requested use of Los Angeles Port Police members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the Commanding Officer of Support Services Division is unavailable, the Watch Commander should assume this role.

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If officers intend to serve a warrant outside Los Angeles Port Police jurisdiction, the Commanding Officer of Support Services Division 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 Los Angeles Port Police when assisting outside agencies or serving a warrant outside Los Angeles Port Police jurisdiction.

#### **614.16 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 policy manual § 346.

#### **614.17 TRAINING**

The Deputy Chief of Training and Emergency Management Group should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service, deconfliction practices, operations planning and concepts, and reporting requirements.

## Chapter 7 - Equipment

## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

See the Los Angeles Harbor Department (LAHD) Employee Manual for additional information.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use, and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

### 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, 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 Fiscal Operations and Human Resources Division to be forwarded to the LAHD Accounting Division.

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

**700.3.1 REPORTING REQUIREMENT**

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

**700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

**700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

## Equipment Issue and Return

### 701.1 EQUIPMENT ISSUE AND RETURN PROCEDURE

Whenever equipment is issued to, or returned by staff, the supervisor of the concerned employee is to ensure that a Los Angeles Port Police Equipment Issue/Return Form (LAPP Form No. #4/2-04.22) is completed. Fiscal Operations and Human Resources Division will maintain a supply of the form and will maintain a master file with all original forms. Fiscal Operations and Human Resources Division will ensure that the form is used to update the Los Angeles Port Police Personnel Database.

#### 701.1.1 STEPS TO IMPLEMENT PROCEDURE

- (a) A supervisor becomes aware that equipment is to be issued or returned. This triggering event can be general equipment or based on a resignation, termination, or retirement.
- (b) Employees shall initial the form for all equipment issued or returned.
- (c) The supervisor shall immediately notify the Fiscal Operations and Human Resources Division.
- (d) Fiscal Operations and Human Resources Division shall notify Human Resources Group and refer to the forms and database to determine the equipment required to be returned.
- (e) Fiscal Operations and Human Resources Division will prepare an Equipment Return Form, e-mail it to the employee and make an appointment with the employee within 72 hours to obtain all issued equipment.
- (f) Fiscal Operations and Human Resources Division will cause the Department Rangemaster to be immediately notified to coordinate the return of weapons at the appointment for return of equipment.
- (g) At the Equipment Return appointment, all issued equipment is returned and initialed by the employee and the Commanding Officer of Fiscal Operations and Human Resources Division. All weapons are to be handled in the same manner by the Department Rangemaster at the scheduled appointment.
- (h) A copy of the completed and signed Equipment Return Form is given to the concerned employee as a receipt.
- (i) Fiscal Operations and Human Resources Division shall file the original Equipment Return Form and for separated employees forward a copy of the form to Human Resources for placement in the Employee Personnel File.
- (j) All equipment, including weapons, shall be returned to inventory for reissue.
- (k) All equipment, weapons, and personnel databases shall be updated in accordance with the completed forms.

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## Personal Communication Devices

### 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets, and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the Internet.

### 702.2 POLICY

The Los Angeles Port Police allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### 702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see policy manual § 342 for additional guidance).

### 702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Personnel that have been issued a PCD by the Department and are in an on-call or off-duty standby status, and all on-duty supervisors that have been issued a PCD by the Department, should be available via their issued device.

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Personnel that have been issued a PCD by the Department are to download and install all mobile device apps required by the Department. Only Department approved apps are to be installed on Department issued PCDs. Department PCDs should never be used to access any material that would be considered inappropriate for the work place.

#### **702.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (d) The device may be used for work-related purposes. Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any Department business-related communication.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations, and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned PCD should be transferred to the Los Angeles Port Police and deleted from the member's PCD as soon as reasonably practicable.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related



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business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

**702.6 USE OF PERSONAL COMMUNICATION DEVICES**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct Department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in a carrier that has been approved by their Commanding Officer.
- (b) 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.
- (c) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of proper radio communications.
- (d) 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.
- (e) Members will not access social networking sites for any purpose that is not official Department business unless on an approved break.
- (f) 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.
- (g) A PCD shall have password or PIN protection in use so as to secure data should the device be lost or misplaced.
- (h) Members shall notify the Watch Commander if a PCD is lost, misplaced or if for any reason the member suspects that the security or integrity of the PCD data is compromised.

**702.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

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2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police via the chain of command.

#### **702.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, non-sworn members who are operating Department vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

#### **702.9 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other Department communications network.

## Vehicle Maintenance

### 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled, and present a clean appearance.

### 704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

#### 704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

#### 704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service, and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits, or prolonged high-speed operation. A Code 3 Response does not necessarily mean severe-use conditions.

#### 704.2.3 REMOVAL OF WEAPONS

All firearms, weapons, and control devices shall be removed from a vehicle and properly secured in the Department armory prior to the vehicle being released for maintenance, service, or repair.

### 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

#### 704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 Emergency road flares.
- 2 Sticks yellow crayon or chalk.
- 1 Roll Crime Scene Barricade Tape.
- 1 First aid kit.
- CPR mask.
- 1 Blanket.

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- 1 Blood-borne pathogen kit, Incl. protective gloves.
- 1 Fire extinguisher.
- 1 Automated External Defibrillator (AED).
- 1 Opioid Overdose Kit (available for check-out in the Department armory).

#### **704.3.2 UNMARKED VEHICLES**

An employee driving an unmarked Department vehicle 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.
- 1 CPR mask.
- 1 Blanket.
- 1 Blood-borne pathogen kit, Incl. protective gloves.
- 1 Hazardous Materials Emergency Response Handbook.

#### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be refueled at the authorized location.

#### **704.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

#### **704.6 NON-SWORN EMPLOYEE USE**

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 706.1 PURPOSE 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 Los Angeles Harbor Department to provide assigned take-home vehicles.

### 706.2 POLICY

The Los Angeles Port Police 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.

### 706.3 USE OF VEHICLES

#### 706.3.1 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 the member's shift, the new vehicle number shall be documented on the roster.

#### 706.3.2 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.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

#### 706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented 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 person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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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.

#### 706.3.4 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.

#### 706.3.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by policy manual § 448.

#### 706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track and record 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. If an emergency response makes it impractical to log onto the system immediately this information should be communicated over the radio to dispatch so that responding units and incident commanders have awareness of responding units not shown on Automatic Vehicle Locator (AVL).

System data may be accessed by supervisors at any time. However, access to historical data requires advance notification of the reason for access and approval of a Command Officer holding the rank of Captain or above.

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### **RECORDED DATA**

All recording media, recorded data are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law. Members shall not record, create, or retain duplicate or personal copies. Any recordings of an incident should not be publicly released during an ongoing investigation without consulting the City Attorney's office or

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the office of the Chief of Police, as appropriate. Officers may be required to provide public safety statements without the opportunity to view recordings prior to giving the statement.

Review of recorded AVL data will be permitted as follows:

- (a) Officers:
  - 1. For investigatory or tactical reference during an ongoing investigation or public safety response.
  - 2. Prior to submitting to an administrative interview.
  - 3. When preparing crime or arrest reports. Viewing recordings should not be a reason for officers to write a less detailed report.
  - 4. When an officer is involved in an incident that is being investigated under policy manual § 310, the officer shall not review any recorded data until authorized by the Command Duty Officer. Once authorized, the officer shall review the data. An officer may have an employee representative present during the review of the data. Additionally, an officer may elect to review the recordings without an investigator or supervisor present. The separating and monitoring of officers involved in a critical incident shall be maintained during the review of data and review shall not occur jointly among involved employees.
  - 5. When there is evidence of misconduct, officers shall not be allowed to view recordings until authorized to do so by a supervisor.
- (b) Supervisors:
  - 1. Live data may be viewed to determine location of officers or vehicles for officer safety, dispatch, and managing of incidents.
  - 2. When investigating a specific act of officer misconduct or meritorious conduct and with prior notification of the reason and approval from a Command Officer holding the rank of captain or above.
  - 3. When assessing officer performance as directed by a command officer of the rank of Captain or above.
  - 4. To assess proper functioning of the system.
  - 5. In the event of a critical incident, supervisors shall not view data unless directed to do so by investigators or the Command Duty Officer.
  - 6. As assigned by Command Staff, to audit the system, its use, and performance or that of personnel.
- (c) Other Department Personnel:
  - 1. Investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry, or a criminal investigation. In administrative investigations. Historical AVL data should not be the sole evidence of misconduct. Historical AVL data may be used to substantiate or impeach other evidence or testimony.

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2. Training staff with prior supervisor approval to assess possible training value. If an involved officer objects to showing a recording for training purposes, the objection will be evaluated by the chain of command prior to staff accessing the historical data.
  3. Staff responding to subpoenas or public records requests and in conformance with policy manual § 810. All such recordings should be reviewed by the Custodian of Records prior to public release.
  4. System managers to perform audit functions of the system or its use.
  5. Technicians to assess proper functioning of the system.
  6. Other Department personnel, with supervisor approval, who request to review recordings for official purposes.
  7. Dispatchers for officer safety, efficiency of assigning units to calls, and management of incidents.
- (d) Outside Personnel:
1. Court personnel or prosecutorial agency through proper process and with permission of the Chief of Police or the authorized designee.
  2. Media representatives through proper process and with permission of the Chief of Police or the authorized designee.
  3. 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 be permitted to review data with approval of assigned investigators or a supervisor.

#### 706.3.7 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.

#### 706.3.8 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 policy manual § 410.

#### 706.3.9 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.

#### 706.3.10 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.



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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.

#### **706.3.11 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions, or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

#### **706.3.12 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.

### **706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander and shall sign an agreement that includes the following criteria:

- (a) The member must live within a 60-minute commute of his/her regularly assigned work location (based on average traffic flow). A longer response time may be permitted subject to Division Commander approval. Members who reside outside the permissible response time may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Division Commander.
- (b) Except as may be provided by a memorandum of understanding time spent during normal commuting is not compensable.
- (c) City-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.
- (d) The member may be responsible for the care and maintenance of the vehicle. The Department should provide necessary care and maintenance supplies.
- (e) The vehicle shall be parked in secure off-street parking when parked at the member's residence.
- (f) Vehicles shall be locked when not attended.
- (g) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see policy manual § 312 regarding safe storage of firearms at home).
- (h) When the member will be away (e.g., on vacation) for periods exceeding one week, the vehicle shall be stored in a secure garage at the member's residence or at the appropriate Los Angeles Port Police facility.
- (i) All Department identification, portable radios, and equipment shall be secured.

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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 the member's regular assignment.

#### 706.4.1 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.

#### 706.4.2 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 Port of Los Angeles City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles shall be locked when not attended.
- (f) All firearms, weapons, and control devices shall 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.

#### 706.4.3 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 Port of Los Angeles is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Port of Los Angeles 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.

Criteria for use of take-home vehicles include the following:

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- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
  - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
  - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.
  - 3. When the member has received permission from the Chief of Police or Division Commanders.
  - 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
  - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC 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 policy manual § 312 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.
  - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

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- (i) The member is responsible for the care and maintenance of the vehicle.

#### **706.4.4 ENFORCEMENT ACTIONS**

When driving a take-home vehicle to and from work outside of the jurisdiction of the Los Angeles Port Police 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 policy manual § 385 and § 100).

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.

#### **706.4.5 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 the 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.

#### **706.5 UNMARKED VEHICLES**

Vehicles are assigned to various Groups and their use is restricted to the respective Group and the assigned member, unless otherwise approved by a Group supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the Group for that purpose. Any use of unmarked vehicles by those who are not assigned to the Group to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

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**706.6 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 policy manual § 502).

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.

**706.7 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating Department vehicles on a toll road shall adhere to the following:

- (a) Members operating Department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

**706.8 SAFETY BELTS**

- (a) **Employee's Responsibility.** Employees and all others operating or riding in Department vehicles shall wear three point safety belts when provided. Two point safety belts (lap belts) shall be worn when three point safety belts are not provided. Employees intending to operate or ride in a Department vehicle shall ensure that all occupants of the vehicle are using the available safety belts before the vehicle is operated.
- (b) **Child Seat Restraints.** A child twelve (12) years of age and under, who is to be transported in any Department vehicle, shall be secured in the rear seat of the vehicle. A child who is under six (6) years of age or weighing less than sixty (60) pounds shall be secured in a child passenger seat restraint (car seat). Employees shall place the child in a car seat which is Federal Safety Standard approved, and employees should attempt to place the child in a car seat which is appropriate for the child's weight.
- (c) **Department Vehicle:** A Department vehicle is any motor vehicle which is under the direction and control of the Los Angeles Port Police, including privately owned vehicles used for City business.
- (d) **Adjustments:** Safety belts shall be adjusted so they provide maximum protection with reasonable comfort.
- (e) **Inspection:** Safety belts shall be inspected at the start of each watch. Any Department vehicle equipped with an unserviceable safety belt shall be removed from service.

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- (f) **Tactical Considerations.** When a potentially dangerous tactical situation is perceived or anticipated, the safety belt may be removed to allow adequate time for safe response to the situation. During special operations, the safety belt may be removed when, in the belted employee's judgment, wearing the safety belt might adversely affect the special operation or endanger the employee. Examples:
1. Officers may remove their safety belts immediately prior to arriving at the location of an emergency call so they can quickly leave their vehicles upon arrival.
  2. Officers may remove their safety belts immediately prior to stopping a suspect. However, officers should be careful not to remove their safety belts prematurely and thus risk being without safety belt protection during a pursuit.

**706.9 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.

**706.10 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

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## Traffic Crash Review Board

### 707.1 PURPOSE AND SCOPE

This policy establishes Traffic Crash Review Board. The primary purpose of this Board is to examine reports and other information related to employee traffic crashes while driving City vehicles or operating Los Angeles Port Police vessels and render a finding of "preventable" or "non-preventable."

### 707.2 POLICY

A Traffic Crash Review Board will convene and review all crashes involving Los Angeles Port Police employees while driving City vehicles.

### 707.3 DEFINITIONS

Preventable: A preventable crash is one in which the driver is responsible, did not use proper defensive driving techniques, and/or did not follow Department policy.

Non-preventable: A non-preventable crash is one in which the driver was not at fault and could not have been reasonably prevented.

### 707.4 BOARD OVERSIGHT AND ADMINISTRATION

The Commanding Officer of the Professional Development and Training Division shall oversee this program. A Professional Development and Training Division staff member shall administer the program such that all relevant crash reports are collected and submitted to the Board.

### 707.5 BOARD MAKE UP

Each Board should consist of three ad-hoc members. For traffic crash: a current traffic sergeant or officer, an Advanced Officer Training Center sergeant or officer (preferably an instructor of driver's training), and a lieutenant or sergeant from the division in which the involved employee is assigned. For vessel crash: a lieutenant or sergeant from Marine Operations Division, a sergeant or instructor from the Maritime Law Enforcement Training Center Program, and a lieutenant or sergeant from the division in which the involved employee is assigned. Command Staff may change the make-up of the Board in order to meet operational requirements.

### 707.6 BOARD PROCEEDINGS

Boards will be convened on an ad-hoc basis to review traffic crash reports and other relevant information related to a traffic or vessel crash. The Board shall render a finding of "preventable" or "non-preventable." The Board will not recommend disciplinary action. The Board shall document each review on the Traffic Board Crash Review form (LAPP Form No. 4/2-04.70) and submit it to the Commanding Officer of the Professional Development and Training Division for his/her review. Following this review, findings will be forwarded to the involved employee's Commanding Officer and will include applicable comments regarding safe practices, training, or equipment.

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Once the case is adjudicated, the case file is to be returned to Professional Development and Training Division. Professional Development and Training Division will review the case file to ensure proper completion of any recommendations and to ensure that the file is complete.

**707.7 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Professional Development and Training Division or their authorized designee.



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# Personal Protective Equipment

## 708.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in policy manual § 1024.

### 708.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 708.2 POLICY

The Los Angeles Port Police endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 708.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to notify their immediate supervisor or the Administrative Services Division Facility Management Team.

## 708.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

## 708.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

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**708.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg, and groin protection should be provided as required by any collective bargaining agreement.

**708.7 RESPIRATORY PROTECTION**

The Administrative Services Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

**708.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator face piece to prevent eye or skin irritation associated with respirator use.

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- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the face piece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

#### 708.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the face piece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-face piece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the face piece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their face piece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 708.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste, or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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**708.7.4 SELF-CONTAINED BREATHING APPARATUS**

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

**708.7.5 RESPIRATOR FIT TESTING**

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

**708.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

**708.8 RECORDS**

The Deputy Chief of Training and Emergency Management Group is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.

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- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

- 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the Department records retention schedule and 8 CCR 5144.

**708.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

**708.10 POLICY ADMINISTRATION**

Adherence to this policy and required updates are under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

# Military Equipment

## 709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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#### **709.2 POLICY**

It is the policy of the Los Angeles Port Police that members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

#### **709.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this Department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Los Angeles Port Police (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the 's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the Department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

#### **709.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department:

[See attachment: Military Weapons Inventory List.pdf](#)

#### **709.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.

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*Military Equipment*

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- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

**709.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

**709.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in Department inventory.

**709.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.



## **Chapter 8 - Support Services**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

#### 800.1.1 CRIME ANALYSIS FUNCTIONS

Los Angeles Port Police may assign crime analysis functions to various sections of the Department.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports.
- Field Interview cards.
- Parole and Probation records.
- Computer Aided Dispatch data.
- Statewide Integrated Traffic Reporting System (SWITRS).

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime.
- Geographic factors.
- Temporal factors.
- Victim and target descriptors.
- Suspect descriptors.
- Suspect vehicle descriptors.
- Modus operandi factors.
- Physical evidence information.

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the

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development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## Communication Operations

### 802.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

### 802.2 POLICY

It is the policy of the Los Angeles Port Police to provide 24-hour public safety services for information and assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and Department members in the field.

### 802.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members, and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

Access to the Communications Center shall be limited to the Communications Center members, the Watch Commander, Command Staff, and Department members with a specific business-related purpose.

#### 802.3.1 PROCEDURE FOR REQUESTING USE OF TACTICAL OR SECONDARY RADIO FREQUENCY

The Process for requesting a frequency will be to:

- (a) The supervisor for any particular event or tactical operation will contact the Los Angeles Port Police's Communication Center and request the use of a tactical frequency. Any field unit (not just a supervisor) may request the use of an available tactical frequency for a given, un-planned field tactical operation. Whoever requests use of the tactical frequency should inform the Communications Center of the purpose (type of event) and estimated duration of use.
- (b) If enough advance information is known, the Communications supervisor will endeavor to insure that there are at least two dispatchers available for console duty during the particular event or tactical operation.
- (c) The dispatcher will select from available tactical frequencies and assign the specific frequency to the operation. The dispatcher will announce over Los Angeles Port Police Main channel, that officers involved in this specialized event will be assigned to the tactical frequency.
- (d) The dispatcher will monitor the radio traffic on the tactical frequency. In a two-dispatch console operation, one console will maintain communications on the Los Angeles Port Police Main channel, while the other will monitor the tactical frequency.

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- (e) When the event has concluded, the requesting personnel shall notify the Communications Center that the channel is no longer in use, and that the frequency is available. The dispatcher shall then release the channel and cause a broadcast to occur, advising all units to return to the primary broadcast channel.

#### 802.4 RADIO PROTOCOLS

This section of the manual identifies the various radio call letters and protocols for radio communications.

##### 802.4.1 FIXED RADIO STATION CALL LETTERS & FREQUENCY

The call letters, "WPRF-253", shall be used by the Los Angeles Port Police fixed radio station. The primary radio frequency is 453.2500 MHz operating in digital mode.

##### 802.4.2 USE OF RADIO CALL LETTERS

**By Radio Operators:** Radio operators shall not call either a fixed station or a mobile unit by its call letters. The unit designation shall be used when addressing a fixed station.

**By Controls:** All controls shall broadcast the station call letters once an hour. They need not do so at the end of each transmission.

A - Adam	H - Henry	O - Ocean	V - Victor
B - Boy	I - Ida	P - Paul	W - William
C - Charles	J - John	Q - Queen	X - X-ray
D - David	K - King	R - Robert	Y - Young
E - Edward	L - Lincoln	S - Sam	Z - Zebra
F - Frank	M - Mary	T - Tom	
G - George	N - Nora	U - Union	

##### 802.4.3 RADIO CODES AND PROCEDURES

The following codes and phrases shall be used, when applicable, in local radio transmissions:

- **Officer Needs Help:** This emergency call shall be broadcasted when an officer requires immediate aid for a life-threatening incident or an incident that requires immediate aid because of serious bodily injury, death, or a serious threat to public safety is imminent. The officer requesting shall include the location, followed if possible, by the unit identification and all other pertinent information. Two units and a supervisor shall be dispatched "Code Three" and ALL additional responding units may also respond "Code Three", upon notification to the Communications Center. The Department will provide assistance and respond to "Officer Needs Help" calls within the City and when requested by the Los Angeles Police Department (LAPD). The senior officer of the agency requesting emergency assistance shall be in charge of the incident unless the incident involves a situation in which is the responsibility of the other agency, in which case the senior officer of the responsible agency will be in charge.
- **Firefighter Needs Help:** This emergency call shall be broadcasted when immediate police assistance is required because firefighters are being attacked, attack is

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imminent, or other emergency exists. Two units and a supervisor shall be dispatched "Code Three" and ALL additional responding units may also respond "Code Three", upon notification to the Communications Center.

- **Firefighter Needs Assistance:** This emergency call shall be broadcasted when police assistance is required due to hostile crowd action or other incident. Two units and a supervisor shall be dispatched "Code Three". As appropriate, any additional responding units may also respond "Code Three", upon notification to the Communications Center.
- **Back-up Unit Request:** This emergency call shall be broadcasted when an officer requires additional units immediately, but the situation does not rise to the level where serious bodily injury, death, or serious threat to public safety is imminent. Example: Active perimeter, foot pursuit, 415 group, a crim-in-progress, etc. The officer requesting shall include the location, followed by the unit identification, and all other pertinent information, including the reason for the request. Two units and a supervisor shall be dispatched "Code Three". As appropriate, any additional responding units may also respond "Code Three", upon notification to the Communications Center.
- **Additional Unit Request:** An additional unit request is broadcasted when an officer requires an additional unit for a non-emergency situation. The officer requesting shall include the location, followed by the unit identification, and all other pertinent information. An additional unit request is not an emergency call and responding officers shall obey all traffic laws when responding. Example: Code Six George with no indication of violence toward the officers, L-Unit involved in a traffic stop, follow-up for a criminal investigation, etc.
- **"Pursuit" Procedure:** A unit announcing a "Pursuit" shall begin the message by stating that the unit is in "Pursuit" and giving the location, followed, if possible, by the unit identification, description of pursued vehicle, and/or suspects, direction taken, and reason for pursuit. The pursuing unit shall give frequent and comprehensive progress reports as conditions permit. Any unit having information regarding the "Pursuit" may transmit. The Communications Center will broadcast advisory information concerning pursuits by the Los Angeles Police Department (LAPD) or the California Highway Patrol (CHP) within the City. Department personnel shall not become involved in LAPD or CHP pursuits on the freeways unless requested. Notifications shall be sent to the Command Staff and Terminal Port of Los Angeles Partners that there is a pursuit in or near the Port Complex (see Special Order 18-01 New Source Monitoring and Notification Procedures).
- **Code One:** When the dispatcher fails to receive an acknowledgment of a transmission, a "Code One" shall be broadcasted. The unit to which a "Code One" is directed shall acknowledge immediately upon hearing a "Code One."
- **Code Two:** A radio call accompanied by a "Code Two" designation is an urgent call and shall be answered immediately. The red light and siren shall not be used and all traffic laws shall be observed. Note: Officers responding to a "Code Two" radio call shall only interrupt the Code Two call to perform police work of major importance.
  - **Officers' Responsibilities:** Officers who interrupt their response to a Code Two call due to police work of major importance or other exigent circumstances

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shall immediately notify the Communications Center. Officers who interrupt their response to a Code Two call for more than a brief delay to evaluate the comparative urgency of an intervening incident shall also request the Communications Center to reassign the call and shall immediately notify a concerned supervisor. No notification is required when a Code Two call is interrupted at the direction of either the Communications Center or a supervisor. Officers shall document the reason for the interruption with an appropriate log entry on their Daily Field Activities Report (DFAR).

- **Supervisors' Responsibilities:** Concerned supervisors shall ensure that each interrupted response which resulted in reassignment of a Code Two call is evaluated for appropriateness. In making this evaluation, the concerned supervisor should consider monitoring the radio frequency, reviewing relevant log entries, responding to the scene of the interruption, or other appropriate action.
- **Code Three:** A radio call accompanied by a "Code Three" designation is an emergency call. It shall be answered immediately, but in a manner which will enable the unit to reach the scene as quickly as possible with safety. Exemption from provisions of the Vehicle Code (Division 11) is granted only when officers sound a siren as reasonably necessary and the officers' vehicle displays a lighted red lamp visible from the front. Any call may justify a "Code Three" if any of the following elements are present:
  - A serious public hazard.
  - The preservation of life.
  - A crime of violence in progress.
  - The prevention of a crime of violence.
  - An immediate pursuit.
  - A unit at the scene requests another unit "Code Three."
- The final decision for the use of "Code Three," other than in response to a directed radio call, shall be made by the vehicle operator. An officer shall immediately broadcast his intention to proceed "Code Three" when the decision is based on other than a response to a directed police radio call. The "Code Three" broadcast shall include the nature and location of the activity and, when known, the starting point, route of travel, and destination. **Exception:** Whenever officers activate their Code Three equipment in conjunction with mobile field tactics at the scene of a riotous incident, a "Code Three" notification to the Communications Center is not required.
- When more than one unit is "Code Three" in the same general area, they shall be notified by the Communications Center that other units are "Code Three" in the vicinity.
- When the "Code Three" has been terminated, the officer shall notify the Communications Center as soon as practicable, affirming or confirming the cancellation of a Code Three response.

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- Officers traveling to the scene of a riotous incident in a mobile field force configuration with their Code Three equipment activated shall still notify the Communications Center that they are traveling Code Three.
- **Code Four:** When additional assistance is not needed at the scene of an "All Units" call, a "Code Four," followed by the location of the call, shall be broadcasted. Radio units which are not assigned to the call and which are not at the scene shall return to their assigned patrol area when a "Code Four" is broadcasted.
- **Code Four Adam:** When additional assistance is not needed at the scene of an "All Units" call but the suspect is still in the vicinity, a "Code Four Adam," followed by the location of the call, shall be broadcasted. This should then be followed by a description of the suspect. Radio units which are not assigned to the call but which are on the way to the scene shall, when a "Code Four Adam" is broadcasted, patrol or post themselves at strategic locations near the scene.
- **Code Five:** A unit intending to conduct a surveillance operation shall notify the dispatcher of the location and request a "Code Five." The dispatcher, upon receipt of the message, shall immediately broadcast that there is a "Code Five" at the particular location. All units shall avoid the vicinity except in an emergency or in response to a call. The Communications Center shall notify nearby agencies of the Code Five.
- **Clearing Code Five:** When the need for a "Code Five" no longer exists, the originating unit, or the last unit to leave the scene, shall request the dispatcher to clear the "Code Five" at the particular location. The Communications Center shall notify nearby agencies when the Code Five is concluded and all units are clear.
- **Code Five Edward:** In the event that an explosive hazard to low-altitude aircraft is detected, officers are to follow the protocol for "Code Five Edward" and shall notify the Communications Center who will in-turn notify the Federal Aviation Administration (FAA) and the LAPD Air Support Division (ASD) of this hazard. All units shall avoid the vicinity except in an emergency or in a response to a call for service.
- **Officers' Responsibilities:** An officer determining that an explosive hazard exists to low-altitude aircraft shall immediately notify the Communications Center of a "Code Five Edward" via telephone or radio. Note: Radio or Mobil Digital Terminal (MDT) communications may detonate an explosive device. All radio or MDT communications should be made approximately one block (500 feet) away from the "Code Five Edward" location. The officer shall inform the Communications Center of the "Code Five Edward" location and the area of the established perimeter (as measured in feet) around the bomb device/explosive hazard. A "Code Five Edward" notification shall be made in addition to all the other Department requirements for investigations involving explosives, when the following circumstances exist:
  - Incident involving an explosive device which is in an exposed (open air) area or will be moved to an exposed area;
  - Incident where the LAPD Bomb Squad is requested to examine and "render-safe" any explosive item in an exposed area; and



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- Incidents involving any explosive devices (indoors or outdoors) where the explosion could result in blast pressures that may be hazardous to aircraft operations.
- **Supervisors' Responsibilities:** The concerned supervisor shall ensure the Communications Center is notified of any perimeter adjustment. When the need for a "Code Five Edward" no longer exists, the concerned supervisor shall ensure the Communications Center is notified to clear the "Code Five Edward."
- **Communication Responsibilities:** Upon receiving notification of a "Code Five Edward," the dispatcher shall immediately broadcast the "Code Five Edward" notification and the location.
- **Code Six:** When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six", followed by the location, shall be broadcasted. A unit shall not go "Code Six" until it arrives at the scene of a call. A unit on "Code Six" status may indicate to the dispatcher additional circumstances which will make the unit unavailable for assignment to a priority call. These circumstances may include:
  - Suspect in custody.
  - Primary unit at a crime scene.
  - Required at a back up, assistance, or help location.
  - The unit shall notify the dispatcher as soon as it is again available for radio calls.
- **Code Six Adam:** When an officer may need assistance in conducting an investigation, the officer should broadcast "Code Six Adam" with his/her location. Other radio units in the vicinity should then patrol in the general direction of the given location. Officers should not ordinarily leave their assigned districts but should deploy to an advantageous position in the event that assistance is later requested. When a unit broadcasts "Code Six Adam" and later finds that assistance will not be needed, a "Code Four" and the location shall be given without delay.
- **Code Six Charles:** When a one-officer unit receives a "Code Six Charles" in answer to a request for information on a suspect, the officer shall place himself/herself in a position of advantage over the suspect while awaiting arrival of assistance. When control is obtained, the one-officer unit may request and receive the want/warrant information from the dispatcher. When a "Code Six Charles" is received by a two-officer unit, the officers shall immediately place themselves in positions of advantage over the suspect. When control is obtained, the unit shall request the want/warrant information from the dispatcher.
- **Code Six George:** When an officer may need assistance in conducting an investigation concerning possible gang activity, the officer should broadcast "Code Six George" and the location. Other radio units in the vicinity should then patrol in the general direction of the location given. Officers should not ordinarily leave their assigned districts but should deploy to an advantageous position in the event that assistance is later requested. When a unit broadcasts "Code Six George" and later finds that assistance will not be needed, a "Code Four" and the location shall be given without delay.

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- **Code Seven:** When a unit desires to go out of service for meal time, a request for "Code Seven," accompanied by the location the officer's assigned vehicle will be parked, shall be transmitted to the dispatcher. The dispatcher shall instruct the unit to "Stand By" until it can be determined whether the request can be immediately granted. If the request cannot be granted, the dispatcher shall instruct the unit to "Continue Patrol." If the request is granted, the dispatcher shall inform the unit "OK for Seven."
- **Code Eight:** This call is broadcast for general information when a fire has been reported at a specific location where there is a high fire hazard or a threat of personal danger to firefighters from hostile groups. Units in the vicinity should respond to the call but remain on the air available for calls unless it is necessary to assist or investigate.
- **Code Eight Adam:** This call is broadcast when the Communications Center has received notification confirming an active, verified fire at a specific location and the senior officer at the scene has requested additional fire units. A specific police unit shall be assigned the call to assist with traffic or crowd control.
- **Code Eight Henry:** This call is broadcast to a unit to inspect a location involving work done using a controlled open flame or fire.
- **Code Ten:** This call is broadcast when a clear frequency is required to check a suspect for wants/warrants. When an officer desires a clear frequency to check a suspect for wants/warrants, the officer shall:
  - Determine that the frequency is not in use.
  - Identify himself/herself with his/her unit number.
  - Request "Code Ten" and state the number of suspects to be checked.
  - Indicate whether suspects are juveniles. Note: A "Code Ten" designation shall not be used to request a clear frequency for crime information broadcasts or any other information, except as specified above.
- **Code Twelve:** An officer who responds to a "Code Thirty," "Code Thirty Adam," "Code Thirty Ringer," "Code Thirty Victor," or a "211 silent," and determines that there is no evidence of a burglary or robbery, and it appears that the false alarm was caused by equipment malfunction or subscriber error, shall broadcast "Code Twelve," the address, and the tenant name, if any. Note: A "Code Twelve" shall be broadcasted, in addition to any crime information, when a 211 silent alarm is used to summon the police for reasons other than a robbery.
- **Code Thirty:** This call is broadcast for general information when a silent burglar alarm has been reported by an alarm company or by an automatic tape message. Units in the vicinity should respond to the call but remain available for calls unless it is necessary to go "Code Six" for the purpose of assistance or investigation.
- **Code Thirty Adam:** This call is broadcast when a silent burglar alarm has been reported by an alarm company and the location is being monitored audibly. Units in the vicinity should respond to the call but remain available for calls unless it is necessary to go "Code Six" for the purpose of assistance or investigation. Note: If the location appears to be secure, officers shall ascertain, via the Communications Center, whether the alarm company is monitoring any activity within the location.

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- **Code Thirty Ringer:** This call is broadcasted when a dispatcher receives information that a ringing burglar alarm has been activated. Units in the vicinity should respond to the call but remain available for calls unless it is necessary to go "Code Six" for the purpose of assistance or investigation.
- **Code Thirty-Seven:** The dispatchers running want/warrant information for field personnel shall broadcast a "Code Thirty-Seven" when stolen vehicle information is returned on vehicle license numbers. Frequency shall be placed on stand-by with an alert tone until all occupants are under control and officers advise "Code Four Adam" at the location. Field personnel shall employ appropriate officer safety tactics and report pertinent information such as location, direction of travel, vehicle description, and the number of occupants involved. When the suspect(s) are under the complete control of SWORN PERSONNEL or additional assistance is not required, field employees shall broadcast a "Code Four" in response to a "Code Thirty Seven." Note: The Communications Center shall continue to broadcast "Code Six Charles" in cases of vehicle license numbers connected with high risk suspects or vehicles, such as armed and dangerous, felony want/ warrant. For example, if a vehicle license number is associated with a stolen vehicle used in connection with an armed robbery, a "Code Six Charles" will be broadcasted, NOT "Code Thirty-Seven Vehicle."
- **Code Robert:** When an employee needs an Urban Police Rifle (UPR) or Shotgun Slug Ammunition (SSA) to respond to their location, the employee shall broadcast the unit designation, location, and "Code Robert-UPR" or "Code Robert-Slug." Upon deployment of the UPR or SSA, the responsible officer shall broadcast "Code Robert Deployed."
- **Code Bravo Tango:** Report of an explosive device.
- **Code Nora:** A report of possible nuclear material from a Personal Radiation Device activation or other device.
- **Code Alpha:** Request units to respond to a particular location (i.e. debrief at station, etc.).
- **Code Sam:** When an employee needs a 40 mm impact shotgun, the employee shall broadcast the unit designation, location, and "Code Sam."
- **Code Tom:** When an employee needs a TASER, the employee shall broadcast the unit designation, location, and "Code Tom."
- **Code 100:** This code shall be broadcasted by a field unit to notify other units that a possible escape route of a suspect from a crime scene is under temporary surveillance. The term "Code 100" shall be broadcasted in the following sequence: unit identification, "Code 100," and the location.

#### 802.4.4 RADIO COMMUNICATIONS TERMS

- AC: Aircraft crash.
- FB: Fallen Balloon.
- 211: Robbery.

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- 242: Battery.
- 245: Assault with deadly weapon.
- 311: Indecent exposure.
- 390M: Drunk male.
- 390F: Drunk female.
- 415: Disturbance.
- 422: Criminal threats.
- 459: Burglary.
- 484: Theft.
- 484PS: Purse Snatching.
- 487: Grand Theft.
- 502: Under the influence driver.
- 507FW: Fireworks.
- 586: Illegal parking.
- 586E: Car parked in driveway.
- 602: Trespasser.
- 647: Drunk in public.
- Roger: Message received; will comply.
- Come In: You are being called.
- Stand By: Wait until a suitable answer is determined or do not transmit.
- Go Ahead: Proceed with your message.
- Repeat: Repeat your message.
- Out: Out of service; not available for calls (used when no other specific code applies and shall be followed by the reason).
- Clear: No calls outstanding against unit; available for calls. Note: When reporting on duty, units equipped with two way radios and engaged in either uniformed or plainclothes patrol shall report "Clear" and indicate the watch to which they are assigned.
- Want: Determine whether a vehicle is wanted or is to be held.
- No Want: No want or hold on subject or vehicle of inquiry.
- Warrant: Vehicle warrant information.
- DMV: Information regarding vehicle registration.

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- Juvenile Check: Determine whether there is want, hold, or criminal record for juvenile subject.
- End of Watch: Unit has completed tour of duty. Note: When a unit goes off duty, the dispatcher shall be notified of the location and that the unit is "End of Watch." When a unit has worked beyond the normal tour of duty, the watch to which the unit is assigned shall also be reported.

#### 802.4.5 INITIAL BROADCASTS OF CRIME DESCRIPTION

The first officers to arrive at the scene of a crime shall conduct a brief interview with the victim or witnesses. Information, when applicable, shall be transmitted in the following sequence to the dispatcher, without delay:

- Type of Crime.
- Occurred \_\_\_\_\_ Minutes Ago.
- Location.
- Vehicle Used (or left on foot).
- Direction Taken.
- Number, Sex, Descent of Suspects.
- Outstanding Features.
- Weapon(s), if applicable.
- General Type of Property taken.

#### 802.4.6 SUPPLEMENTAL BROADCAST OF CRIME DESCRIPTION

As soon as practicable after the initial brief information concerning the occurrence of a crime has been relayed to the dispatcher for broadcast, supplemental information, including a detailed description of the suspect, shall be relayed to the dispatcher. These suspects' descriptions shall follow the sequence as outlined in the related crime report.

#### 802.4.7 REPORTING OUT OF SERVICE

When it is necessary for a unit to go out of service for any reason, except in response to an assignment given to them by the dispatcher, the reason and the location shall be transmitted to the dispatcher.

Note: If practicable, a unit remaining out of service shall notify the dispatcher of the reason and the location (once each hour) that it is out of service. This shall be done even though the unit may be working beyond the normal tour of duty.

#### 802.4.8 AVAILABILITY WHILE ON NON-PRIORITY CALLS

Field units assigned non-priority calls, as well as units on "Code Six" status, shall remain available for reassignment to priority calls by monitoring their radio frequencies.

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Units reassigned to a priority call shall be responsible for the completion of their non-priority call(s). Officers shall explain their change in status to the reporting person. The Communications Center shall be notified when officers are prepared to resume the handling of their non-priority call(s). Officers unable to resume the handling of their non-priority call(s) shall notify the Communications Center.

If officers assigned to a non-priority call determine that additional circumstances exist which preclude their reassignment to a priority call, they shall broadcast a "Code Six" indicating the circumstances. Note: A priority call is a call for service which is of an emergency or urgent nature causing a unit to respond "Code Three" or "Code Two," respectively. Non-priority calls are all other calls for routine service.

#### **802.4.9 ASSIGNMENT OF PRIORITY CALLS- NO AVAILABLE UNITS**

The Communications Center shall handle priority calls in the following manner whenever there are no units available in the area of occurrence:

- (a) If the patrol zone unit is unavailable, the Communications Center shall assign the call to the closest available unit.

#### **802.5 ASSIGNMENT OF UNITS TO ALARM CALLS**

Communications personnel who receive a call from an alarm company or private person, generated by the activation of a robbery or burglary alarm, shall:

- Determine the type of alarm being reported.
- Dispatch the patrol zone unit, a back-up unit, and a supervisor to the alarm location.

#### **802.5.1 INCIDENTS MOTIVATED BY HATRED OR PREJUDICE**

The Communications Center shall dispatch a unit whenever a call for service involves any incident motivated by hatred or prejudice.

#### **802.5.2 REQUESTING BICYCLE INFORMATION.**

When requesting information about a bicycle, the following information, when known, shall be given:

- Frame number of bicycle.
- License number.
- Expiration date of license.
- Make of bicycle.
- Serial Number, if available.

#### **802.6 RADIO UNIT DESIGNATIONS**

This policy specifies radio unit designations for staff and field units.

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#### 802.6.1 FIELD UNIT DESIGNATIONS

Current unit call sign rosters will be maintained and may be obtained from the Communications Center. ([See attachment: LAPPD Call Signs and Radio Designations 10-2023.pdf](#))

Unit designations shall be stated by all units at the beginning of each transmission:

- **Patrol Unit Designations:** Patrol units shall be identified by the number of the watch ("A" Watch -1; "B" Watch 2) followed by the applicable service letter and the unit number corresponding to one of the numbered reporting districts.
- **Watch Commanders:** Watch commanders shall be assigned the unit number "10."
- **Special air flights:** Special air flights will be designated "Air 20" through "Air 200."
- **Base Stations:** Base stations shall be identified by the applicable service letter and the unit number "90."
- **Watch Supervisor:** Watch supervisory units shall be identified by the number of the watch followed by the letter "L" and a two digit number ending in "zero." The number "10" shall designate the Watch Commander.

#### 802.7 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

#### 802.8 CONFIDENTIALITY

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with policy manual § 812.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files, or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

#### 802.9 DOCUMENTATION

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document, and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name, address, and telephone number of the reporting person, if possible.
- Type of incident reported.

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- 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.
- Case number, if applicable.

**802.10 RESPONSIBILITIES**

**802.10.1 COMMUNICATIONS SUPERVISOR**

Communications Supervisor is directly responsible to the Support Services Division Commanding Officer or their authorized designee.

The responsibilities of the Communications Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training, and evaluating dispatchers.
- (d) Ensuring that dispatchers maintain POST certification and attend the required recurring training.
- (e) 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.
- (f) Processing requests for copies of the Communications Center information for release.
- (g) Maintaining the Communications Center database systems.
- (h) Maintaining and updating the Communications Center procedures manual.
  1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  2. Ensuring dispatcher compliance with established policies and procedures.
- (i) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with policy manual § 1020.
- (j) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.



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**802.10.2 ADDITIONAL PROCEDURES**

The 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 the Communications Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent, and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

**802.10.3 DISPATCHERS**

Dispatchers report to the Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  - 1. Emergency 9-1-1 lines.
  - 2. Business telephone lines.
  - 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment if available.
  - 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 the Communications Center, Department, and other law enforcement database systems (CAD, CLETS, DMV, NCIC).

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- (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.
- (g) Monitoring GPS Tracking System (3SI), the Automated License Plate Reader (ALPR), Geospatial Technologies (GST), and special events.

#### **802.11 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 six key questions:

- Where?
- What?
- When?
- Who?
- Why?
- Weapons or hazards?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual, and the interpreter.

Dispatchers should be courteous, patient, and respectful when dealing with the public.

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#### **802.11.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding Department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when Department members are unavailable for dispatch.

#### **802.11.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

### **802.12 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 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.

#### **802.12.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Los Angeles Port Police radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **802.12.2 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

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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. ([See attachment: LAPPD Call Signs and Radio Designations 10-2023.pdf](#)).

## Property and Evidence

### 804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

#### 804.1.1 LOS ANGELES POLICE DEPARTMENT PROCEDURES

This policy presents guidelines for handling property. Los Angeles Port Police will generally follow the procedures and use the forms established by the Los Angeles Police Department (LAPD) when booking property.

### 804.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping, and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Los Angeles Port Police for safekeeping such as a firearm.
- Personal property of an arrestee not taken as evidence.
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons)).

**Found property** - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

### 804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

#### 804.3.1 PROPERTY BOOKING PROCEDURE

All property shall be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.

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- (b) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- (c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit a copy of the completed property record into a numbered locker indicating the location of the property.

#### 804.3.2 NARCOTICS AND/OR DANGEROUS DRUGS

All narcotics and/or dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and/or dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Unit and detectives.

#### 804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling, and disposal of all suspected explosives.

Explosives shall not be retained in the police facility. The only exceptions are fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The LAPD Property Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

#### 804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) License plates found not to be stolen or connected with a known crime, should be released directly to the LAPD Property Officer, or placed in a United States Postal Mailbox for return to the Department of Motor Vehicles. No formal property booking process is required.
- (b) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the LAPD Property Officer, or placed in the bicycle storage area until a LAPD Property Officer can log the property.

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- (c) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

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.

**804.3.5 RELINQUISHED FIREARMS**

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number, or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold, or otherwise transferred, unless (Penal Code § 29810):

- (a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- (b) The convicted person provides written notice of 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 Los Angeles Port Police has complied with the requirements of Penal Code § 33850 et seq.

The LAPD Property Officer shall ensure the Records 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 policy manual § 810).

**804.4 PACKAGING OF PROPERTY**

Certain items require special consideration and shall be booked separately as follows:

- (a) Narcotics and/or dangerous drugs.
- (b) Firearms (ensure they are unloaded and booked separately from ammunition).
- (c) Property with more than one known owner.
- (d) Paraphernalia as described in Health and Safety Code § 11364.
- (e) Fireworks (see policy manual § 804.3.3).
- (f) Contraband.

**804.4.1 PACKAGING CONTAINER**

Employees shall package all property, except narcotics and/or dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

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A property tag shall be securely attached to the outside of all items or group of items packaged together.

#### **804.4.2 PACKAGING NARCOTICS**

The officer seizing narcotics and/or 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.

Narcotics and/or 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/or dangerous drugs shall not be packaged with other property.

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.

#### **804.5 RECORDING OF PROPERTY**

The LAPD 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 log.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control log.

Any changes in the location of property held by the Los Angeles Port Police shall be noted in the property log located in the Criminal Investigations Section.

#### **804.6 PROPERTY CONTROL**

Each time the LAPD Property Officer receives property or releases property to another person, he/she shall enter this information on the property control log. Officers desiring property for court shall contact the LAPD Property Officer at least one day prior to the court day.

##### **804.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the LAPD Property Officer. This request may be filled out any time after booking of the property or evidence.

##### **804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time on the property control log and the request for laboratory analysis.

The LAPD Property Officer releasing the evidence must complete the required information on the property control log 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



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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 Unit for filing with the case.

#### 804.6.3 STATUS OF PROPERTY

Each person receiving property from the LAPD Property Officer 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 log, stating the date, time, and to whom released.

The LAPD 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 log, indicating date, time, and the person who returned the property.

#### 804.6.4 TEMPORARY PROPERTY ROOM

The temporary property room function is responsibility of the Criminal Investigations Section. The temporary property room will serve as a secured location for the receipt, storage, and release of property and evidence. The management of stored property relating to found, seized, recovered, or evidentiary property in the custody of the Los Angeles Port Police will be overseen by the Department's court liaison officer.

It is the responsibility of assigned detective(s) to log all property and evidence into agency records as directed by our standard operating procedures. All currency, narcotics, and explosives shall be book at LAPD Property Division according to standard booking procedures. Any firearm(s) requested to be temporarily stored at the Los Angeles Port Police Temporary Property Room, shall have approval from the Commanding Officer of Support Services Division.

All evidence or property received by the Criminal Investigations Section will have an assigned case number. Property and evidence may be received in the following categories:

- Arrest evidence.
- Investigative evidence.
- Found evidence.
- Decedent's evidence.
- Disposal evidence.
- Other evidence.

The court liaison officer shall conduct a monthly audit for all property stored in the temporary storage room and provide a report to the Commanding Officer of Support Services Division. The Commanding Officer or their authorized designee shall conduct random audits or inspections of the Temporary Property Room.

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#### 804.6.5 AUTHORITY TO RELEASE PROPERTY

The Criminal Investigations Section supervisor shall authorize the disposition or release of all evidence and property coming into the care and custody of the Los Angeles Port Police.

#### 804.6.6 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.

A LAPD Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control log, the log shall be forwarded to the Records Unit for filing with the case. If some items of property have not been released, the property card will remain with the Support Services Division. Upon release, the proper entry shall be documented in the property control log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

The Support Services Division supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

#### 804.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Los Angeles Port Police, and the legal rights of the parties cannot be clearly established. Such property shall

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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 Los Angeles Port Police may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

#### 804.6.8 CONTROL OF NARCOTICS AND/OR DANGEROUS DRUGS

The Criminal Investigations Section will be responsible for the storage, control, and destruction of all narcotics and/or dangerous drugs coming into the custody of this Department, including paraphernalia as described in Health and Safety Code § 11364.

#### 804.6.9 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the LAPD Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

#### 804.6.10 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- (b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

#### 804.6.11 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

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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 Los Angeles Port Police determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

#### 804.6.12 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

#### **804.7 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The LAPD Property Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

##### 804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; 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).

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- Sexual assault evidence (Penal Code § 680(e)).

#### 804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Los Angeles Port Police shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held, and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this Department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

#### 804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Support Services Division supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant.
- (b) The defendant's attorney.
- (c) The appropriate prosecutor and Attorney General.
- (d) Any sexual assault victim.
- (e) The Criminal Investigations Section Group 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 Support Services Division supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Los Angeles Port Police 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 Criminal Investigations Section Group supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Los Angeles Port Police and the head of the applicable prosecutor's office.

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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 Criminal Investigations Section Group supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

#### **804.8 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division or their authorized designee.

## Records Unit

### 806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Los Angeles Port Police Records Unit. The policy addresses Department file access and internal requests for case reports.

#### 806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Unit by Records Unit personnel.

Reports are numbered commencing with the last two digits of the current year followed by a two digit agency code and a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YYP00001 would be the first new case beginning January 1 of a new year.

### 806.2 POLICY

It is the policy of the Los Angeles Port Police to maintain Department records securely, professionally, and efficiently.

### 806.3 RESPONSIBILITIES

#### 806.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the Records Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Unit.
- (b) Scheduling and maintaining Records Unit time records.
- (c) Supervising, training, and evaluating Records Unit staff.
- (d) Maintaining and updating a Records Unit procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see policy manual § 812).
- (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:
  1. Homicides.
  2. Sexual Assaults.
  3. Cases involving Department members or public officials.
  4. Any case where restricted access is prudent.

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**806.3.2 RECORDS UNITS**

The responsibilities of the Records Unit 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).
  - 6. Anti-reproductive rights crime information required by Penal Code § 13777.
- (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, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (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)).



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- (j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

**806.3.3 RECORDS UNIT PROCEDURE MANUAL**

The Records 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.

**806.4 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by officers of the Los Angeles Port Police 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 supervisor. The Administrative Services Division supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Division supervisor should forward the petition to the Criminal Investigations Section supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Criminal Investigations Section supervisor and the Administrative Services Division supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Division supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Division supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

**806.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING**

The Patrol Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

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- (c) The California DOJ is notified.

**806.6 CONFIDENTIALITY**

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit 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 policy manual § 810 and § 812 and the Records Unit procedure manual.

**806.7 ORIGINAL CASE REPORTS**

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting Department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Unit 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 Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

**806.8 FILE ACCESS AND SECURITY**

The security of files in the Records Unit 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 Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Watch Commander.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

## Restoration of Firearm Serial Numbers

### 808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

#### 808.1.1 LOS ANGELES POLICE DEPARTMENT CRIME LAB

This policy provides guidelines for restoration of firearm serial numbers. Officers will work through the Los Angeles Police Department (LAPD) crime lab and use its procedures when requesting the restoration of a firearm serial number.

### 808.2 PROCEDURE

Any firearm coming into the possession of the Los Angeles Port Police as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

#### 808.2.1 PRELIMINARY FIREARM EXAMINATION

- (a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- (b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- (c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document the cylinder chamber and magazine contents. Package the ammunition separately.
- (d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

#### 808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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#### **808.2.3 OFFICER RESPONSIBILITY**

The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

#### **808.2.4 DOCUMENTATION**

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

#### **808.2.5 FIREARM TRACE**

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

#### **808.3 BULLET AND CASING IDENTIFICATION**

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to ATF National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

## Records Maintenance and Release

### 810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Department records. Protected information is separately covered in policy manual § 812.

### 810.2 POLICY

The Los Angeles Port Police is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

### 810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of Department public records.
- (b) Maintaining and updating the Department records retention schedule including:
  1. Identifying the minimum length of time the Department must keep records.
  2. Identifying the Department or Group responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of Department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- (g) Determining how the Department's website may be used to post public records in accordance with Government Code § 7922.545.
- (h) Ensuring that all Department current standards, policies, practices, operating procedures, and education and training materials are posted on the Department's website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website. (Government Code § 7922.710; Government Code § 7922.720)

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**810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any Department member who receives a request for any record shall route the request to the Custodian of Records or their authorized designee.

**810.4.1 REQUESTS FOR RECORDS**

Any member of the public, including the media and elected officials, may access unrestricted records of this Department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain Department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or their authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
  - 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
  - 2. If the record requested is available on the Department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

**810.5 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any Department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- (b) Social Security numbers (Government Code § 7922.200).
- (c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
  1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
  2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- (d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
  1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident

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- report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- (e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
  - (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
    1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
  - (g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
    1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.
  - (h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
  - (i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
  - (j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
  - (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
  - (l) Any record created exclusively in anticipation of potential litigation involving this Department (Government Code § 7927.200).
  - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).



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- (n) Records relating to the security of the Department's electronic technology systems (Government Code § 7929.210).
- (o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

#### **810.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney, or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **810.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Department name and to whom the record was released.

Each audio/video recording released should include the Department name and to whom the record was released.

#### **810.8 SEALED RECORD ORDERS**

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police

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investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

#### 810.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records 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).

#### **810.9 SECURITY BREACHES**

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- (a) Social Security number.
- (b) 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.
- (c) 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.
- (d) Medical information.
- (e) Health insurance information.
- (f) Information or data collected by Automated License Plate Reader (ALPR) technology.
- (g) Unique biometric data.
- (h) Genetic data.
- (i) A username or email address, in combination with a password or security question and answer that permits access to an online account.

#### 810.9.1 FORM OF NOTICE

- (a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

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1. The date of the notice.
  2. Name and contact information for the Los Angeles Port Police.
  3. A list of the types of personal information that were or are reasonably believed to have been acquired.
  4. The estimated date or date range within which the security breach occurred.
  5. Whether the notification was delayed as a result of a law enforcement investigation.
  6. A general description of the security breach.
  7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
- (b) The notice may also include information about what the Los Angeles Port Police has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
- (c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
  2. When the breach involves an email address that was furnished by the Los Angeles Port Police, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

**810.9.2 MANNER OF NOTICE**

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
1. Written notice.
  2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
  3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:

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- (a) Email notice when the Department has an email address for the subject person.
  - (b) Conspicuous posting of the notice on the Department's webpage for a minimum of 30 days.
4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
- (b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

**810.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

**810.10.1 DELAY OF RELEASE**

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (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 § 7923.625).

**810.10.2 NOTICE OF DELAY OF RELEASE**

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- (a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would

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substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

- (a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

#### 810.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

#### 810.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- (a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
- (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

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written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

#### **810.11 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Chief of Police or the authorized designee.

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## Protected Information

### 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by members of the Los Angeles Port Police. 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 policy manual § 810.

#### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored, or accessed by members of the Los Angeles Port Police and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local law enforcement databases that is not accessible to the public.

### 812.2 POLICY

Members of the Los Angeles Port Police will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

### 812.3 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.

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#### **812.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Los Angeles Port Police 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 policy manual § 1020 and/or criminal prosecution.

##### **812.4.1 PENALTIES FOR MISUSE OF RECORDS**

It is a misdemeanor to furnish, buy, receive, or possess Department of Justice (DOJ) 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 DOJ may lose direct access to CORI (11 CCR 702).

#### **812.5 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 Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see policy manual § 810).

##### **812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD**

Individuals requesting to review their own California criminal history information shall be referred to the DOJ directly (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

##### **812.5.2 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.



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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **812.6 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents including computer attacks.
- (d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

#### **812.6.1 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).

#### **812.7 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.

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**812.8 CALIFORNIA RELIGIOUS FREEDOM ACT**

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin, or ethnicity (Government Code § 8310.3).

## Computers and Digital Evidence

### 814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders, and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

### 814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological, or trace evidence, and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
  1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
  2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case, and remove the battery.
- (e) Label each item with case number, evidence sheet number, and item number.
- (f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (g) Lodge all computer items in the Los Angeles Police Department Property Room; or as directed by a Los Angeles Port Police Criminal Investigations Section in exceptional cases where a matter is evolving and being investigated by Los Angeles Port Police. 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.

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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.

#### **814.2.1 BUSINESS OR NETWORKED COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

#### **814.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

#### **814.3 SEIZING DIGITAL STORAGE MEDIA**

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access, or open digital files prior to submission. If the information is needed for immediate investigation request the Detectives to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters, or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging.

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**814.4 SEIZING PCDS**

Personal communication devices such as cell phones, PDAs, or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data, and/or images.

- (a) Officers should not attempt to access, review, or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted, and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network. Contact Criminal Investigations Section for alternate instructions (such as placing the device into Airplane Mode) if proper equipment is unavailable.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

**814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS**

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

**814.5.1 COLLECTION OF DIGITAL EVIDENCE**

Once evidence is recorded it shall not be erased, deleted, or altered in any way prior to submission in their original digital format. All photographs taken will be preserved regardless of quality, composition, or relevance. Video and audio files will not be altered in any way.

**814.5.2 SUBMISSION OF DIGITAL MEDIA**

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card, or any other media) shall be brought to the Los Angeles Port Police Station as soon as possible for submission into evidence.
- (b) Officers are not authorized to review or copy memory cards prior to copying to downloading and storage to a CD-R. In cases where the recording media itself will be booked into evidence, evidence technicians or qualified detective personnel are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- (c) Officers will make one copy of the memory card using appropriate storage media (CD-R). 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 originals.
- (d) Officers requiring a copy of the digital files must request a copy from the Records Unit.

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#### 814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to un-editable storage media (CD-R). Three copies shall be made. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

#### 814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only the Officer who took the photograph or other digital media is authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered. The digital media shall be marked as original with the Officer's name, serial number, date, and case or incident number.
- (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.

#### 814.5.5 SUBMISSION OF DIGITAL MEDIA WITH REPORTS

Digital evidence should be referenced in the associated reports, attached and submitted with reports as follows:

- (a) One original copy of the un-editable media (CD-R) shall be created and marked as original with the Officer's name, serial number, date, and report or incident number. These copies shall be placed in envelopes and attached to the reports as follows:
  - 1. The CD-R should be attached to the Los Angeles Port Police records copy.
- (b) Where digital photographs are taken, color copies shall be printed and attached to the following reports. If a large number of photographs are submitted, thumbnail prints are acceptable. If there are several critical photographs, they should be printed in larger format for easy review.
  - 1. One set should be attached to the copy to be submitted to Los Angeles Police Department.
  - 2. One set should be attached to the Los Angeles Port Police Detective copy.
  - 3. One set should be attached to the Los Angeles Port Police Records copy.
- (c) Los Angeles Port Police Records Unit responsibilities:
  - 1. Maintain the original CD-R with the paper copy of the report.
  - 2. Provide a true and accurate copy of the original to authorized recipients.
  - 3. Upload the original digital file to the RMS system.

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4. Upload the printed copies of the photographs as part of the report if attached.

## Animal Control

### 820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

### 820.2 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
  - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
  - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
  - 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

### 820.3 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.

City Sanitation or other appropriate response agency (as in the case of marine mammals) should be notified to respond to remove the animal.

Notification shall be made via communications to the appropriate agencies.

Members should attempt to identify and notify the owner of the final disposition of the animal.

### 820.4 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



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cannot be located, City Animal Control should be notified. In the event City Animal Control does not respond, 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.

#### **820.4.1 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 City Animal Control is not available, the information will be forwarded for follow-up.

#### **820.4.2 INJURED WILDLIFE**

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

#### **820.4.3 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.

### **820.5 POLICY**

It is the policy of the Los Angeles Port Police to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state, and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### **820.6 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.

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- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

**820.7 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.

**820.8 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).

**820.9 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

**820.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

**820.11 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, policy manual § 312 shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

## **Chapter 9 - Custody**

## Temporary Custody of Adults

### 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Los Angeles Port Police for processing prior to being released or transferred to a housing or other type of facility. The Department does not maintain any locked rooms for the detention of adults. The secure detention of adults is limited to the cuffing rail bench adjacent to the Watch Commander office.

The Department has obtained a determination from the State of California Corrections Standards Authority that the Temporary Lockup facilities in the Los Angeles Port Police station at 330 S. Centre Street do not meet the statutory criteria to be regulated as a "local detention facility". As such, the regulations and mandates related to adult detainees under Title 15 are not required for this facility. All such regulations and mandates for juvenile detainees remain in place. The Department has determined that in order to maintain the highest level of safety and security of detainees and staff, many of the rules required for managing a local detention facility (often referred to as a Temporary Holding Facility) will be kept in place for our facility and are set out in this policy.

Temporary custody of juveniles is addressed in policy manual § 324. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in policy manual § 902.

#### 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 Los Angeles Port Police prior to being released or transported to a housing or other type of facility.

### 900.2 POLICY

The Los Angeles Port Police 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.

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**900.3 GENERAL CRITERIA AND SUPERVISION**

No adult should be in temporary custody for longer than six hours. No adult will be placed into secure detention other than if secured to the cuffing rail bench adjacent to the Watch Commander's office. No person will be detained in any locked room in any Los Angeles Port Police facility.

**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 Los Angeles Port Police, 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 in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see policy manual § 418).
  - 1. If the officer taking custody of an individual believes that the individual 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 policy (see policy manual § 418).
- (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 themselves 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 the individual's health or safety.
- (j) Any individual with an obvious developmental disability (15 CCR 1057).
- (k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, 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).

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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 member capable of supervising shall be present 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 the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female Department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

#### **900.3.3 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 the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the City jail or the appropriate mental health facility.

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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).
- (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 Patrol Operations Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to Department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

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- (a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
  - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  - 1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
    - (c) Forward any communication from the individual to the individual's 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 the individual's 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 the individual's consular officers without delay.

**900.5 SAFETY, HEALTH, AND OTHER PROVISIONS**

**900.5.1 TEMPORARY CUSTODY LOGS**

Any time an individual is in temporary custody at the Los Angeles Port Police, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including the individual's 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 Los Angeles Port Police.

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.



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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 will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.
- (j) 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. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Los Angeles Port Police. They should be released or transferred to another facility as appropriate.

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**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 the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

**900.5.5 TELEPHONE CALLS**

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's 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 policy manual § 380).
  - 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 the individual 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 the member's 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 the individual 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 the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
- (d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

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#### 900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety, and security, the religious beliefs, and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### 900.5.7 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 policy manual § 300 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).

#### 900.5.8 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).

#### 900.5.9 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).

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#### **900.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with policy manual § 306. 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 Los Angeles Port Police unless the person presents a heightened risk, and only in compliance with policy manual § 306.

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**

Adults who are known to be pregnant should be restrained in accordance with policy manual § 306.

#### **900.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in policy manual § 902, 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, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's 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 the individual 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 policy manual § 902), 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.

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- (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 15 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 the individual's well-being.
  - 4. Individuals who are sleeping or apparently sleeping should be awakened.
  - 5. Requests or concerns of the individual should be logged.

**900.8.1 USE OF SOBERING CELL**

Individuals who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any individual in a sobering cell (15 CCR 1056):

- (a) Placement of an individual into the cell requires approval of the Watch Commander.
- (b) A cell log shall be initiated every time an individual is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.
- (c) A safety check consisting of direct visual observation sufficient to assess the individual's well-being and behavior shall occur at least once every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
- (d) Under no circumstances shall an individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the individual does not have an urgent medical issue.
- (e) Individuals will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

**900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY**

The Patrol Operations Division Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Los Angeles Port Police. 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 Criminal Investigations Section supervisor.
- (c) Notification of the spouse, next of kin, or other appropriate person.

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- (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).

**900.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms, and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Los Angeles Port Police 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 the individual 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 the person's 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).

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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 POLICY ADMINISTRATION**

Adherence to his policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

# Custodial Searches

## 902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Los Angeles Port Police facility. Such items can pose a serious risk to the safety and security of Department members, individuals in custody, contractors, and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of the individual's 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, rectal cavity, or vagina of an individual.

**Strip search** - A search that requires an individual to remove or rearrange some or all of the individual's 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 the individual's underclothing, buttocks, genitalia, or female breasts are visible.

## 902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment, or retaliation.

## 902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's 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.

## 902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Los Angeles Port Police facilities. Except in exigent circumstances, the search should be conducted by a



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member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### **902.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this Department, such as weapons or large items. These items should be retained for safekeeping in accordance with policy manual § 804.

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 Los Angeles Port Police identification number, and information regarding how and when the property may be released. Officers should record the inventory process on their Body Worn Camera in accordance with Policy Manual § 450.

#### **902.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The Department member sealing it should place the member's 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. Officers should record the inventory process on their Body Worn Camera in accordance with Policy Manual § 450.

#### **902.5 STRIP SEARCHES**

No individual in temporary custody at any Los Angeles Port Police 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:

- (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.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on Department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

**902.5.1 STRIP SEARCH PROCEDURES**

Strip searches at Los Angeles Port Police facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Watch Commander.
  - 4. The name of the individual who was searched.
  - 5. The name and sex of the members who conducted the search.
  - 6. The name, sex, and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.

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9. A list of the items, if any, that were recovered.
  10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify 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 the individual's privacy and dignity.
- (h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- (i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

**902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

**902.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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- (b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- (c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary Department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Watch Commander's approval.
  - 4. A copy of the search warrant.
  - 5. The time, date, and location of the search.
  - 6. The medical personnel present.
  - 7. The names, sex, and roles of any Department members present.
  - 8. Any contraband or weapons discovered by the search.
- (f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

**902.7 TRAINING**

The Deputy Chief of Training and Emergency Management Group shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

**902.8 BODY SCANNER SEARCH**

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

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- (a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- (b) Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

**902.9 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Patrol Operations Division or their authorized designee.

## **Chapter 10 - Personnel**

## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Los Angeles Port Police and that are promulgated and maintained by the Fiscal Operations and Human Resources Division.

#### 1000.1.1 OTHER CITY POLICIES

See also the Los Angeles City Charter, the City Civil Service Code, the City Personnel Procedures, and the Los Angeles Harbor Department (LAHD) Employee Manual for additional information.

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Los Angeles Port Police 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 Professional Development and Training Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive Department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Professional Development and Training Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

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The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

**1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record).
  - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
  - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (b) Driving record.
- (c) Reference checks.
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites.
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.).
- (g) Local, state, and federal criminal history record checks.
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2).
- (i) Medical and psychological examination (may only be given after a conditional offer of employment).
- (j) Review board or selection committee assessment.
- (k) Adheres to minimum POST recommended selection standards.

**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).



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**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 Los Angeles Port Police (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

**1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

**1000.5.2 STATE NOTICES**

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

**1000.5.3 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private, or protected information, the Professional Development and Training Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Professional Development and Training Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Professional Development and Training Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

**1000.5.4 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall reference the Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation

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Manual. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Deputy Chief of Training and Emergency Management Group for final review and submission to POST (11 CCR 1953).

#### **1000.5.5 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

#### **1000.5.6 BACKGROUND INVESTIGATION UPDATE**

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Los Angeles Port Police, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

#### **1000.5.7 INVESTIGATOR TRAINING**

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators, and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred.
- Passage of time.
- Patterns of past behavior.
- Severity of behavior.
- Probable consequences if past behavior is repeated or made public.
- Likelihood of recurrence.
- Relevance of past behavior to public safety employment.
- Aggravating and mitigating factors.
- Other relevant considerations.

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

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#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Fiscal Operations and Human Resources Division should maintain validated standards for all positions.

##### **1000.7.1 STANDARDS FOR OFFICERS**

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.) and noted in the City of Los Angeles Port Police Officer's job bulletin:

- (a) Free of any felony convictions.
- (b) Be legally authorized to work in the United States under federal law.
- (c) At least 20 years of age at the time of application.
- (d) Be legally authorized to work in the United States under federal law.
- (e) At least 21 years of age by police academy graduation date except as provided by Government Code § 1031.4.
- (f) Fingerprinted for local, state, and national fingerprint check.
- (g) Good moral character as determined by a thorough background investigation (11 CCR 1953).
- (h) 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.
- (i) 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).
- (j) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681).
- (k) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  - 1. Reading and writing ability assessment (11 CCR 1951).

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2. Oral interview to determine suitability for law enforcement service (11 CCR 1952).
  - (l) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
  - (m) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

#### **1000.7.2 STANDARDS FOR DISPATCHER**

Candidates shall satisfy the POST selection standards, 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 Deputy Chief of Training and Emergency Management Group should coordinate with the Fiscal Operations and Human Resources Division to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

#### **1000.9 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Evaluation of Employees

### 1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work, and developing a guide for improvement.

### 1002.2 POLICY

The Los Angeles Port Police utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

### 1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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#### 1002.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under policy manual § 350.

#### 1002.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for six months before being eligible for certification as permanent employees. An evaluation is completed at the two, four, and five-month periods for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 18 months and sworn staff at the level of Captain or above are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly, and monthly during the probationary period. Sworn staff at the level of Captain or above are evaluated at the four, eight, and ten month periods.

Probationary periods will be extended as a result of absences of more than seven calendar days, excluding absences for vacation and accumulated overtime off.

#### 1002.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor using Los Angeles Harbor Department (LAHD) forms except where another format is agreed upon with an employee labor organization on the anniversary of the employee's date of hire except for employees who have promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

An alternative to the special evaluation is the use of the Supervisory Comment Form which will be utilized for evaluation purposes, maintained until used as part of the basis of the next annual evaluation after which the copies should be purged.

#### 1002.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - Is actual performance well beyond that required for the position. It is consistently exceptional performance, definitely superior, or extraordinary.

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**Exceeds Standards** - Represents performance that is consistently better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

**Meets Standards** - Is the consistent performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs Improvement** - Is a level of performance less than satisfactory or less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

#### **1002.6 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

#### **1002.7 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

#### **1002.8 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to Fiscal Operations and Human Resources Division.

#### **1002.9 CRITICAL POLICY REVIEW**

Supervisors shall discuss designated critical policies with employees during the supervisor meeting. Supervisors shall answer any questions that the employee has regarding the designated

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critical policies, or make arrangements to respond at a later time after conducting research. Employees shall review designated policies prior to the meeting.

#### **1002.9.1 CRITICAL POLICY DESIGNATION**

Critical policies will be designated by the Chief of Police or the authorized designee. Commanding Officers shall ensure that all of the employees within their command receive notification of the designated critical policies prior to the scheduling of any supervisor meetings.

#### **1002.9.2 DOCUMENTATION OF POLICY REVIEW**

At the completion of the supervisor meeting, or at a later time if the employee has questions that were not answered during the meeting, the employee shall sign a policy acknowledgement form indicating that they have received, read, and understand the designated policies.

#### **1002.10 OTHER CONTROLLING DOCUMENTS**

See policy manual § 106.7 regarding hierarchy of other controlling documents.



## Grievance Procedure

### 1006.1 PURPOSE AND SCOPE

It is understood a grievance of a policy or procedure in an employee's collective bargaining agreement or Memorandum of Understanding (MOU) will supersede this policy. It is the policy of this Department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

#### 1006.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee's bargaining agreement (Memorandum of Understanding).
- The Los Angeles Harbor Department, Employee Manual.
- This Policy Manual.
- City rules and regulations covering personnel practices or working conditions.

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to policy manual § 328. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of Department policy, federal, state, or local law as set forth in policy manual § 1020.

### 1006.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, then that employee shall observe the following procedure:

- (a) Attempt to resolve the issue through informal discussion with immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected Group or bureau.
- (c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.
- (d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:
  1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:

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- (a) The basis for the grievance (i.e., what are the facts of the case?).
- (b) Allegation of the specific wrongful act and the harm done.
- (c) The specific policies, rules, or regulations that were violated.
- (d) What remedy or goal is being sought by this grievance.
- (e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- (f) The Chief of Police will receive the grievance in writing. The Chief of Police and the Harbor Department Executive Director will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the Harbor Department Executive Director is considered final.

#### **1006.3 EMPLOYEE REPRESENTATION**

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

#### **1006.4 GRIEVANCE TRACKING**

The Professional Standards Section will be responsible for tracking grievances. This will include assigning tracking numbers, maintaining records on outcomes, and periodically briefing the Chief of Police or the authorized designee.

All Commanding Officers are required to inform the Professional Standards Section of any grievances that originate within their commands. Documentation with an issued case number will be archived with the Professional Standards Section.

#### **1006.5 TRAINING**

The Professional Standards Section will review grievances and identify issues that can be addressed department-wide through training. The Professional Standards Section will coordinate with the Professional Development and Training Division regarding development and delivery of appropriate training.

#### **1006.6 OTHER CONTROLLING DOCUMENTS**

See policy manual § 106.7 regarding hierarchy of other controlling documents.

## Anti-Retaliation

### 1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members.

This policy does not prohibit actions taken for non-discriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or memorandum of understanding.

### 1008.2 POLICY

The Los Angeles Port Police has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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#### 1008.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

#### 1008.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police, or the City of Los Angeles Discrimination and Complaint Resolution Office, and/or an external non-discrimination enforcement agency such as U.S. Equal Opportunity Commission or Department of Fair Employment and Housing.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

#### 1008.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in policy manual § 1020.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

**1008.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

**1008.7 WHISTLE-BLOWING**

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Section for investigation pursuant to policy manual § 1020.

**1008.7.1 DISPLAY OF WHISTLE-BLOWER LAWS**

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

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#### **1008.8 RECORDS RETENTION AND RELEASE**

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

#### **1008.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy. The City of Los Angeles Personnel Department will coordinate with the Harbor Department Human Resources Division for scheduling and compliance audits.

Cornerstone on Demand can be accessed by visiting <https://lacity.csod.com> to enroll in Workplace Harassment and Abusive Conduct Prevention at least every two years and/or as necessary. (Supervisory and Non-Supervisory versions available)

#### **1008.10 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Administrative Services Division or their authorized designee.

# Reporting of Employee Convictions

## 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions, including current restraining orders.

## 1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS, AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this Department may be inherently in conflict with law enforcement duties and the public trust.

## 1010.4 REPORTING PROCEDURE

All members of this Department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant, or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officer with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

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### *Reporting of Employee Convictions*

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Any member whose criminal conviction or restraining order unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

#### **1010.5 PROCEDURE FOR RELIEF**

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

##### **1010.5.1 NOTIFICATION REQUIREMENTS**

The Professional Development and Training Division shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this Department or any former peace officer if this Department was responsible for the investigation (11 CCR 1003).

The Professional Development and Training Division shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this Department (11 CCR 1003).

#### **1010.6 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.



## Drug- and Alcohol-Free Workplace

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

#### 1012.1.1 LOS ANGELES HARBOR DEPARTMENT POLICY

See the Los Angeles Harbor Department (LAHD) Employee Manual for additional information on Drug-Free Workplace policies.

### 1012.2 POLICY

It is the policy of this Department to provide a drug- and alcohol-free workplace for all members.

### 1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on Department time can endanger the health and safety of Department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

#### 1012.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-or-off-duty is prohibited and may lead to disciplinary action.

### 1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on Department premises or on time (41 USC § 8103). The lawful

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possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1012.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Fiscal Operations and Human Resources Division, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1012.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

#### **1012.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

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**1012.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

**1012.7.2 DISCIPLINE**

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

**1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

**1012.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with policy manual § 1026.

## Sick Leave

### 1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

### 1014.2 POLICY

It is the policy of the Los Angeles Port Police to provide eligible employees with a sick leave benefit.

### 1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see policy manual § 1040).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1014.3.1 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, treatments, or expected childbirth, the member should, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246(m)).

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.

### 1014.4 EXTENDED ABSENCE

Members absent from duty for more than forty-eight (48) hours may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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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 (Labor Code 233).

Nothing in this section precludes a supervisor from requiring, without cause, a health care provider's statement for an absence of greater than forty-eight (48) hours after the first forty-eight (48) hours of paid sick leave are used (Labor Code § 233).

**1014.5 REQUIRED NOTICES**

The Commanding Officer of Fiscal Operations and Human Resources Division 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.

**1014.6 OTHER CONTROLLING DOCUMENTS**

See policy manual § 106.7 regarding hierarchy of other controlling documents.

**1014.7 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 Fiscal Operations and Human Resources Division as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected Department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

# Communicable Diseases

## 1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of Department members contracting and/or spreading communicable diseases.

### 1016.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV, and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Los Angeles Port Police. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1016.2 POLICY

The Los Angeles Port Police is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1016.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that Department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
  2. Bloodborne pathogen mandates including (8 CCR 5193):
    - (a) Sharps injury log.

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- (b) Needleless systems and sharps injury protection.
- 3. Airborne transmissible disease mandates including (8 CCR 5199):
  - (a) Engineering and work practice controls related to airborne transmissible diseases.
  - (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
- 4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
- 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
- 6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
  - (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other Department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).
  - (g) Coordination with the Fiscal Operations and Human Resources Division to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/ OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

#### **1016.4 EXPOSURE PREVENTION AND MITIGATION**

##### **1016.4.1 GENERAL PRECAUTIONS**

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or, other specialized equipment in the work area or Department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

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- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of bio-hazardous waste appropriately or labeling bio-hazardous material properly when it is stored.

**1016.4.2 IMMUNIZATIONS**

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

**1016.5 POST EXPOSURE**

**1016.5.1 INITIAL POST-EXPOSURE STEPS**

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

**1016.5.2 REPORTING REQUIREMENTS**

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed.
- (b) Date and time of the incident.
- (c) Location of the incident.



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- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source).
- (e) Work being done during exposure.
- (f) How the incident occurred or was caused.
- (g) PPE in use at the time of the incident.
- (h) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see policy manual § 1042).

#### 1016.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

#### 1016.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

#### 1016.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual
- (b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given

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- (c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262)
- (d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510)
- (e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1)

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1016.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1016.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

#### **1016.8 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Deputy Chief of Training and Emergency Management Group or their authorized designee.

## Smoking and Tobacco Use

### 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Los Angeles Port Police facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

#### 1018.1.1 SMOKING POLICY - CITY ORDINANCE

Los Angeles Municipal Code section 41.50, subsection B, 13 prohibits smoking in all City buildings. See the Los Angeles Harbor Department (LAHD) Employee Manual for additional information.

### 1018.2 POLICY

The Los Angeles Port Police 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).

### 1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Los Angeles Port Police.

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.

### 1018.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any Department facility), or buildings on the campuses of the University of California, California State University, and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).

#### 1018.4.1 ELECTRONIC SMOKING DEVICES

Electronic cigarettes, including any nicotine delivery device whether referred to as e-cigarettes, vapor delivery devices, or other name, are prohibited to anywhere smoking or tobacco use it prohibited by this policy including indoor and outdoor areas.

#### 1018.4.2 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).

## Personnel Complaints

### 1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Los Angeles Port Police. 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 ranking member, nor shall this policy apply to a criminal investigation.

#### 1020.1.1 OTHER CITY POLICIES

See also the Los Angeles Harbor Department (LAHD) Employee Manual and the City Personnel Policies for additional information.

### 1020.2 POLICY

The Los Angeles Port Police takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, municipal and county rules, and the requirements of any collective bargaining agreements.

It is also the policy of this Department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of Department policy or of federal, state, or local law, policy, or rule. The definition also includes any Department service, policy or procedure, or claims for damages.

#### 1020.3.1 COMPLAINT CLASSIFICATIONS

Complaints reported shall be classified as either Disciplinary or Non-Disciplinary. The Watch Commander, Section's Officer in Charge, supervisor or civilian equivalent is responsible for the initial complaint classification; however, the employee's Commanding Officer may reclassify the complaint at any time.

The classification shall be included when forwarding the report for review by the Commanding Officer.

#### 1020.3.2 NON-DISCIPLINARY CLASSIFICATIONS

A complaint may not be classified as non-disciplinary if any of the following criteria are met:

- (a) The complaint, as stated, may result in discipline against the employee.
- (b) The complaint, as stated, would amount to the commission of a felony or misdemeanor crime.

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- (c) The complaint alleges any of the following:
1. Unauthorized force.
  2. Discrimination of any kind.
  3. Unlawful search and/or unlawful seizure of person or property.
  4. Dishonesty.
  5. Domestic Violence.
  6. Improper/Illicit use of alcohol, narcotics, or drugs.
  7. Sexual misconduct.
  8. Theft.
  9. Retaliation/retribution against another employee.

Exception: When it is clearly proven at the time of the preliminary complaint investigation that the alleged misconduct is Demonstrably False, as defined in this policy, the allegation may be classified as non-disciplinary.

A Commanding Officer who receives and/or recommends a non-disciplinary classification shall select the appropriate disposition/rationale as follows:

- (a) Policy/Procedure - The facts of the case revealed that the complaint relates to Department policy or procedure and not to a specific employee's actions. e.g. A subject complains that they should not have received a parking citation. The initial supervisor's investigation revealed that the citation was issued correctly and the subject did not have any contact with the officer.

Note: Complaints against Department policy and procedure, not specifically addressing an employee's actions, shall still be initiated on a Complaint Form. In such cases, the Department shall be named as the accused employee, and the complaint will be adjudicated as non-disciplinary. Individuals making complaints against Department policy and procedure shall also be referred to the Department entity having functional oversight of the policy or procedure.

- (a) Employee's Actions Did Not Rise to the Level of Misconduct - A preliminary investigation revealed that the allegations did not rise to the level of misconduct and/or the named employee's actions were protected by law or found to be consistent with Department policy or procedure. e.g. A subject complains that they were unnecessarily handcuffed during a law enforcement contact. A supervisor's investigation showed that during the officer's initial contact, the subject threatened to fight the officer. The officer's use of the handcuffs continued only as long as reasonably necessary.
- (b) Employee's Actions Could Have Been Different - The facts in the complaint revealed the employee's actions could have been different; however, the employee's act or omission is best addressed through corrective action by the employee's Commanding Officer. The corrective action(s) taken was:
1. Counseling.

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2. Training.
3. Supervisory Comment Form (LAPP Form No. 4/2-03.54).

e.g. A subject complains of unprofessional behavior by an officer resulting from a vehicle stop. The subject states that at the conclusion of the stop, the citing officer yelled at them to "get their act together and pay attention to the road".

- (a) **Demonstrably False** - When it is clearly proven that an allegation did not occur. Note: An allegation is considered to be "clearly proven" as Demonstrably False under the following circumstances:
1. The complainant is determined to be vexatious, i.e., the complainant demonstrates an irrational thought process and/or has established a pattern of making chronic or crank complaints.
  2. Body Worn Camera (BWC) Video or Mobile Audio Video (MAV) footage, or other audio or video evidence captured the entire incident or citizen contact, and conclusively shows that the employee(s) did not commit the alleged misconduct or did not violate Department policy or procedures. Consistent with Department policy, all allegations of misconduct initiated by a member of the public, including those determined to be Demonstrably False, must be recorded on a Complaint form or entered into an electronic complaint intake application; however, when an audio or video recording clearly proves that an allegation of misconduct is Demonstrably False, the accused and witness officers need not be interviewed regarding the Demonstrably False allegation.

e.g. A subject complains that an officer stole an item from their vehicle's trunk during a law enforcement contact. A supervisor immediately reviewed the camera footage of the incident and it revealed the alleged act never occurred.

- (a) **Department Employee(s) Not Involved** - The preliminary investigation revealed that the complaint did not involve a Department employee(s).

#### 1020.3.3 ADJUDICATION OF A NON-DISCIPLINARY COMPLAINT

After approving a complaint's final classification as non-disciplinary, the employee's Commanding Officer shall forward the complaint with their final classification and disposition/rationale to the Deputy Chief.

#### 1020.3.4 DEPUTY CHIEF RESPONSIBILITIES

A Deputy Chief reviewing a complaint that has been classified as non-disciplinary shall:

- (a) Forward the complaint with their approval to Professional Standards Section, or:
- (b) Return the complaint to the employee's Commanding Officer for:
  1. Clarification or further rationale of the final complaint.
  2. Reclassification as a disciplinary complaint with written rationale and direction of how to proceed.

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- (c) Ensure that all closed non-disciplinary complaints are forwarded to Professional Standards Section.

**1020.3.5 PROFESSIONAL STANDARDS SECTION RESPONSIBILITIES**

Professional Standards Section shall have review authority and responsibility for all non-disciplinary complaints.

Upon review of a non-disciplinary complaint, Professional Standards Section shall close out the complaint and archive it by IA number in Professional Standards Section's electronic files.

**1020.3.6 SOURCES OF COMPLAINTS**

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- (b) Any Department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

**1020.4 AVAILABILITY AND INTAKE OF COMPLAINTS**

**1020.4.1 COMPLAINT FORMS**

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the Department website.

The Professional Standards Section Officer in Charge (OIC) will ensure personnel complaint forms in English and Spanish are readily available at the front counter of the Los Angeles Port Police Headquarters.

**1020.4.2 INTAKE**

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, by telephone, via email, fax, or any other electronic means. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

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If requested, a complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

#### 1020.4.3 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

#### 1020.4.4 AVAILABILITY OF WRITTEN PROCEDURES

The Los Angeles Port Police shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

### **1020.5 DOCUMENTATION**

Supervisors shall ensure that all complaints are documented via an electronic complaint intake program. If a supervisor is unable to document a complaint electronically, they shall complete a personnel complaint intake form and enter the complaint electronically, as soon as practicable. The supervisor shall ensure that the nature of the complaint is summarized as clearly as possible.

All complaints shall be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint.

On an annual basis, the Professional Standards Section Officer in Charge should audit the log and send an audit report to the Chief of Police or the authorized designee.

### **1020.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows:

#### 1020.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor or contracted private investigator investigates any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, the complaint is documented via an electronic complaint intake program or a complaint intake form is completed.
  1. The original complaint will be directed to the immediate supervisor or 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.



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2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
  - (c) Resolving those personnel complaints that can be resolved immediately.
    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 in the complaint and forward it to the immediate supervisor or Watch Commander.
  - (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander, Division Commander, Deputy Chief, and the Chief of Police are notified via the chain of command as soon as practicable.
  - (e) Promptly contacting the Fiscal Operations and Human Resources Division and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
  - (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
  - (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
  - (h) Investigating a complaint as follows:
    1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
    2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
  - (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

**1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES**

Whether conducted by a supervisor or a member of the Professional Standards Section, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the Los Angeles Port Police station or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.

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- (d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers, and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. 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.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g. discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

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#### 1020.6.3 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** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

**Non-disciplinary** - When the investigation discloses that the alleged act does not rise to the level of misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1020.6.4 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).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

The Professional Standards Section Officer In Charge shall ensure investigations are completed within the proper time period set forth in Government Code § 3304(d) or Government Code § 3508.1.

#### 1020.6.5 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

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**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### **1020.7 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant, or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

##### **1020.7.1 DISCLOSURE OF FINANCIAL INFORMATION**

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process.
- (b) Information exists that tends to indicate a conflict of interest with official duties.
- (c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements.

#### **1020.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police, or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any Department badge, identification, assigned weapons, and any other Department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.
- (d) Shall receive a written notice of administrative leave as soon as practicable.

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#### **1020.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor, or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation.

Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Los Angeles Port Police may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

Investigation of potential criminal or civil rights violations may be investigated by the Los Angeles Police Department's Internal Affairs Criminal Section per approval of the Chief of Police.

#### **1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police or the authorized designee through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

##### **1020.10.1 DIVISION COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file, and any other relevant materials.

The Division Commander shall make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Deputy Chief, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Deputy Chief, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

##### **1020.10.2 DEPUTY CHIEF RESPONSIBILITIES**

Upon receipt of any personnel investigation, the Deputy Chief shall review the entire investigative file and any other relevant materials.

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The Deputy Chief 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 Deputy Chief may return the entire investigation to the Division Commander for further investigation or action.

#### 1020.10.3 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action, and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  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.

#### 1020.10.4 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded, non-disciplinary) of the complaint (Penal Code § 832.7 (f)).

#### 1020.10.5 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7 (f)).

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**1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

**1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

**1020.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, memorandum of understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

**1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any

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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 the authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

**1020.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in policy manual § 1026.

**1020.16 REQUIRED REPORTING TO POST**

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9).

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

**1020.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT**

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST in accordance with 11 CCR 1207.

**1020.17 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Office of the Chief or Police or their authorized designee.



## Seat Belts

### 1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in Department vehicles (Vehicle Code § 27315.5).

#### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

### 1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this Department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 1022.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any Department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with policy manual § 306.

### 1022.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### 1022.5 POLICY

It is the policy of the Los Angeles Port Police that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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**1022.6 TRANSPORTING CHILDREN**

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

**1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

**1022.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

**1022.9 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Support Services Division and their authorized designee.

## Body Armor

### 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1024.2 POLICY

It is the policy of the Los Angeles Port Police to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1024.3 ISSUANCE OF BODY ARMOR

The Administrative Services Division supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Los Angeles Port Police and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services Division supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

### 1024.4 USE OF SOFT BODY ARMOR

Generally, the use of body armor is 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 not engaged in enforcement action.
- (d) Body armor should be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when a supervisor determines that circumstances make it inappropriate to mandate wearing body armor.

### 1024.5 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.

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If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

#### **1024.6 RANGEMASTER RESPONSIBILITIES**

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

## Personnel Records

### 1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

#### 1026.1.1 MEMORANDUM OF UNDERSTANDING

See also the Los Angeles Port Police Association Memorandum of Understanding for additional information.

### 1026.2 POLICY

It is the policy of this Department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

### 1026.3 DEPARTMENT FILE

The Department file shall be maintained as a record of a person's employment/appointment with this Department. The Department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see policy manual § 1020).
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
  - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
  - 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
- (f) Adverse comments such as supervisor notes or memos may be retained in the Department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).

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2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
  3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.
- (h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

All protocols referring to Government Code § 3300 sections, those restrictions and/or rights apply only to sworn personnel.

**1026.4 GROUP FILE**

Group files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Group file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

**1026.5 TRAINING FILE**

An individual training file shall be maintained by the Deputy Chief of Training and Emergency Management Group for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Deputy Chief of Training and Emergency Management Group or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Deputy Chief of Training and Emergency Management Group or supervisor shall ensure that copies of such training records are placed in the member's training file.

**1026.6 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Section 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 Professional Standards Section supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

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- (a) Not sustained.
- (b) Unfounded.
- (c) Exonerated.

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

**1026.7 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

**1026.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, policy manual § 810, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Harbor Department Executive Director, City Attorney, or other attorneys or representatives of the City in connection with official business.

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#### 1026.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

#### 1026.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (see policy manual § 810).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this Department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

#### 1026.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this Department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

#### 1026.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

### **1026.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS**

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or



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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.

#### **1026.10 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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**1026.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS**

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Section supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and Department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (a) Records relating to the report, investigation, or findings of:
  1. The discharge of a firearm at another person by an officer.
  2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
  3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
  4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:

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1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

#### 1026.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers.
- (b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses.
- (c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force.
- (d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person.

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Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

#### 1026.11.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

- (a) Active criminal investigations
  - 1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
  - 2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.
- (b) Filed criminal charges
  - 1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.
- (c) Administrative investigations
  - 1. Disclosure may be delayed until:
    - (a) There is a determination from the investigation whether the misconduct or use of force violated law or Department policy, but no longer than 180 days after the date of the Department's discovery of the misconduct or use of force or allegation of misconduct or use of force

#### 1026.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- (a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- (b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
  - 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or

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no later than 18 months after the date of the incident, whichever occurs sooner, unless:

- (a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

**1026.12 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Fiscal Operations and Human Resources Division or their authorized designee.

## Request for Change of Assignment

### 1028.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

See the Los Angeles Harbor Department (LAHD) Employee Manual for further information.

### 1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Reassignment Request form. The form should then be forwarded through the chain of command to their Division Commander.

#### 1028.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education, and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Reassignment Request form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1<sup>st</sup> of each year, employees still interested in new positions will need to complete and submit a new Reassignment Request form.

### 1028.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Watch Commander does not receive the Reassignment Request form, the Division Commander will initial the form and return it to the employee without consideration.

## Employee Commendations

### 1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

See the Los Angeles Harbor Department (LAHD) Employee Manual for additional information.

### 1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

### 1030.3 COMMENDABLE ACTIONS

A meritorious or commendable act by an employee of this Department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee.
- Conspicuous bravery or outstanding performance by any employee of the Department.
- Any action or performance that is above and beyond the typical duties of an employee.

#### 1030.3.1 NOTICE OF COMMENDATION REPORT

The Notice of Commendation 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 Commander for his/her review. The Division Commander 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.

## Awards

### 1031.1 PURPOSE AND SCOPE

Los Angeles Port Police Officers, Security Officers, non-sworn employees, and members of the public are eligible to receive awards for acts of heroism or exemplary service. The issuance of these awards is intended to publicly recognize acts that are selfless, heroic, or of extraordinary service to the agency and the community we serve. This policy establishes the criteria for the award of each medal, ribbon, or certificate, and promulgates the procedures for review and approval of awards.

Prospective awards will be reviewed by the Awards Committee and issued upon approval of the Executive Committee. The recipients will receive the medal, ribbon, or certificate associated with the award. Standards for the wearing of awards are set forth in in policy manual § 1046 and § 1047.

### 1031.2 PROCEDURE FOR RECOMMENDING AN AWARD

Supervisors wishing to recommend that an award be issued shall submit an Employee's Report via their chain of command to the Office of the Chief of Police. The submitting supervisor shall ensure that the Employee's Report includes all relevant facts and that any related reports or documentation are included.

A Notice of Commendation, if one has been issued, pursuant to policy manual § 1030 should be included with the submittal.

If the recommendation is for a member of the public, the submitted report should indicate whether or not the recommended action had been previously recognized in some way.

If the recommendation is for a specialized unit campaign ribbon or department-wide campaign ribbon, the submitted report should indicate the personnel involved and the scope of their involvement.

Recommendations from members of the public, or City Employees not assigned to the Los Angeles Port Police, will be accepted in any way communicated. This may be in writing, by telephone, or in person. This is consistent with the information contained in the pamphlet, "Los Angeles Port Police Citizen Complaint and Commendation Procedures". Whenever possible these individuals should be directed to a supervisor so that we may obtain a complete and detailed factual account of the event supporting the commendation.

### 1031.3 AWARDS COMMITTEE AND EXECUTIVE COMMITTEE

#### 1031.3.1 AWARDS COMMITTEE MAKEUP

The members of the Awards Committee shall be appointed by the Office of the Chief of Police. The committee makeup should generally include:

- (a) Two members at the rank of Lieutenant or Sergeant.
- (b) One Police Officer.



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- (c) One Security Supervisor.
- (d) One Security Officer.
- (e) One Non-sworn employee.

The senior, highest ranking member will act as the chairperson of the committee.

#### 1031.3.2 DUTIES OF THE COMMITTEE

The Awards Committee shall review award submittals and report in writing as to each, the committee's findings as to whether or not the criteria for the recommended award has been met. They shall submit their findings to the Office of the Chief of Police for final determination by the Executive Committee.

#### 1031.3.3 EXECUTIVE COMMITTEE MAKEUP

The Executive Committee should consist of no fewer than three persons. This committee should include Command Staff officers at the rank of Captain and above. It should include one or both the Deputy Chief or Assistant Chief. The senior, highest ranking member will serve as chairperson.

#### 1031.3.4 DUTIES OF THE EXECUTIVE COMMITTEE

The Executive Committee will review and make final determinations on the recommendations of the Awards Committee. These determinations will then be transmitted to the Office of the Chief of Police.

### 1031.4 WEARING OF MEDALS OR CAMPAIGN RIBBONS

Sworn Officers and Security Officers who have been awarded medals or ribbons by other agencies or branches of the military may wear them in accordance with policy manual § 1046 and § 1047.

### 1031.5 SPECIFICATIONS FOR ELIGIBILITY

#### 1031.5.1 SWORN OFFICERS

**POLICE MEDAL OF VALOR** is the Department's highest decoration of honor. It is awarded to a sworn Los Angeles Port Police Officer who has performed an act of extraordinary heroism far and above the normal demands of police service. It may be awarded for acts performed on or off duty but is generally limited to acts where a life or lives were saved at peril to the officers own life.

**POLICE PURPLE HEART** is awarded to a sworn officer injured in the line of duty while performing law enforcement activities. The injury must not be the result of mere accident and the employee's own negligence cannot have contributed to the injury. Posthumous Awards will be made for any officers where the injury results in the death of the officer.

**POLICE STAR** is awarded to a sworn officer who distinguishes him or herself in the line of duty by performing tactical, courageous acts involving personal hazard in the attempt to save human life. This award may be issued where similar acts are performed to effect arrest or prevent escape of a person who poses a risk of serious injury or death to the officer of the public.

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**POLICE DISTINGUISHED SERVICE** is awarded to a sworn officer who has performed an exceptional service in a duty of great responsibility of critical importance to law enforcement. This is the Department's highest award for service.

**POLICE MERITORIOUS SERVICE** is awarded to a sworn officer who has performed meritorious service that is similar, but to a lesser degree than required for the Distinguished Service Medal.

**POLICE COMMUNITY POLICING** is awarded to a sworn officer who has solved a significant community problem. This usually involves the application of combined enforcement actions with community involvement in the problem solving process. The officer should be a model of loyalty, dedication, and humility in the promotion of the Department's community policing efforts.

**POLICE OFFICER OF THE YEAR** is awarded to a sworn officer whose performance has been superior over the past year. This award is intended to recognize an officer who is consistently a model of an honest, professional, well rounded, and respected employee.

#### 1031.5.2 SECURITY OFFICERS

**SECURITY OFFICER MEDAL FOR BRAVERY** is awarded to a security officer who has displayed courage in the face of imminent danger. The courageous act must have been instrumental in solving or preventing a crime or violent act.

**SECURITY OFFICER DISTINGUISHED SERVICE** is awarded to a security officer who has performed an exceptional service in a duty of great responsibility of critical importance to the security function.

**SECURITY OFFICER MERITORIOUS SERVICE** is awarded to a security officer who has performed meritorious service that is similar, but to a lesser degree than required for the Distinguished Service Medal.

**SECURITY OFFICER OF THE YEAR** is awarded to a security officer whose performance has been superior over the past year. This award is intended to recognize a security officer who is consistently a model of an honest, professional, well rounded, and respected employee.

**SECURITY OFFICER COMMUNITY STAR** is awarded to a security officer, who has shown a superlative commitment to the Department's community policing philosophy. Those recognized may be employees who have dedicated themselves and found creative ways to solve problems or whose efforts have resulted in significant positive achievements on behalf of the Department.

#### 1031.5.3 LOS ANGELES PORT POLICE CIVILIAN EMPLOYEES

**CIVILIAN HEROIC ACT AWARD** is awarded to a non-sworn employee of the Los Angeles Port Police who in the face of some imminent personal danger has displayed courage in solving or preventing a crime or violent act.

**CIVILIAN DISTINGUISHED SERVICE** is awarded to a non-sworn employee who has performed an exceptional service in a duty of great responsibility.

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**CIVILIAN MERITORIOUS SERVICE** is awarded to employees who Non-sworn employees who have performed meritorious service that is similar, but to a lesser degree than required for the Distinguished Service medal.

**CIVILIAN EMPLOYEE OF THE YEAR** is awarded to a non-sworn employee whose performance has been superior over the past year. It is understood that there are many exemplary employees who could be recognized. The recipient of this award is expected to be an example of the good work done by their peers and to represent to the public a shining model of an honest, professional, well rounded, and respected employee.

**CIVILIAN COMMUNITY STAR** is awarded to a non-sworn employee who has shown a superlative commitment to the Department's community policing philosophy. This award is intended to recognize a civilian employee who is consistently a model of an honest, professional, well rounded, and respected employee.

#### 1031.5.4 MEMBERS OF THE PUBLIC

**CITIZEN HEROIC ACT MEDAL** is awarded to a member of the public who in the face of imminent personal danger displayed courage in solving or preventing a crime or violent act.

**GOOD SAMARITAN AWARD** is awarded to a member of the community who has displayed courage in providing aid to a person in need. Recipients of this award are generally those who have selflessly performed first aid or similar acts of assistance to injured persons.

**CITIZEN MERITORIOUS MEDAL** is awarded to a member of the community who has performed an act of significant value to the Los Angeles Port Police Department. This can be in recognition of services volunteered in furtherance of solving a crime, or other aspects of the Los Angeles Port Police's mission.

**CITIZEN COMMUNITY STAR** is awarded to members of the public who has shown a superlative commitment to the Department's community policing philosophy. Those recognized may be members of the public who have dedicated themselves and found creative ways to solve problems or whose efforts have resulted in significant positive achievements on behalf of the community served by the Los Angeles Port Police.

#### 1031.5.5 LIFESAVING MEDAL

The Lifesaving Medal is awarded to any person, sworn, non-sworn, or public, whose actions result in the saving or preservation of a human life that would likely have been lost absent the direct involvement of the recipient. In the case of multiple lives saved, one medal is issued per incident.

#### 1031.6 CAMPAIGN RIBBONS

Special Event Ribbons, otherwise known as "Campaign Ribbons", may be presented and worn as determined by the Chief of Police. Special Event Ribbons may be awarded for exemplary performance in support of a major event of local or national importance. They may be awarded and authorized for a single Unit or the entire Department depending on the nature and scope of

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the event. Members are directed to follow policy manual § 1046.4 (a) and § 1047.6 (a) for the appropriate placement of campaign ribbons.

#### **1031.7 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Chief of Police or their authorized designee.

## **Fitness for Duty**

### **1032.1 PURPOSE AND SCOPE**

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this Department remain fit for duty and able to perform their job functions (Government Code § 1031).

### **1032.2 EMPLOYEE RESPONSIBILITIES**

- (a) It shall be the responsibility of each member of this Department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this Department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### **1032.3 SUPERVISOR RESPONSIBILITIES**

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

### **1032.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

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**1032.5 WORK RELATED CONDITIONS**

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

**1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Fiscal Operations and Human Resources Division to determine the level of the employee's fitness for duty. The order shall indicate the date, time, and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- (c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered, or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

**1032.7 LIMITATION ON HOURS WORKED**

Absent emergency operations members should not work more than:

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- 16 hours in one day (24 hour) period; or
- 30 hours in any 2 day (48 hour) period; or
- 84 hours in any 7 day (168 hour) period.

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime, and any other work assignments.

#### **1032.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in policy manual § 1020.

#### **1032.9 OTHER CONTROLLING DOCUMENTS**

The Harbor Department Employee Manual provides direction regarding required physical examination and other medical tests necessary to determine fitness for work. This manual also provides direction regarding mandatory employee referral to the Department's Employee Assistance Program.

## Meal Periods and Breaks

### 1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the Harbor Department Executive Director.

See the Los Angeles Harbor Department (LAHD) Employee Manual for additional information.

#### 1034.1.1 MEAL PERIODS

Sworn employees and dispatchers 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 and other officers that are otherwise distinguishable as police officers shall request clearance from the Communications Center 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.

#### 1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to calls, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

#### 1034.1.3 OFFICER GATHERING

As a general rule, sworn employees are limited to no more than four individuals, uniformed and non-uniformed, gathered at a single location during a meal period or break. Additionally, there should be no more than two marked vehicles present at a single location where officers are present during a meal period or break. Exceptions may be approved by a supervisor of the rank of lieutenant or above for meetings or other appropriate activities, such as unit training or joint agency operations planning meetings. In approving exceptions, supervisors are to consider field coverage and the overall professional image of the agency. The approving supervisor is required to notify the on-duty Watch Commander in advance of the gathering.



## Lactation Break Policy

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

### 1035.2 POLICY

It is the policy of this Department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

### 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; 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.

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**1035.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

**1035.5.1 STATE REQUIREMENTS**

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

## Time Card Procedures

## Overtime Management Procedures

### 1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment.

#### 1038.1.1 DEPARTMENT POLICY

Due to the nature of police work and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

When working any overtime details, employees represent the Department and are considered as on-duty. Employees shall comply with all policies, work rules, and regulations just as if assigned to their primary duty assignment.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

It is the intent of management to utilize the Light Duty Program that enables an injured employee to heal while performing less strenuous activities that are within their work restrictions. Working beyond a regular work shift while injured could subject such an employee to further injury and violates the intent of the Light Duty Program.

While a Los Angeles Port Police employee is being accommodated in the Light Duty Program for an off duty or work-related injury, the employee will not be entitled to request or receive voluntary overtime compensation, with the exception of court subpoenas, under a division-wide mandate, or by specific direction of a Division Commander or supervisor based on the needs of the Department.

#### 1038.1.2 OVERTIME DEFINED

Time worked beyond the employee's regular schedule that does not include normal scheduled hours that were voluntarily adjusted to work an overtime shift.

- **Voluntary Overtime** - Non-compulsory work time outside an employee's normally scheduled work hours.
- **Involuntary Overtime** - Compulsory work time outside of an employee's normally scheduled work hours.

#### 1038.1.3 OVERTIME PROCEDURES - VOLUNTARY

Management will attempt to assign overtime shifts as fairly and equitably as possible among all qualified employees in the same classification, in the same organizational unit, and work location. However, management may consider special skills required to perform particular work.

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Management and supervision shall whenever possible, utilize the Department's timekeeping software and best practices to keep an updated list of employees who volunteer for overtime shifts. When an employee is not able to report to duty, supervision should make every attempt to ensure that the next qualified officer signed up for the shift is given the priority to fill the shift.

Employees accepting responsibility for an overtime shift shall be responsible for the shift as though it was a scheduled work assignment. Employees are responsible for ensuring their primary duty assignment does not conflict with an overtime shift for which they volunteer.

When an employee calls off sick or has an unexcused absence for a regular or overtime shift, they will not be eligible and will forfeit any other scheduled overtime shifts during the same pay period; with exception to court subpoenas, under division-wide mandate, or by the specific direction of a Division Commander, Watch Commander, or supervisor based on the needs of the Department. When a supervisor receives notification of an employee calling off sick for a shift, they will advise that employee any future overtime shifts in that pay period may be forfeited. The supervisor will make the appropriate adjustment in the Department scheduling software and notify the overtime coordinator to assign the next qualified officer who is eligible or signed up for the vacated shift.

#### **1038.1.4 OVERTIME PROCEDURES - INVOLUNTARY**

When there is a staffing shortage that cannot be filled on a voluntary overtime basis, an on-duty supervisor shall refer to the Mandatory Overtime Roster for the personnel that are to be mandatorily hired. The Mandatory Overtime Roster is ranked in order of seniority by hire date with the Los Angeles Harbor Department (LAHD).

The supervisor will cross-reference the Daily Deployment, Mandatory Overtime roster, and the Annual Vacation Calendar to ensure the selection of the employee is made by reverse seniority (credited work time in the classification and pay grade with LAHD) to fill the vacancy.

In the event management requires the hiring of personnel on a second consecutive day of mandatory overtime, the next officer in reverse seniority listed on the Mandatory Overtime Roster will be assigned the mandatory overtime shift. The same officers should not be repeatedly mandatorily recalled or held over until all personnel listed on the Mandatory Overtime Roster list has been exhausted. If an officer voluntarily works the overtime to fill a vacancy, the employee would not be eligible for being listed on the Mandatory Overtime Roster. These procedures are meant to fairly and equitably rotate throughout all Department personnel without the repeated mandatorily hiring of the same personnel.

#### **1038.2 REQUEST FOR OVERTIME COMPENSATION**

Employees shall submit all overtime compensation requests to the work shift supervisor at the end of the shift in which the overtime is worked for verification and signature. The request will then be forwarded to the Commanding Officer to which the assignment was worked for final approval, who will approve, sign, and forward to the Timekeeper. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

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The individual employee may request compensatory time in lieu of receiving overtime payment; however, the employee may not exceed the accumulated compensatory time set by Department policy or agreed upon by the MOU.

#### 1038.2.1 EMPLOYEES RESPONSIBILITY

Employees shall wear the uniform (Class A, B, or C) of the day for the overtime assignment.

Employees shall also be mindful of the fact "real world" incidents could occur at the site of an overtime assignment which may require them to become a force multiplier should an incident occur in the Port Complex. The types of incidents that could occur include but are not limited to: industrial accidents or injuries, pollution, damage to LAHD property, narcotics or alcoholic violations, domestic violence, stalking, or child abuse.

Employees must maintain a high state of readiness in the event an emergent response is required. Employee's emergency vehicle, uniform, and equipment shall remain in a state of Patrol Ready. Urban Police Rifles (UPRs), Shotguns, Less than Lethal Launchers, and any requirement equipment shall be in their patrol ready vehicle.

#### 1038.2.2 SUPERVISORS RESPONSIBILITY

Management and supervisors should not redeploy or reassign officers assigned to an overtime and/or special detail, absent justifiable, and/or exigent circumstances.

Employees are required to physically report to their supervisors and check out at the conclusion of their assigned work shift.

#### 1038.2.3 DIVISION COMMANDERS RESPONSIBILITY

Division Commanders, after approving time and type of payment, will then forward the request form to the Timekeeper.

### **1038.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In some cases, the MOU provides that a minimum number of hours will be paid, (e.g., four hours for Court, four hours for call back, and hour for hour when watch is extended). The supervisor will enter the actual time worked.

#### 1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

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#### 1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

## Outside Employment

### 1040.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

#### 1040.1.1 DEFINITIONS

**Outside Employment** - Any member of this Department who receives wages, compensation, or other consideration of value from another employer, organization, or individual not affiliated directly with this Department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Department for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this Department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this Department so that the Department may be reimbursed for the cost of wages and benefits.

### 1040.2 OBTAINING APPROVAL

No member of this Department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

#### 1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.



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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

**1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS**

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this Department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his/her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

**1040.3 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Involves the employee's use of Departmental time, facilities, equipment, or supplies, the use of the Department badge, uniform, prestige, or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this Department.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this Department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Department.
- (d) Involves time demands that would render performance of the employee's duties for this Department less efficient.

**1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT**

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this Department may engage in any outside or secondary

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employment as a private security guard, private investigator, or other similar private security position.

Any private organization, entity, or individual seeking special services for security or traffic control from members of this Department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored, and paid through the Department.

- (a) The applicant will be required to enter into an indemnification agreement prior to approval.
- (b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
  - 1. The officer(s) shall wear the Departmental uniform/identification.
  - 2. The officer(s) shall be subject to the rules and regulations of this Department.
  - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
  - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  - 5. Outside security services shall not be subject to the collective bargaining process.
  - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

#### 1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

#### 1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

#### 1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this Department or other agencies through the use of the employee's position with this Department.

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**1040.4.1 REVIEW OF FINANCIAL RECORDS**

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

**1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

**1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (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.

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When the disabled member returns to full duty with the Los Angeles Port Police, a request (in writing) may be made to the Chief of Police to restore the permit.

**1040.7 OTHER CONTROLLING DOCUMENTS**

See policy manual § 106.7 regarding hierarchy of other controlling documents.

## On Duty Injuries

### 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Risk Management, to ensure proper medical attention is received, and document the circumstances of the incident.

### 1042.2 WORKER'S COMPENSATION FUND REPORTS

#### 1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work related illnesses requiring medical care must be reported to the Risk Management Office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

#### 1042.2.2 ACCIDENT DEFINED

**Accident** - is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

#### 1042.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Limited-service duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

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**1042.2.4 SUPERVISOR'S RESPONSIBILITY**

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined under Policy Manual § 1042.2. Updated copies of forms with instructions for completion provided by Risk Management are kept in the Sergeant's office.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Report of Injury form shall be completed in triplicate. All copies of the completed form shall be forwarded to the supervisor's Division Commander, through the chain of command.

When an accident, injury, or illness is reported initially on the Supervisor's Report of Injury form and the employee subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed. The injured employee shall also sign the form in the appropriate location.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

**1042.2.5 DIVISION COMMANDER RESPONSIBILITY**

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

**1042.2.6 CHIEF OF POLICE RESPONSIBILITY**

The Chief of Police shall review and forward copies of the report to the Fiscal Operations and Human Resources Division. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

**1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION**

Those injuries and illnesses not requiring medical attention shall be recorded on an Employees Report titled Supervisor's Report of Injury. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

**1042.4 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

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#### **1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS**

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

#### **1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

#### **1042.5 OTHER CONTROLLING DOCUMENTS**

See Policy Manual Section 106.7 regarding hierarchy of other controlling documents.

## Personal Appearance Standards

### 1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

### 1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

#### 1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

#### 1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

#### 1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

#### 1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches, and eyebrows shall not be worn, unless authorized by the Chief of Police or the authorized designee.

#### 1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

#### 1044.2.6 JEWELRY

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the collar. 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



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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, if worn, shall not be visible above the shirt collar.
- (b) Earrings shall not be worn by uniformed sworn members, detectives, or special assignment personnel without permission of the Chief of Police or the authorized designee.
- (c) One ring 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) Only a small bracelet identifying a medical condition, may be worn while working in an official capacity.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

#### **1044.3 TATTOOS**

While on-duty or representing the Department in any official capacity, all members, including those working voluntary assignments, are prohibited from displaying any tattoos, body art, branding, and/or unconventional body piercings, with the exception of employees working in an undercover capacity. No offensive tattoos shall be displayed at any time by Department members while on-duty or representing the Department in any official capacity. Members with tattoos, body art, or branding shall cover said tattoos, body art, or branding with a department-approved uniform or by wearing a skin patch (e.g. ace bandage or Band-Aid) or a sleeve that matches the uniform.

For the purpose of this policy, offensive includes but are not limited to those that exhibit or advocate discrimination, those that exhibit gang, supremacist, or extremist group affiliation, those that depict or promote drug use, and body art that are obscene, sexually explicit acts, other obscene material regardless of content, cover a large portion of exposed skin.

#### **1044.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose, or teeth.
- (d) Branding or scarification.

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#### **1044.5 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

## Uniform Regulations for Sworn Officers

### 1046.1 PURPOSE AND SCOPE

The uniform policy of the Los Angeles Port Police 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: policy manual § 700, § 1024, and § 1044.

The Los Angeles Port Police will provide uniforms for all employees required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement.

### 1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this Department shall possess and maintain at all times, a serviceable class A, B, and C uniform along with the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (e) Civilian attire will follow business professional dress code and shall not be worn in combination with any distinguishable part of the uniform.
- (f) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Department functions or events.
- (g) If the uniform is worn while in transit and not operating an emergency equipped vehicle, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.
- (i) Mirrored sunglasses will not be worn with any Department uniform.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
  - 1. Wristwatches shall be conservative and present a professional image.
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring may be worn on each hand. No rings should be of the type that would cut

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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.

3. Medical alert bracelet.
4. Necklaces if worn, shall not be visible above the shirt collar.

**1046.2.1 DEPARTMENT ISSUED IDENTIFICATION**

The Department issues each employee an official Department identification card bearing the employee's name, identifying information, and photo likeness. All employees shall be in possession of their Department issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the Los Angeles Port Police, employees when requested, shall identify themselves by rank, last name, and serial number in a courteous manner as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Commanding Officer.

**1046.3 UNIFORM CLASSES**

**1046.3.1 CLASS A UNIFORM**

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. All sworn officers will possess and maintain a serviceable Class A uniform at all times.

The Class A uniform is a long sleeved (100% wool), dark blue shirt that will be worn with a black neck tie for dress occasions or as ordered.

- (a) The Class A uniform includes the standard issue uniform with:
  1. Neck Tie: the tie worn with the long sleeve uniform shirt shall be a double Windsor "redi-tied" knot with a bend-over metal clip allowing a "breakaway" feature when worn.
  2. Tie bar: a brushed silver tie bar shall be worn with the tie horizontally and level with the buttons on the bottom points of the shirt pocket flaps.
  3. The epaulets must be sewed down on all class A shirts.
  4. Los Angeles Port Police "P" buttons shall be worn on long sleeve uniform shirts, with one on each epaulet and one on each shirt pocket.
  5. When wearing a long sleeve shirt, one service stripe may be worn on the left sleeve for each five years of sworn service.
  6. Sleeves are not to be rolled up.
- (b) Regular length, dark blue pants (100% wool) shall be worn with the Class A uniform.
- (c) Class A uniforms shall be worn with highly shined laced black shoes or boots.
- (d) Black socks are to be worn when wearing ankle-high shoes.

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- (e) Class A shirts may be worn without a tie if all officers wearing Class A on the watch do so.
  - 1. A black mock turtleneck may be worn with Class A uniform during cold weather (without a tie).
  - 2. In no case shall officers on any watch not match as to color of shirt worn under the uniform.
  - 3. The default tee-shirt color shall be white for A Watch and black for B Watch.
  - 4. The supervisor may order a different uniform of the day.
  - 5. Officers held over to another watch on overtime should attempt to match the watch. They may however receive authorization from the Watch Commander to remain in the uniform they wore for the prior shift.
- (f) A police cap with Los Angeles Port Police "P" buttons, and Los Angeles Port Police cap badge shall be worn when attending formal events including but not limited to inspections, funerals, and graduations. The wearing of the cap may be ordered as the uniform of the day for other occasions at the discretion of the supervisor.
- (g) Highly polished leather Sam or Sally Browne gear shall be worn with the Class A uniform for all formal occasions and ceremonies.

**1046.3.2 CLASS B UNIFORM**

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white, navy blue, or black crew neck t-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.
- (e) Approved all black polished shoes may be worn.
- (f) Boots with pointed toes are not permitted.

**1046.3.3 CLASS C UNIFORM**

The Class C uniform is defined as the Basic Duty Uniform (BDU). A BDU consists of a long or short sleeved black BDU shirt that shall be worn with black BDU pants.

All officers assigned to Maritime Operations, Hazardous Materials, Canine, or any other specialized assignment that is best served while a BDU style uniform is donned shall wear the Class C BDU. Specialized Units shall only wear the department-approved Class C BDU.

The following Class C BDU uniforms are authorized: Shirts shall be black, 2 pocket, ripstop (65% polyester, 40% cotton). Pants shall be black, 2 cargo pocket, ripstop (65% polyester, 40% cotton).

- (a) The Class C uniform shirt includes the following:

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1. Epaulets shall be sewed down on all Class C shirts.
  2. A cloth badge shall be sewed on above the left breast pocket. No metal badges will be worn with the Class C uniform.
  3. A sewed on name tape shall be worn with silver letters on black tape. No metal nameplates will be worn on the Class C uniform.
  4. If authorized by the Commanding Officer, a sewed on specialized detail tape shall be worn above the nameplate. The specialized detail tape shall be silver letters on black tape.
  5. A specialized detail pin may be worn centered above the nametape. The pins will adhere to the current uniform policy. A specialized detail pin shall not be worn in conjunction with special detail tape. Officers in the field shall not wear specialized detail pins.
  6. Service stripes shall not be worn on the Class C uniform.
  7. A crew neck tee shirt shall be worn under the Class C shirt.
    - (a) The default shirt color shall be black for day or night watch assignments.
    - (b) A black, mock turtleneck may be worn under the Class C shirt.
  8. All uniformed employees shall wear shoulder patches issued by the Department on Class C shirts. Shoulder patches shall be worn, centered on each shoulder. Each shoulder patch shall contain a black background. Shoulder patches shall be pressed flat, not creased.
  9. Rank insignia shall be worn in accordance with the Class A and Class B policy. Chevrons, if worn, shall be centered and creased.
  10. The sleeves of the standard long-sleeve shirt may be tightly folded up to the biceps exposing the inner surface and forming a neat cuff to present a crisper appearance. The folded cuff shall be two and one-half to two and three-quarter inches in width.
  11. "P" Buttons shall not be worn with the Class C shirt.
  12. Any additional patches or insignia required shall remain consistent with this Class C BDU policy in regards to background color, font style, and font color.
- (b) The Class C uniform pant includes the following:
1. Black laced boots.
  2. Black socks.
  3. Uniform pants shall be worn full length and shall not be shortened or bloused.
    - (a) Upon direction of a Commanding Officer or their authorized designee of a specialized unit; when assignment or duty needs indicate that it would be preferable to blouse the pants, that unit commander may dictate that the unit blouse the pants. If this option is used, every member of the unit must be consistent.

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(c) Alternate Class C uniform shirt:

When authorized by a Commanding Officer or their authorized designee, officers may wear the Alternate Class C uniform shirt. There should be uniformity among personnel working together on an assignment, detail, or watch.

1. Alternate Class C uniform shirt consists of a long or short-sleeved black polo style shirt.
2. A cloth badge shall be sewn on above the left breast pocket.
3. The last name shall be sewn on in silver letters.
4. The Department shoulder patch shall be silk screen in silver.
  - (a) The Department name "The Los Angeles Port Police" shall be silk screen on the back of the polo shirt.
5. Rank insignia shall be worn in accordance with the Class A and Class B policy.
  - (a) Chevrons shall be silk screened in silver letters.
6. Service stripes shall not be worn on the long sleeve polo shirt.
7. A crew neck tee shirt shall be worn under the polo shirt.
  - (a) The default shirt color shall be black for day or night watch assignments.
  - (b) A black, mock turtleneck may be worn under the Class C uniform shirt.

(d) Hats:

When authorized by the Commanding Officer or their authorized designee, one of the following hats are authorized for wear. Officers on a watch or assignment should be consistent.

1. Black baseball cap with patch insignia.
2. Black "Boonie" style hat with patch insignia.

Only hats issue by the Department are allowed. The authorized hats shall not be worn with other uniforms.

The duty gear and Sam or Sally Browne worn with the Class C uniform shall be nylon. No leather gear is to be worn with the Class C uniform.

The Chief of Police or the authorized designee may authorize the wearing of the Alternate Class C uniform to allow field personnel cooler clothing during the summer months or specialized duty assignments.

#### 1046.3.4 MATERNITY DRESS

Employees who are pregnant and working a uniformed assignment will be expected to maintain a neat and professional uniform appearance. See Fiscal Operations and Human Resources Division if additional equipment is required to be purchased.

Pregnant employees working a non-uniformed assignment will be expected to wear appropriate maternity style clothing which is professional in appearance.

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#### 1046.3.5 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, Special Operations, Bicycle Patrol, Motor Officers, Dive Team, Marine Unit, Sea Marshalls, and other specialized assignments.

#### 1046.3.6 FOUL WEATHER GEAR

The Department will issue sworn officers a field duty uniform jacket and rain gear. All sworn personnel assigned to field duty shall maintain regulation rain apparel and have it readily available for use.

#### 1046.3.7 JACKETS

In order to comply with Penal Code § 830.10, whenever a jacket or other over garment (such as a rain slicker) are worn, there shall be a nameplate or tape and the officer's badge on the outermost article of clothing.

- (a) Los Angeles Port Police "P" buttons or plain black buttons shall be worn on jackets, with one on each epaulet and one on each shirt pocket.
- (b) Officers may choose to have a sewed on cloth badge or their issued badge above the left breast pocket.
- (c) Officers may choose to have a brushed silver metal name plate or a sewn on name tape. Sewn on nameplates shall be silver letters on black tape.
- (d) Officers shall have matching nameplates with their badges (i.e. Sewed on badge patch must have sewed on nameplate).

#### 1046.3.8 EXTERNAL VEST CARRIERS

External Vest Carriers are authorized for sworn employees department-wide for use in patrol and all other assignments where enforcement operations are conducted. The approved optional external vest carriers may be worn with either Class B or Class C uniform. The purchase, maintenance, and procurement of the approved optional vest carriers shall be at the officer's expense.

- (a) Wool External Vest style carrier and approved undershirt to be worn with Class B uniform. Vest carrier will have the appearance of the Class B uniform shirt that will hold soft body armor panels.
- (b) BDU style carrier and approved undershirt to be worn with Class C uniform. Vest carrier will have the appearance of the Class C uniform shirt that will hold soft body armor panels.
- (c) External Vest carriers shall be maintained in the same fashion as the issued Class B or Class C uniform.
- (d) External Vest carriers are to be marked the same as a standard Class B and Class C uniform.
- (e) The authorized vest may be configured to carry the collapsible baton, radio, and flashlight under the arms and handcuffs on the back. No other configurations are authorized.



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When officers are working with partners, or deployed in greater numbers, the Watch Commander shall determine its use based upon maintaining consistency and uniformity.

**1046.4 INSIGNIA AND PATCHES**

- (a) Wearing of Campaign Ribbons:
1. Police Awards - Police ribbons may be worn as part of the Class A or B uniform whenever that uniform is authorized. Ribbons shall be worn on the left hand side of the Class A or B shirt, above the pocket. Ribbons shall be worn in order of seniority, with the senior-most ribbon on the top row and to the left of other ribbons.
  2. Military Ribbons - Ribbons awarded by branches of the military may be worn as part of the Class A uniform for awards ceremonies, formal events, or when otherwise authorized by the Chief of Police. Officers being sworn in during a promotional ceremony are authorized to wear their military ribbons. Military ribbons shall be worn on the center of the left shirt pocket of their Class A shirt. Ribbons shall be worn in order of seniority, with the senior-most ribbon on the top row and to the left of other ribbons.
  3. When Departmental ribbons are worn in conjunction with military ribbons, the order of precedence is:
    - (a) United States Government awards.
    - (b) Foreign Government awards.
    - (c) State Government awards.
    - (d) Department awards.
    - (e) Other City Department awards.
  4. All ribbons shall be centered above the left breast pocket below the badge extending toward the wearers left in descending order of precedence.
  5. Any required movement of Department badge for military ribbon placement requires approval from the Chief of Police.
- (b) Flag Pin - A rectangular American flag pin may be worn below the Department oval badge and centered below the left breast pocket flap. Military branch pins with the American flag shall be worn in the lower left corner of the left pocket flap.
- (c) 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.
1. Rank insignia patches shall be created:
    - (a) Police Officer III: Cloth two-stripe chevron, silver thread on a black background. Worn centered on each sleeve, below the shoulder patch.
    - (b) Sergeant: Cloth three-stripe chevron, silver thread on a black background. Worn centered on each sleeve, below the shoulder patch.

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- (c) Lieutenant and Executive Management shall wear their appropriate rank insignia on their uniform collar and their uniformed jacket epaulet.
- (d) Badge - The Department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (e) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (f) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (g) The regulation nameplate shall be worn at all times while in the Class A or B uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed on the right breast pocket flap, along the bottom seam, located in the middle, with equal distance from both sides of the nameplate to the outer edge of the pocket. An authorized sewn on cloth nameplate may be worn with approval from the Chief of Police. The cloth nameplate shall be worn and placed above the right breast pocket flap.
- (h) 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.
- (i) Assignment Insignias - Assignment insignias, (Dive, FTO, etc.) may be worn as designated by the Chief of Police. The pins shall be worn in the lower left corner of the right pocket flap.

**1046.4.1 MOURNING BAND/BAR**

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 sundown 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) and the calendar week in which May 15 falls, as National Police Week - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

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**1046.5 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative, and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks, or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone.
  - 2. Open toed sandals or thongs.
  - 3. Swimsuit, tube tops, or halter-tops.
  - 4. Spandex type pants or see-through clothing.
  - 5. Distasteful printed slogans, buttons, or pins.
- (e) Variations from this order are allowed at the discretion of the Chief of Police or the authorized 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 Los Angeles Port Police or the morale of the employees.

**1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Los Angeles Port Police 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 Los Angeles Port Police 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.

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**1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT**

- (a) Any of the items listed as approved to wear as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see policy manual § 700).

**1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES**

Los Angeles Port Police employees may not wear any uniform item, accessory, or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Los Angeles Port Police employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

**1046.8.1 DISPOSAL OF UNIFORMS AND UNIFORM EQUIPMENT**

Uniforms and equipment shall not be discarded improperly. This policy is intended to ensure that they do not fall into the wrong hands and are not misused. This applies to all Los Angeles Port Police staff and covers all identifiable items of clothing and equipment.

All identifiable items such as patches, cloth badges, or nameplates shall be removed from uniform items prior to disposal. Uniform items shall be rendered unusable by cutting or tearing. This policy applies to all equipment whether issued or personally purchased as well as any related equipment such as duty belts or attachments.

This policy deals only with proper destruction and disposal and does not relieve staff of the responsibility to return issued equipment and or account for it.

**1046.9 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Administrative Services Division or their authorized designee.

## Uniform Regulations for Security Officers

### 1047.1 PURPOSE AND SCOPE

This policy of the Los Angeles Port Police is established to ensure that uniformed Security Officers will be readily identifiable to the public and other City employees through the proper use and wearing of Department uniforms. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency or other crisis. Employees should also refer to the following associated policies: policy manual § 700, § 1024, and § 1044.

The uniform is to be worn in compliance with the specifications set forth in this policy.

### 1047.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

- (a) All Security Officers will possess and maintain a serviceable Class A, B, C, and D uniform. Security Officers assigned to special assignments will be issued the appropriate uniforms and will be responsible for the maintenance of uniforms.
- (b) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (c) Security Officers shall be financially responsible for the maintenance of uniform. When the item is no longer serviceable, the employee bears the full cost of replacement. When an item is damaged in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see policy manual § 700).
- (d) The Facility Security Section Officer in Charge will establish the prescribed uniform of the day for each assignment. Personnel shall wear only the uniform and insignias specified for their rank and assignment. Security Officers assigned to the same detail shall be consistent.
- (e) Los Angeles Port Police "P" buttons shall be worn on long sleeve uniform shirts, with one on each epaulet, and one on each shirt pocket. The epaulets must be sewn down. Shirt sleeves are not to be rolled up.
- (f) Basic Duty Uniform (BDU) pants shall be worn full length and shall not be bloused.
- (g) Black laced boots shall be highly shined.
- (h) Supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (i) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (j) Uniforms are only to be worn while on duty, while in transit to or from work, or at other official Department functions or events. If the uniform is worn while in transit, a civilian attire outer garment shall be worn over the uniform shirt.
- (k) Employees are not to purchase or consume alcoholic beverages while wearing any part of the Department uniform, including uniform pants.

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- (l) Mirrored sunglasses will not be worn with any Department uniform.
- (m) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee:
  - 1. Wristwatches shall be conservative and present a professional image.
  - 2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring may be worn each hand. 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.
  - 3. Medical alert bracelet.
  - 4. Necklaces if worn, shall not be visible above the shirt collar.

**1047.3 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, Transportation Worker Identification Credential (TWIC), if issued, and California Driver's License (CDL) at all times while on duty. Whenever on duty or acting in an official capacity representing the Department, employees shall identify themselves by rank, last name, and serial number in a courteous manner as soon as practical.

**1047.4 UNIFORM CLASSES**

**1047.4.1 CLASS A UNIFORM**

- (a) Light blue long-sleeved polyester shirt.
- (b) Navy blue neck tie.
- (c) Brushed silver tie bar. Tie bar shall be worn horizontally and level with the buttons on the bottom points of the shirt pocket flaps.
- (d) Regular length navy blue wool pants.
- (e) Black laced boots.
- (f) Black socks.

**1047.4.2 CLASS B UNIFORM**

- (a) Light blue long sleeved or short sleeved polyester shirt worn open neck without a tie.
- (b) White crew neck T-shirt.
- (c) Regular length navy blue wool pants.
- (d) Black laced boots.
- (e) Black socks.

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**1047.4.3 CLASS C UNIFORM**

- (a) Light blue short sleeved polo shirt. This shirt is with a cloth badge embroidered with the badge number. The last name will be embroidered on the right breast. Metal badges and metal nameplates shall not be worn on the polo shirt.
- (b) White crew neck T-shirt.
- (c) Navy blue BDU pants.
- (d) As an option to (c), navy blue shorts may be worn with this uniform when approved by the Watch Supervisor.
- (e) Black laced boots and black socks are to worn with the full length BDU pants.
- (f) Solid black athletic style shoes are to be worn with shorts. Minimal logos and lettering are allowed on the shoes.
- (g) Black socks are to be worn when wearing shorts. Socks shall not rise higher than the mid shin/calf area. No logos or lettering are allowed on the socks.
- (h) When authorized by the Watch Supervisor, the baseball cap with patch insignia is allowed. Hats are not worn indoors unless specifically directed by the Watch Supervisor.

**1047.4.4 CLASS D UNIFORM**

- (a) Grey BDU long sleeve shirt.
- (b) White crew neck T-shirt.
- (c) Grey BDU pants.
- (d) When authorized by the Watch Supervisor, the Department issued baseball style cap with patch insignia is allowed. Hats are not to be worn indoors unless specifically directed by the Watch Supervisor.

**1047.4.5 MATERNITY DRESS**

Employees who are pregnant and working a uniformed assignment will be expected to maintain a neat and professional uniform appearance. See Fiscal Operations and Human Resources Division if additional equipment is required to be purchased.

**1047.5 JACKET AND RAIN SLICKER**

Security Officers are authorized to wear an issued jacket or rain slicker at their own discretion.

- (a) Whenever a jacket is worn, there shall be a nameplate or name tape and badge on the outermost article of clothing. Officers may choose to have a sewn on cloth badge in lieu of the metal badge.
- (b) Los Angeles Port Police "P "buttons shall be worn on jackets, with one on each epaulet and one on each upper front pocket.

**1047.6 INSIGNIA AND PATCHES**

- (a) Wearing of Campaign Ribbons:

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1. Security Officer Awards - Security Officer ribbons may be worn as part of the Class A or B uniform whenever that uniform is authorized. Ribbons shall be worn on the left hand side of the Class A or B shirt above the pocket. Ribbons shall be worn in order of seniority, with the senior-most ribbon on the top row and to the left of other Ribbons.
  2. Military Ribbons - Ribbons awarded by branches of the military may be worn as part of the Class A uniform for awards ceremonies, formal events, or when otherwise authorized by the Chief of Police. Military Ribbons shall be worn on the center of the left shirt pocket of the Class A shirt. Ribbons shall be worn in order of seniority, with the senior-most ribbon on the top row and to the left of other Ribbons.
  3. When Departmental Ribbons are worn in conjunction with Military Ribbons, the order of precedence is:
    - United States Government awards.
    - Foreign Government awards.
    - State Government awards.
    - Department awards.
    - Other City Department awards.
  4. All Ribbons shall be centered above the left breast pocket below the badge extending towards the wearers left in descending order of precedence.
  5. Any required movement of Department badge for Military Ribbon placement require approval from the Chief of Police.
- (b) Rank Insignia Patches: The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions. Rank Insignia Patches shall be creased:
1. Senior Lead Officer: Cloth two-stripe chevron, silver thread on a black background. Worn centered on each sleeve, below shoulder patch.
  2. Senior Security Officer: Cloth three-stripe chevron, silver thread on a black background. Worn centered on each sleeve, below shoulder patch.
  3. Principal Security Officer: Single collar bar, silver metal. Worn on collar parallel with and from the front edge of the shirt collar. On each shoulder of the field jacket, a single bar shall be placed with the outer edge, 5/8" above and parallel with the sleeve seam. The bar shall be centered over the seam.
- (c) Badge: Security Officers shall wear the official badge for Class A and B shirts currently issued to them. It shall be worn attached to the badge holder provided on the above the left shirt pocket. It shall be clearly visible at all times.
- (d) Shoulder Patches: All uniformed employees shall wear shoulder patches issued by the Department appropriate to the position held. Shoulder patches shall be worn centered on each shoulder with the top edge one-half inch from the seam of the shoulder of the uniform jacket. Shoulder patches shall not be creased.



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- (e) **Service Stripes:** For each five years of security service with the Los Angeles Port Police, uniformed employees may wear one service stripe on the Class A uniform shirt and the jacket. The stripe may be worn six months prior to the anniversary date. Lateral hire Security Officers may wear one service stripe for every five years of service in class with the City of Los Angeles. Service stripes shall be sewn on the lower left sleeve of the uniform shirt with the lower edge of the bottom stripe one half inch above the edge of the cuff. The entire stripe shall be in front of the press of the sleeve. The stripe shall be silver with a black background.
- (f) The regulation nameplate shall be worn at all times while in the Class A or B uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed on the right breast pocket flap, along the bottom seam, located in the middle with equal distance from both sides of the nameplate to the outer edge of the pocket. An authorized sewn on cloth nameplate shall be worn and placed above the right breast pocket flap.
- (g) 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.

**1047.6.1 MOURNING BAND/BAR**

Security Officers shall wear a black mourning band or bar across the uniform badge whenever a law enforcement officer is killed in the line of duty as directed by the Chief of Police. In general, mourning periods will be:

- (a) An officer of this Department - From the time of death until midnight on the 14th day after death.
- (b) An officer from this or an adjacent county - From the time of death until sundown 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) and the calendar week in which May 15 fall as National Police Week - From 0000 hours until 2359 hours.
- (e) As directed by the Chief of Police.

**1047.6.2 APPROVED PINS**

Service Pins - Division personnel may wear the following service pins on a Class A or B uniform. Other pins may be requested by submitting an Employees Report to the Chief of Police. If permitted, a copy shall be forwarded to the Research and Discovery Section for inclusion in future editions of the Policies and Procedures Manual.

- (a) Years of Service Pin.
- (b) Flag Pin - A rectangular American flag pin may be worn below the Department oval badge and centered below the left breast pocket flap. Military branch pins with the American flag shall be worn in the lower left corner of the left pocket flap.
- (c) EMT Pin.
- (d) Bilingual Pins.

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**1047.7 POLITICAL ACTIVITIES, ENDORCEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Los Angeles Port Police 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 Los Angeles Port Police 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, motion picture, film, video, public broadcast, or website.

**1047.8 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES**

Security Officers may not wear any uniform item, accessory, or attachment unless specifically authorized by the Chief of Police or the authorized designee.

Security Officers may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the Chief of Police or the authorized designee.

**1047.9 DISPOSAL OF UNIFORMS AND UNIFORM EQUIPMENT**

Uniforms and equipment shall not be discarded improperly. This policy is intended to ensure that they are not misused or misappropriated. This applies to all Los Angeles Port Police staff and covers all identifiable items of clothing and equipment.

All identifiable items such as shoulder patches or cloth badges shall be removed from uniform items prior to disposal. Uniform items shall be rendered unusable by cutting or tearing. This policy applies to all equipment whether issued or personally purchased as well as any related equipment.

This policy deals only with proper destruction and disposal and does not relieve staff of the responsibility to return issued equipment or account for it.

**1047.10 POLICY ADMINISTRATION**

Adherence to this policy is under the chain of command of the Commanding Officer of Marine Operations Division or their authorized designee.

## Police Cadets

### 1048.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

### 1048.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

### 1048.3 CADET SUPERVISION

Cadets may be assigned to work in a variety of capacities throughout Los Angeles Port Police. The assigned supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance, and performance evaluations. The Professional Development and Training Division may be assigned overall program coordination for the Cadet Program.

#### 1048.3.1 PROGRAM ADVISORS

Cadets may be assigned to individual officers or staff who will in turn serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

### 1048.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

### 1048.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.

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#### **1048.6 ROTATION OF ASSIGNMENTS**

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Professional Development and Training Division.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

#### **1048.7 RIDE-ALONG PROCEDURES**

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

#### **1048.8 PERFORMANCE EVALUATIONS**

Performance evaluations for all cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, cadets and senior cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.

# Nepotism and Conflicting Relationships

## 1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this Department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline, and workplace safety and security.

### 1050.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction, where the Department employee's annual interest, compensation, investment, or obligation is greater than \$250.

**Conflict of interest** - Any actual, perceived, or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion, or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer, or employee vested with authority by law, rule, or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted, or step), sibling, or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

## 1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
  - (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
  - (d) To avoid actual or perceived conflicts of interest, members of this Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses, or other individuals during the course of or as a direct result of any official contact.
  - (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender or who engages in serious violations of state or federal laws.

**1050.2.1 EMPLOYEE RESPONSIBILITY**

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

**1050.2.2 SUPERVISOR'S RESPONSIBILITY**

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

## 120 Days Retired City Employee Program

### 1051.1 PURPOSE AND SCOPE

The 120-day employee program is authorized by the City of Los Angeles Administrative Code (LAAC) § 1164 (b).

Pursuant to LAAC §1164 the Los Angeles Port Police may request that retired City employees may be employed:

- (a) When such member's services are required for an emergency; or
- (b) To prevent a stoppage of public business or when his or her special skills are needed to perform work of a limited duration.
- (c) In a vacant position in a class in which he or she has been employed (same job class).
- (d) For no more than 120 days in any fiscal year (July 1 to June 30).

#### 1051.1.1 PROHIBITION

No person who shall have been retired from the service and employment of the City pursuant to the provisions of this System shall thereafter be paid for any service rendered as an officer or employee of the City, except for service rendered as an election officer, as an officer elected by the electors of the City, or as a Retired Member of the Board of Administration.

#### 1051.1.2 EXCEPTION FOR TEMPORARY SERVICE

The Mayor may, at the request of the appointing authority, authorize employment of a Retired Member to a vacant position in a class in which he or she has been employed or, subject to the civil service provisions of the Charter, in any other position, for a period not to exceed 120 days in any fiscal year when such Member's services are required for an emergency or to prevent a stoppage of public business or when his or her special skills are needed to perform work of a limited duration. While so employed, the Retired Member will continue to receive his or her retirement allowance as a Retired Member, but will make no further contribution to the System, and will not be subject to any change in benefits from the System as the result of the employment.

### 1051.2 PROCEDURES FOR COMPLYING WITH THE 120-DAY PROGRAM

- (a) In general, all policies regulating regular full time employees are in force.
- (b) Those persons employed pursuant to LAAC § 1164 are at-will employees.
- (c) The qualifications and physical standards requirements are the same as for any regular service Los Angeles Port Police Officer.
- (d) The grooming and uniform standards are the same as for regular full time employees.
- (e) The scope and range of duties that can be assigned are the same as any regular service employee.
- (f) As with all Los Angeles Port Police employees, 120-day employees are subject to mandatory call to report to work in case of emergency or Department needs.

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- (g) All 120-day employees shall communicate with their immediate supervisor to ascertain their work schedule.
- (h) Each supervisor and the Patrol Operations Division Commander shall ensure that that employee's work schedule is posted at the same time the patrol schedules are posted.
- (i) Supervisors should attempt to adhere to the posted schedules.
- (j) If assigned to patrol:
  - 1. Watch Commanders are responsible for ensuring that 120-day employee assigned to their area arrive at work and work through end of watch. This will be done by placing said employee on the deployment sheet for tracking purposes. The 120-day employee shall check in with the on-duty watch commander prior to the beginning of any shift.
  - 2. The 120-day employee shall keep the on-duty watch commander apprised of their location of assignment as well as code-7 and other locations throughout the shift by communicating with dispatch. The favored method for this communication is via dispatch over the radio. In the event that no radios are available, this shall be done by calling dispatch on the recorded line.
  - 3. Dispatch shall punch cards to indicate the code-6 locations of all said employees.
- (k) ALL radio procedures are the same as for regular Los Angeles Port Police Officers. All law enforcement contacts shall be broadcast over the air.
- (l) 120-Day employees are required to comply with all POST mandated training as if they were regular full time peace officers. Said employees are subject to the same perishable skills training, range requirements, etc.
- (m) The Los Angeles Port Police policy will to pay only for time worked. There shall be no instances of paying eight hours for less than eight hours worked.
  - 1. In order to fulfill this requirement, the tracking of hours worked shall be a joint responsibility of the employee and the Department.
  - 2. Each employee shall submit a time card (overtime sheet) indicating on it that they are a "120-day" employee.
  - 3. Each overtime slip shall include a running total of the number of hours accumulated during the current fiscal year (July 01 to June 30).
  - 4. Calculation of the "120-days" is done in the following manner: 120 days of employment equals (120 x 8) 960 hours per fiscal year. Employees may work any combination of hours and days up to this total but never to exceed this total in one fiscal year.



## Department Badges

### 1052.1 PURPOSE AND SCOPE

The Los Angeles Port Police badge and uniform patch as well as the likeness of these items and the name of the Los Angeles Port Police are property of the Department and their use shall be restricted as set forth in this policy.

### 1052.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority and the use and display of Departmental badges shall be in strict compliance with this policy. Only authorized badges issued by Los Angeles Port Police shall be displayed, carried, or worn by members while on duty or otherwise acting in an official or authorized capacity.

#### 1052.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Los Angeles Port Police policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Los Angeles Port Police 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 policy manual § 700.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying, or display of a flat badge is not authorized for non-sworn personnel.

#### 1052.2.2 NON-SWORN PERSONNEL

Badges and Los Angeles Port Police identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (a) Non-sworn personnel shall not display any Department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any Department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

#### 1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement as a Los Angeles Port Police Officer, the Chief of Police or the authorized designee 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 Los Angeles Port Police. The honorably retired officer would be issued identification which is separate

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and distinct from the identification authorized by Penal Code § 25455 and referenced in policy manual § 220.

Upon his/her honorable retirement, the officer, at his/her own expense may elect to purchase their issued oval badge, hat piece, and flat badge as a keepsake. At the direction of the officer, the oval badge, hat piece, and flat badge will be embedded in lucite material or permanently mounted in a shadow box, plaque, or memento for display only. The officer may also elect to retain their deactivated identification card for display purposes in a shadow box or memento upon their retirement. The badge and identification card will remain property of the Los Angeles Port Police and will be revoked in the event of misuse or abuse (Penal Code § 538d). In the event the badge is revoked by the Los Angeles Port Police, reimbursement will not be made to the retiree for incurred costs.

Any badge that is not affixed to a shadow box, plaque, or memento will have the word "Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Los Angeles Port Police and will be revoked in the event of misuse or abuse (Penal Code § 538d). In event the badge is revoked by the Los Angeles Port Police, reimbursement will not be made to the retiree for incurred costs.

Upon promotional advancement, an officer, at his/her own expense may elect to purchase their issued oval badge, hat piece, and flat badge as a keepsake. The officer may also elect to retain their deactivated identification card for display purposes in a shadow box or memento upon their retirement. The officer will complete equipment turn in documentation with Fiscal Operations and Human Resources Division at which time, they will indicate their intentions for the oval badge, hat piece, and flat badge whether to be permanently embedded in lucite or their intention to have them stored until their honorable retirement or resignation, at which time they will be permanently mounted in a shadow box, plaque, or memento for display only.

The procurement and purchase of issued oval badges, hat pieces, and flat badges will be administered by Fiscal Operations and Human Resources Division. The purchase agreement will identify the direct cost to the officer and will indicate that the badges and hat pieces are the property of the Los Angeles Port Police and to be revoked in the event of misuse or abuse (Penal Code § 538d).

#### **1052.3 UNAUTHORIZED USE**

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case, or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The Department badge, shoulder patch, or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

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The use of the badge, uniform patch, and Department name for all material (printed matter, products, or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

#### **1052.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the Department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee associations may use the likeness of the Department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Los Angeles Port Police. 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.

#### **1052.5 POLICY ADMINISTRATION**

Adherence to this policy of under the chain of command of the Commanding Officer of Administrative Services Division or their authorized designee.

## Temporary Modified-Duty Assignments

### 1054.1 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.

### 1054.2 POLICY

Subject to operational considerations, the Los Angeles Port Police 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.

### 1054.3 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 Los Angeles Port Police 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.

### 1054.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

# Los Angeles Port Police

## Los Angeles Port Police Policy Manual

### *Temporary Modified-Duty Assignments*

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders 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 Commander 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 Fiscal Operations and Human Resources Division 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 Commander, with notice to the Chief of Police.

#### **1054.5 ACCOUNTABILITY**

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

##### **1054.5.1 EMPLOYEE RESPONSIBILITIES**

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

**Los Angeles Port Police**  
Los Angeles Port Police Policy Manual

*Temporary Modified-Duty Assignments*

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**1054.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

**1054.6 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 policy manual § 1032.

**1054.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

**1054.7.1 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.

**1054.8 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.

**1054.9 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

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*Temporary Modified-Duty Assignments*

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

# Employee Speech, Expression, and Social Networking

## 1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1058.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

## 1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Los Angeles Port Police will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1058.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Los Angeles Port Police employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:



# Los Angeles Port Police

## Los Angeles Port Police Policy Manual

### *Employee Speech, Expression, and Social Networking*

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- 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.

#### **1058.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT**

To meet the Department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Los Angeles Port Police or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Los Angeles Port Police and tends to compromise or damage the mission, function, reputation, or professionalism of the Los Angeles Port Police 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 Los Angeles Port Police.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Los Angeles Port Police on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

# Los Angeles Port Police

## Los Angeles Port Police Policy Manual

### *Employee Speech, Expression, and Social Networking*

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- (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).

#### 1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Los Angeles Port Police or identify themselves in any way that could be reasonably perceived as representing the Los Angeles Port Police 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 Los Angeles Port Police.

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).

**Los Angeles Port Police**  
Los Angeles Port Police Policy Manual

*Employee Speech, Expression, and Social Networking*

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**1058.5 PRIVACY EXPECTATION**

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any Department technology system.

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).

**1058.6 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

**1058.7 TRAINING**

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

## Attachments

**Org Chart 2015.jpg**

## **Hate Crimes Checklist 12162020.2.pdf**



## Los Angeles Port Police HATE CRIME CHECKLIST

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><b>Individual</b></p> <p>Legal Name (Last, First): _____</p> <p>Other Names Used (AKA): _____</p> <p>School, Business or Organization Name: _____</p> <p>Type: _____ <small>(e.g., non-profit, private, public school)</small></p> <p>Address: _____</p> <p>Faith-Based Organization Name: _____</p> <p>Faith: _____</p> <p>Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p>Person      Private Property      Public Property</p> <p>Other: _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p>Bodily Injury      Threat of Violence</p> <p>Property Damage</p> <p>Other Crime: _____</p> <p>Property Damage – Estimated Value: _____</p>	
	<p><b><u>Type of Bias (Check all that apply):</u></b></p> <p><b>Disability</b></p> <p><b>Gender</b></p> <p><b>Gender Identity/Expression</b></p> <p><b>Sexual Orientation</b></p> <p><b>Race</b></p> <p><b>Ethnicity</b></p> <p><b>Nationality</b></p> <p><b>Religion</b></p> <p><b>Significant Day of Offense (e.g. 9/11, holy days) Other:</b> _____</p> <p><b>Specify Disability (be specific):</b> _____ _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement</u></b></p> <p>Actual Bias [Victim actually has the indicated characteristic(s)]. Perceived Bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of report.</i></p> <hr/> <p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement</u></b></p> <p>Do you feel you were targeted based on one of these characteristics? Yes      No      <b><i>Explain in Narrative portion of Report</i></b></p> <p>Do you know what motivated the suspect to commit this crime? Yes      No      <b><i>Explain in Narrative portion of Report</i></b></p> <p>Do you feel you targeted because you associated yourself with an individual or group? Yes      No      <b><i>Explain in Narrative portion of Report</i></b></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? Yes      No      <b><i>Describe in Narrative portion of Report</i></b></p> <p>Are there indicators the suspect is affiliated with a criminal street gang? Yes      No      <b><i>Describe in Narrative portion of Report</i></b></p>	
<b>BIAS</b>	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p>Hate Speech      Acts/Gestures      Property Damage      Symbol Used      Written/Electronic Communication Graffiti/Spray Paint.      Other: _____</p> <p style="text-align: center;"><b><i>Describe with exact detail in narrative portion of Report.</i></b></p>		
	<p style="text-align: center;"><b><u>RELATIONSHIP BETWEEN SUSPECT &amp; VICTIM</u></b></p> <p>Suspect known to victim?      Yes      No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____ <i>If Yes, describe in narrative portion of report.</i></p>	<p>Prior reported incidents with suspect? Total # _____</p> <p>Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?      Yes      No <i>If Yes, describe in narrative portion of Report</i></p> <p>Type of Order: _____      Order/Case # _____</p>	
<b>WEAPONS</b>	<p>Weapon(s) used during incident?      Yes      No</p> <p>Automated Firearms Systems (AFS) Inquiry attached Report?      Yes      No</p>	<p>Type: Weapons(s) booked as evidence?      Yes      No</p> <p>_____</p> <p>_____</p>	

**Los Angeles Port Police**  
**HATE CRIME CHECKLIST**

<b>EVIDENCE</b>	Witnesses present during incident?    Yes    No		Statements taken?    Yes    No	
	Evidence Collected?    Yes    No	Photos taken?    Yes    No	Recordings:    Video    Audio    Booked	
<b>OBSERVATIONS</b>	Total # of Photos: _____ D# _____		Suspect Identified:    Field ID    By Photo Known to Victim	
	Taken by: _____ Serial#: _____			
	<b><u>VICTIM</u></b>		<b><u>SUSPECT</u></b>	
	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: _____		
<b><u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u></b>				
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	
<b>Resources offered at scene:</b> Yes    No    Type: _____				
<b>MEDICAL</b>	<b><u>Victim</u></b> <b><u>Suspect</u></b>		<b>Paramedics at scene?</b> Yes    No    Unit # _____	
	Declined medical treatment		Name(s)/ID #: _____	
	Will seek own medical treatment		Hospital: _____	
	Received medical treatment		Jail Dispensary: _____	
Authorization to Release Medical Information, Form 05.03.00, signed?    Yes    No		Physician/Doctor: _____		
		Patient #: _____		
Officer (Name/Rank)		Officer Signature		Date
Officer (Name/Rank)		Officer Signature		Date
Supervisor Approving (Name/Rank)		Supervisor Signature		Date



**Commission on Peace Officer Standards and  
Training Hate Crimes Model Policy 2019.pdf**

**Commission on Peace Officer Standards and  
Training Hate Crimes Model Policy 2019.pdf**

## Hate Crime Checklist.pdf

**LAPP Elder Abuse Evidence Collection  
Checklist LAPP Form No 4-2-03.78.pdf**



Los Angeles Port Police  
Elder Abuse Evidence Collection Checklist

LAPP Incident # \_\_\_\_\_  
LAPP Report # \_\_\_\_\_

Medical Records:

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- |  |   |
|--|---|
| <input type="checkbox"/> Emergency Room        | <input type="checkbox"/> Lab Reports  |
| <input type="checkbox"/> Treating Physician(s) | <input type="checkbox"/> Nurses' Notes                                      |
| <input type="checkbox"/> Nursing Facilities    | <input type="checkbox"/> X-rays   |
| <input type="checkbox"/> Pharmacy              | <input type="checkbox"/> Social Workers' Notes                              |
| <input type="checkbox"/> Dentist(s)            | <input type="checkbox"/> Adult Protective Services Records & Prior Contacts |
| <input type="checkbox"/> Prescriptions         | <input type="checkbox"/> Other  |

Legal Records:

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All law enforcement contacts with involved parties and witnesses, including:

- Physical inventory checklist (Elder Abuse First Responder Checklist)
- 911 Tapes
- Arrest Reports
- Criminal Histories
- Jail Records including:
  - Phone Calls
  - Visitor Logs by or on behalf of suspects

Testimony & Background Evidence:

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- Psychological/Psychiatric evaluation of victim (when consent, undue influence, or capacity may be an issue)
- Victim testimony or deposition with full-cross examination, as soon as possible after charging
- Videotape the victim at the early stage of the investigation, including the following:
  - Orientation (how does the victim perceive time and place)
  - Victim testifying to consent
  - Victim naming identity of suspect
  - Victim signing his/her name in video to compare to signature on questioned documents (financial abuse)
  - Impact of crime (video record a walk-through of neglect or abuse crime scene, if possible)

Consultation with Experts:

---

- |   |  |
|---|--|
| <input type="checkbox"/> Handwriting Analysts | <input type="checkbox"/> Geriatric Psychologists & Psychiatrists |
| <input type="checkbox"/> Geriatricians        | <input type="checkbox"/> Wound Care Experts                      |
| <input type="checkbox"/> Forensic Accountants | <input type="checkbox"/> Medical Examiner                        |
| <input type="checkbox"/> Civil Attorneys      |  |



## Los Angeles Port Police Elder Abuse Evidence Collection Checklist

### Interviews:

Witnesses who can describe the victim's condition, activities, and level of functioning and interaction with the defendant at the time of the incident and before. Describe changes over time.

#### Possible Witnesses:

- Family and Friends
- Acquaintances/Social
- Banking/Financial
- Hair Stylists/Barbers
- Faith Community
- Local Businesses
- Neighbors
- Adult Day Care Services
- Social Services (Meals on Wheels, etc.)
- Adult Protective Services
- Civil Attorneys
- Delivery Personnel
- Postal Carriers
- Meter Readers
- Payees for expenses the suspect paid with the victim's money

### Financial & Legal Records:

- |   |   |
|---|---|
| <input type="checkbox"/> Credit Card Records        | <input type="checkbox"/> Prior Civil Cases                      |
| <input type="checkbox"/> Investment Account Records | <input type="checkbox"/> Court/Protection Orders                |
| <input type="checkbox"/> Credit Reports             | <input type="checkbox"/> Wills and Trusts                       |
| <input type="checkbox"/> Suspect's Bank Records     | <input type="checkbox"/> Property Deeds                         |
| <input type="checkbox"/> Victim's Bank Records      | <input type="checkbox"/> Conveyances                            |
| <input type="checkbox"/> Checkbook Registers        | <input type="checkbox"/> Advanced Care Directives/Living Wills  |
| <input type="checkbox"/> Powers of Attorney         | <input type="checkbox"/> Guardianship/Conservatorship Documents |

### Physical Evidence:

#### Crime Scene photos and video, including, if relevant:

- |  |  |
|--|--|
| <input type="checkbox"/> Suspect's living area   | <input type="checkbox"/> Defendant's and victim's ISP records  |
| <input type="checkbox"/> Victim's living area  | <input type="checkbox"/> Defendant's computer, flash drives, etc.  |
| <input type="checkbox"/> Major new purchases made by suspect   | <input type="checkbox"/> Legal file from victim's civil attorney   |
| <input type="checkbox"/> Victim's body   | <input type="checkbox"/> Assistive devices (or lack thereof)   |
| <input type="checkbox"/> Injuries over time  | <input type="checkbox"/> Nutritional Supplements   |
| <input type="checkbox"/> Other signs of neglect  | <input type="checkbox"/> Receipts for Purchases  |
| <input type="checkbox"/> Clothing victim was wearing at time of incident (including undergarments if applicable. | <input type="checkbox"/> Restraints and Bindings   |
| <input type="checkbox"/> Bedding   | <input type="checkbox"/> Checkbooks, Check Registers   |
| <input type="checkbox"/> Locks outside of doors  | <input type="checkbox"/> Contents of refrigerator, cupboards, medicine cabinets (including actual bottles/containers for prescriptions to show physician and pharmacy, possession and full/empty status given recommended dosage over time from the date of the last refill) |
| <input type="checkbox"/> Writings/Journals/Letters   |  |
| <input type="checkbox"/> Photos and videos related to conduct  |  |
| <input type="checkbox"/> Address Books and Calendars   |  |

## **LAPPD Call Signs and Radio Designations 10-2023.pdf**



# LOS ANGELES PORT POLICE RADIO DESIGNATIONS

Communications (Control)  
Command Post (CP)

## **Executive Staff**

Executive 1	Karen Bass – Mayor
Executive Security 1	Mayor's Security Detail
Harbor 1	Eugene Seroka – Executive Director, LAHD
Harbor 1B	Marla Bleavins – Deputy Executive Director
Harbor 2	Dina Aryan-Zahlan – Director of Development
Commissioner 1	Lucille Roybal Allard – President, Board of Harbor Commissioners
Commissioner 2	Diane Middleton – VP, Board of Harbor Commissioners
Commissioner 3, 4, or 5	Members, Board of Harbor Commissioners

## **Command Staff**

Staff 1	Chief Thomas Gazsi
Staff 1A	Adjutant/Chief of Staff
Staff Security 1A	Protective Services Detail
Staff Security 1B	Protective Services Detail
Staff 2	Assistant Chief –
Staff 2A	Operations Executive Officer
Staff 3	Deputy Chief Greg McManus – Operations Group
Staff 3A	Adjutant
Staff 4	Deputy Chief Randall Allen – Training and Emergency Management Group
Staff 4A	Emergency Management Coordinator I – Lynette Reed
Staff 4B	Emergency Management Coordinator I – Jennifer Maradiaga-Contreras
Staff 5	Director of Administrative Services – George Cummings
Cmdr 1	Captain Anita Hayden – Patrol Operations Division Commander
Cmdr 1A	Assistant Patrol Operations Division Commander
Cmdr 2	Captain Kevin McCloskey – Marine Operations Division Commander
Cmdr 2A	Lt. Jonathan Oceau – Assistant OIC Marine Operations Commander
Cmdr 3	Captain Daniel Cobos – Support Services Division Commander
Cmdr 3A	Assistant Support Services Division Commander
Cmdr 4A	Lt. Nathanael Blair – Assistant OIC, Training and Emergency Management Group
Cmdr 6	Jill Taylor – Homeland Security and Grants Management Division Commander
Cmdr 7	Lt. Rosa Reynoso – OIC, Professional Standards
Cmdr 8	Nancy Nevarez - Fiscal Operations and Human Resources Division Commander



## **Patrol Operations**

L10	Watch Commander
L20	Field Supervisor
L30	Field Supervisor
L40	Field Supervisor
L90	Desk Officer
L91	Desk Officer
L58 (A58/ 2 Officer Car)	San Pedro District
L27 (A27/ 2 Officer Car)	Wilmington District
L59 (A59/ 2 Officer Car)	Terminal Island District
XL31 (X31/ 2 Officer Car)	Extra Car
XL32 (X32/ 2 Officer Car)	Extra Car
Mike 20	Sgt. Scott Gaines – Community Relations Sergeant
Mike 1	PO II Stacey Creech – Community Relations Officer (San Pedro)
Mike 2	PO III Travis Zuebisch – Community Relations Officer (Wilmington)
Mike 3	PO II Aldo Morales – Community Relations Officer (Terminal Island)

## **Air Units**

Air 50	Special Designation Flight (i.e. VIP on board)
Air 50	A Watch Aviation Support
Air 50	B Watch Aviation Support

## **Behavior Detection**

Charlie

## **Bicycle Units**

Cycle 80	Bicycle Supervisor
Cycle 81	
Cycle 82	
Cycle 83	
Cycle 84	
Cycle 85	

## **Dive Units**

Dive 20	Sgt. Ralph Edwards – Dive Supervisor
Dive 21	PO II Michael Glimpse
Dive 22	PO III David Yocham
Dive 23	POII Brenden Russell
Dive 24	
Dive 25	PO II - Vacant

## **Foot Beat Units**

FB10	Supervisor
FB20	Supervisor
FB30	Supervisor
FB21	Officer
FB22	Officer
FB23	Officer

## Tactical Planning and Hazardous Materials Unit

David 10	Lt. Ryan Howley
David 20	Sgt. Danny Rodriguez – Haz-Mat/Tactical Planning OIC
David 31	PO III Fernando Martinez – Haz-Mat
David 32	PO III Alex Castillo – Haz-Mat
David 33	Vacant – Haz-Mat
David 34	PO III Roberto Ramirez – Haz Mat
David 35	PO II Joe Naso
David 36	PO II Miguele Calhoun
David 37	
David 38	On Loan Enrichment
David 39	PO II Alfonso Garcia – Tactical Planning

## Investigations and Intelligence

W10	Detective Lieutenant – Rosario Ferrara
W20	Detective Sergeant – Jose Magana
W21	
W22	Detective Alberto Alvarado – <b>HITDA</b> (High Intensity Drug Traffic Area)
W23	Detective Dianne Kelly – <b>LA BEST</b> (Border Enforcement Security Task Force)
W24	Detective Jeffrey Shanaphy – <b>JRIC/TEW</b> (Joint Regional Intelligence Center/Terrorism Early Warning)
W25	Detective Victor Morales – <b>Port Crimes</b>
W26	Detective David Price – <b>Port Crimes</b>
W27	
W28	Detective Vacant – <b>Port Crimes</b>
W29	Detective Tom Yamamoto – <b>JTTF</b> – (Joint Terrorism Task Force)
W31	Detective Celia Ixta-Edgar – <b>Port Crimes</b>
W32	Court Liaison Officer – PO II Ericka Howell
W33	On Loan Detective

## K-9 Unit

K9-20	Sgt. Daniel Dayton – K9 Supervisor
K9-2	PO II Alfredo Moya – Narco/Patrol (Jack)
K9-3	PO III Roberto Redondo – Explosive (Ace)
K9-4	PO II Maria Hernandez – Explosive (Emir)
K9-5	PO II Keli Langsdale – Explosive (Chase)
K9-6	PO II Vacant – Patrol / Narcotics (Bruno)
K9-7	PO II Alexandra Garbe – Patrol / Explosive (Puma)
K9-8	PO III Ismael Flores – Patrol / Narcotics (Wako)
K9-11	PO II Lloyd Suh – Patrol / Explosive (Storm)
K9-12	PO II Joshua Paxton – Patrol / Explosive (Maya)
K9-14	PO II Jamey Stearns – Narco/Patrol (Gunner)

## Marine Operations

Marine 10	Lt. Phillip Heem
Marine 20	Sgt. Logan Braun – Marine Supervisor
Marine 30	Sgt. Frank Huang – Marine Supervisor
Marine 12	Marine Unit (2 or 3 Officers) – Patrol Boat
Marine 13	Marine Unit (2 or 3 Officers) – Patrol Boat
Marine 14	Marine Unit (2 or 3 Officers) – Patrol Boat
Marine 15	Marine Unit (2 or 3 Officers) – Patrol Boat
Marine 16	Marine Unit (2 or 3 Officers) – Patrol Boat

## **Maritime Tactical Team**

Robert 10	Lt. Mark Pagliuca
Robert 20	Sergeant Tyler Hellinga
Robert 31	POIII Roberto Redondo
Robert 32	POIII Dustin Sandoval
Robert 33	POII Kevin Kuramoto
Robert 34	POII Brent Grieger
Robert 35	POII Vincent Hernandez
Robert 37	POII Isaias Hinojosa
Robert 38	POII Justin Sepe
Robert 39	POII Lloyd Suh
Robert 41	POII Logan Villareal

## **MLETC**

Bravo 10	Sgt. Ryan Mullany
Bravo 11	POIII Vacant – MLETC
Bravo 13	POIII Vacant – MLETC

## **Motorcycle Units**

Motor-10	Lt. Jose Alvarez
Motor-20	Sgt. Glenn Twardy
Motor-30	Sgt. Andrew Sklarsh
Motor-71	PO III Masaki Imoto
Motor-72	PO III Michael Canlas
Motor-73	PO III Mark Renteria
Motor-74	PO III Mark Velasquez
Motor-75	PO II Justin Sepe
Motor-76	PO II Arman Akserelian
Motor-77	PO III Byron Culbertson
Motor-78	PO II Morgan Evans
Motor-79	POIII Candace Candelaria

## **Range**

Range 20	Sgt. Michael Belo – Range Master
Range 11	PO III Francisco Nunez – Range Assistant

## **Sea Marshals**

Z-80  
Z-82  
Z-83  
Z-84  
Z-85  
Z-86  
Z-87

## **Security Operations Supervisors**

Paul 10	Security Lieutenant
1 SAM 10	AM Watch Commander / SSO
1 SAM 20	AM Watch Field Supervisor / SSO
1 SAM 30	AM Watch Field Supervisor / SSO
2 SAM 10	Day Watch Commander / SSO
2 SAM 20	Day Watch Field Supervisor / SSO
2 SAM 30	Day Watch Field Supervisor / SSO
3 SAM 10	PM Watch Commander / SSO
3 SAM 20	PM Watch Field Supervisor / SSO
3 SAM 30	PM Watch Field Supervisor / SSO

## **Administration**

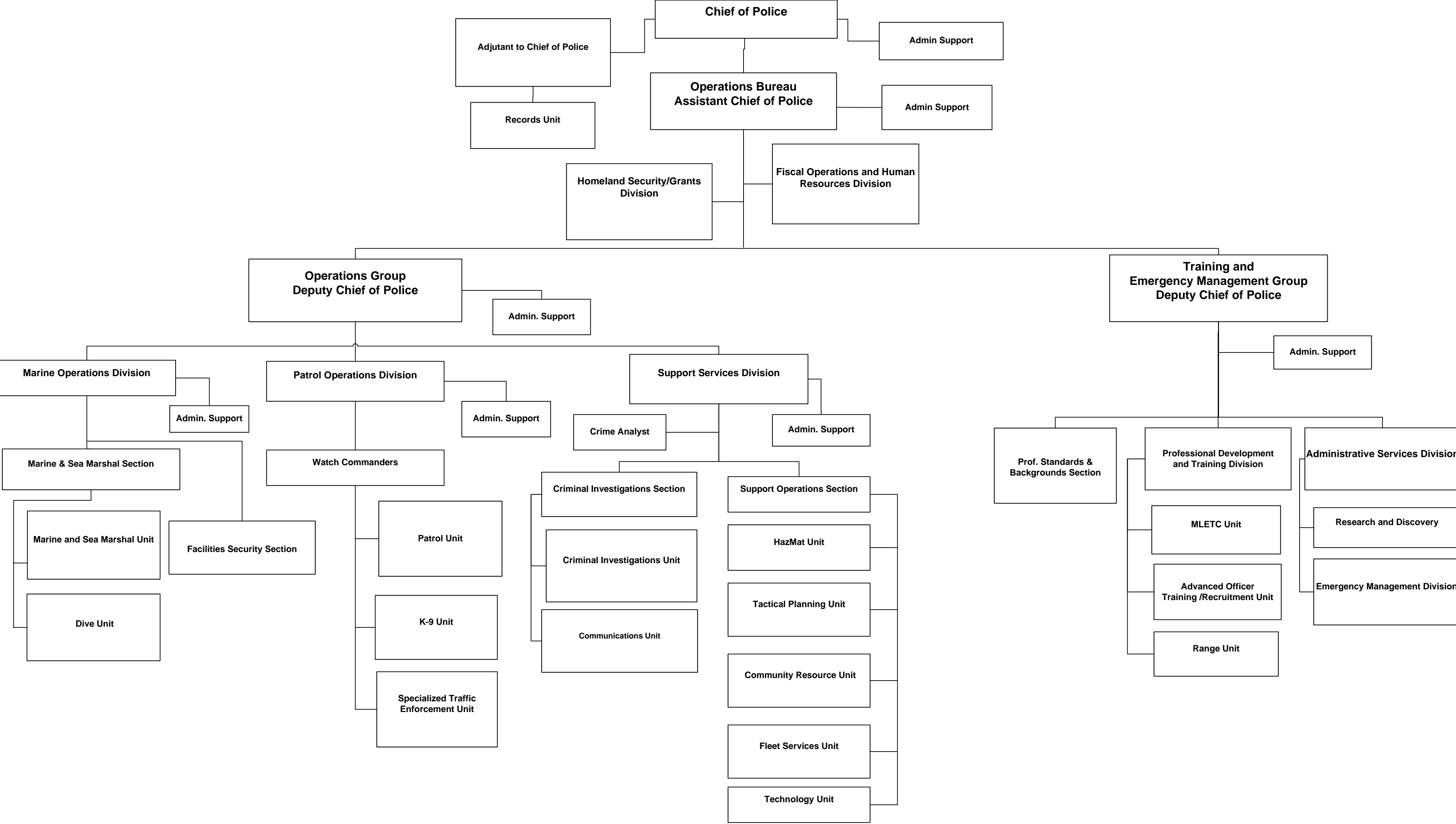
King 20	Vacant – Training Coordinator Supervisor
King 12	POIII Juan Montiel – Training Officer
King 13	POIII Vacant – Training Officer
King 30	Sergeant Joseph Arthur – Assist OIC Professional Standards

Fleet 1	Garage Attendant
Fleet 2	

Cadet 1	
Cadet 2	Dylan Herrero
Cadet 3	

**Org Chart - July 2023.pdf**

# Los Angeles Port Police Organization Chart



## **Military Weapons Inventory List.pdf**

# **CATEGORY 1 – VEHICLES (INCLUDING DRONES/UAS)**

## **ITEM 1**

*Category:*

Vehicle

*Unit:*

Support Services Division

*Type:*

Squad Packable Utility Robot (SPUR)

*Description:*

Lightweight metal and rubber black in color Unmanned Ground Vehicle (UGV), equipped with a camera and a high performance manipulator arm, manipulated with a Universal Controller – Lightweight Interoperable Tactical Equipment (UC-LITE) controller.

*Quantity:*

1

*Capabilities:*

Compact fold to stow design-transportable in a pack, rapidly deploys without tools, tactical mobility, exceptional radio range, lightweight with a high-performance load manipulation capability.

*Expected Lifespan:*

10 years

*Manufactures Description:*

QinetiQ North America Lightweight metal and rubber black in color Unmanned Ground Vehicle (UGV), equipped with a camera and a high performance manipulator arm, manipulated with a Universal Controller – Lightweight Interoperable Tactical Equipment (UC-LITE) controller.

*Purpose and Authorized Uses:*

Rapidly deploy Hazmat equipment used for monitoring and identifying Types of hazardous material at incident sites that are dangerous for trained Hazmat personnel.

*Fiscal Impact:*

\$116,070 initial cost; Annual warranty cost of \$3,500; Replacement parts apx. \$2,000 annual maintenance.

*Legal and Procedural Rules:*

Policy manual § 704 and 706; Training Bulletin 20-06 Department Vehicle Operations – Accident Avoidance.



*Required Training:*

Agency-authored orientation course; annual refresher.

*Compliance Mechanisms:*

Operational use under the review of the Support Services Division Commander or appropriate section supervision.

**ITEM 2**

*Category:*

Vehicle

*Unit:*

Support Services Division

*Type:*

2011 Matthews Diesel Powered 45 ft. Mobile Incident Command Center

*Description:*

Solid polyurethane beige in color, wheeled vehicle. Black and Green, agency name, logo and markings. Code Three modified, equipped with Red/Blue lights and siren

*Quantity:*

1

*Capabilities:*

As the primary response agency at the Port of Los Angeles, the Port Police Mobile Command Center, via a digital technology platform, is able to establish immediate command and control communication and operation to support Federal, State, and Local resources in emergency situations.

*Expected Lifespan:*

20 years

*Manufactures Description:*

Matthews Specialty Vehicles built the Mobile Incident Command Center vehicle on a 45' commercially serviceable Freightliner chassis. It has an XCR Tag Axle Heavy-duty rear engine with Bendix ADB22X air disc front brake system.

*Purpose and Authorized Uses:*

Mobile Incident Command Centers are integral in response to emergencies to be used as the primary platform for personnel to conduct unified Incident Command System (ICS) management during an emergency or disaster situation. The Command Center is deployed during port-wide emergencies and mutual aid occurrences to maintain situational awareness for a common operational picture.

*Fiscal Impact:*

\$592,972 initial cost; \$33,000 annual maintenance

*Legal and Procedural Rules:*

Policy manual § 704 and 706; Training Bulletin 20-06 Department Vehicle Operations – Accident Avoidance.

*Required Training:*

Agency-authored orientation course; annual refresher; driver license endorsement.

*Compliance Mechanisms:*

Operational use under the review of the Support Services Division Commander or appropriate section supervision.

**ITEM 3**

*Category:*

Vehicle

*Unit:*

Marine Operations Division

*Type:*

Unmanned Aerial System (UAS/Drone)

*Description:*

Unmanned flying quadcopters equipped with GPS, obstacle avoidance, and video/infrared camera systems controlled from the ground by a FAA Certified Pilot.

*Quantity:*

7-5

*Capabilities:*

Birds-eye view of ground during day and night

*Expected Lifespan:*

5 years

*Manufacture's Description:*

Aids in incident response, rapid mapping, and scouting to facilitate informed actions while also ensuring maximal safety for involved individuals and bystanders.

*Purpose and Authorized Uses:*

To provide immediate aerial situational awareness during search and rescue operations, various officer safety situations, and port terminal overview.

*Fiscal Impact:*

\$80,000 initial cost; FAA License \$1,000 per 8 current pilots = \$8,000, every 2 years for license renewal

*Legal and Procedural Rules:*

FAA Part 107 Rules; Marine Operations Division Standard Operating Procedures.

*Required Training:*

FAA certified UAS class/test/license; monthly refresher.

*Compliance Mechanisms:*

Operational use under the review of the Marine Operations Division Command Staff or appropriate section supervision, and the Chief of Police.

**ITEM 4**

*Category:*

Vehicle

*Unit:*

Marine Operations Division

*Type:*

Klein Side Scan Sonar (3900, 4900, 5000, 5000V2) & Kongsberg Mesotech Sonar

*Description:*

High frequency single and multi-beam sonar, side scan sonar, and single beam sector scanning sonar which requires a vessel to deploy.

*Quantity:*

5

*Capabilities:*

Sound navigation and ranging from a moving device and a fixed/positional device

*Expected Lifespan:*

5 - 10 years

*Manufacture's Description:*

The Klein System is a versatile Side Scan Sonar that can be used for many different survey, search and recovery applications. The high fidelity, high-definition imaging abilities, and the portability of the system make it an ideal tool for search and recovery (SAR) missions while its rugged construction, selectable frequencies and 300m operational depth rating provide superb Capabilities: for the coastal survey and security communities. The Kongsberg Mesotech Sonar is a multi-beam system with both imaging and profiling Capabilities. This provides high-resolution and easy to interpret images by

combining the rapid refresh rate of a conventional multi-beam sonar with image quality comparable to a single-beam sonar.

*Purpose and Authorized Uses:*

Maintain the free flow of commerce, maritime underwater domain awareness, underwater investigations, and SAR missions.

*Fiscal Impact:*

Klein 5500 - \$653,198 initial cost

Kongsberg Mesotech - \$53,306.36 initial cost

3900 Sonar - \$107,121.11 initial cost

5000V2 multi beam sonar - \$349,666.39 initial cost; \$8,654 annually for semi-annual training

4900 side scan - \$127,260.83 initial costs

Apx. \$3,000 annually for software updates

*Legal and Procedural Rules:*

Manufacturer guidelines; Marine Operations Division and Dive Team Standard Operating Procedures.

*Required Training:*

Manufacturer Trainer; Sonar Experts; Industry Guidelines; FedOSHA; agency-authored orientation course; annual refresher.

*Compliance Mechanisms:*

Industry Guidelines, FedOSHA, and operational use under the review of the appropriate team supervisor.

**ITEM 5**

*Category:*

Vehicle

*Unit:*

Marine Operations Division

*Type:*

Loki Mk2 Drone

*Description:*

Unmanned, remotely piloted, powered aerial and ground vehicle kit. Unmanned flying quadcopters, and video camera systems controlled from the ground by a FAA Certified Pilot. Unmanned ground vehicle equipped with video camera systems controlled from the ground by trained personnel.

*Quantity:*

2 (1 aerial and 1 ground kit)

*Capabilities:*

Unmanned, remotely piloted, powered aerial and ground vehicle kit provides a birds-eye view of location during the day and night hours from an aerial and ground perspective.

*Expected Lifespan:*

5

*Manufacture's Description:*

Aids in incident response, rapid mapping, and scouting to facilitate informed actions while also ensuring maximum safety for involved individuals and bystanders. Kit includes a Signy which is a rugged, simple-to-use, throw able ground device designed to deliver support for indoor operations in difficult to access and hazardous places.

*Purpose and Authorized Uses:*

To provide immediate situational awareness during search and rescue operations, various officer safety situations, and area overview.

*Fiscal Impact:*

\$23,821.16 initial kit cost; FAA License \$1,000 per 8 current pilots = \$8,000, every 2 years for license renewal

*Legal and Procedural Rules:*

Manufacturer guidelines; Marine Operations Division and Dive Team Standard Operating Procedures.

*Required Training:*

Manufacturer Trainer; Industry Guidelines; FedOSHA; agency-authored orientation course; monthly refresher.

*Compliance Mechanisms:*

Industry Guidelines, FedOSHA, and operational use under the review of the appropriate team supervisor, and the Chief of Police.

**ITEM 6**

*Category:*

Vehicle

*Unit:*

*Marine Operations Division*

*Type:*

DJI Mavic 3 Enterprise Thermal Drone with Shield Protection Plus

*Description:*

Unmanned, remotely piloted drone. Unmanned flying quadcopters equipped with GPS, obstacle avoidance, and thermal camera systems controlled from the ground by a FAA Certified Pilot.

*Quantity:*

4

*Capabilities:*

Unmanned, remotely piloted, powered aerial kit provides a birds-eye view of location during the day and night hours from an aerial and ground perspective. Mechanical shutter to prevent motion blur and supports rapid 0.7-second interval shooting. Complete with mapping missions with extraordinary efficiency without the need for Ground Control Points.

*Expected Lifespan:*

5 years

*Manufacture's Description:*

Aids in incident response, rapid mapping, and scouting to facilitate informed actions while also ensuring maximum safety for involved individuals and bystanders. Mavic 3E's wide camera together with intelligent low-light mode, offers significantly improved performance in dim conditions. Equipped with a 12 MP zoom camera and supports up to 56x maximum hybrid zoom to see essential details from afar. Batteries are optimized for endurance including 45-minute flight durations, letting you cover more ground per mission, surveying up to 2 square kilometers in a single flight. Fast charging batteries with 100W charging hub with Capabilities: of a direct charge with 88W charging cord. The Mavic 3 Enterprise Series redefines the industry standards for small commercial drones. A thermal version is available for search and rescue, inspections, and night operations.

*Purpose and Authorized Uses:*

To provide immediate situational awareness during search and rescue operations, various officer safety situations, and area overview.

*Fiscal Impact:*

\$5,998 initial kit cost; Intelligent Flight Batteries \$209; Speaker \$159; Tundra Automoving Lighting Solutions \$1,690; FAA License \$1,000 per 8 current pilots = \$8,000, every 2 years for license renewal

*Legal and Procedural Rules:*

Manufacturer guidelines; Marine Operations Division and Dive Team Standard Operating Procedures.

*Required Training:*

Manufacturer Trainer; Industry Guidelines; FedOSHA; agency-authored orientation course; monthly refresher.

*Compliance Mechanisms:*

Industry Guidelines, FedOSHA, and operational use under the review of the appropriate team supervisor, and the Chief of Police.

**ITEM 7**

*Category:*

Vehicle

*Unit:*

Patrol Operations Division

*Type:*

DJI Mavic 3 Enterprise Thermal Drone with Shield Protection Plus

*Description:*

Unmanned, remotely piloted drone. Unmanned flying quadcopters equipped with GPS, obstacle avoidance, and thermal camera systems controlled from the ground by a FAA Certified Pilot.

*Quantity:*

4 (one of the existing will be salvaged and two additional will be purchased)

*Capabilities:*

Unmanned, remotely piloted, powered aerial kit provides a birds-eye view of location during the day and night hours from an aerial and ground perspective. Mechanical shutter to prevent motion blur and supports rapid 0.7-second interval shooting. Complete with mapping missions with extraordinary efficiency without the need for Ground Control Points.

*Expected Lifespan:*

5 years

*Manufacture's Description:*

Aids in incident response, rapid mapping, and scouting to facilitate informed actions while also ensuring maximum safety for involved individuals and bystanders. Mavic 3E's wide camera together with intelligent low-light mode, offers significantly improved performance in dim conditions. Equipped with a 12 MP zoom camera and supports up to 56x maximum hybrid zoom to see essential details from afar. Batteries are optimized for endurance including 45-minute flight durations, letting you cover more ground per mission, surveying up to 2 square kilometers in a single flight. Fast charging batteries with 100W charging hub with Capabilities: of a direct charge with 88W charging cord. The Mavic 3 Enterprise Series redefines the industry standards for small commercial drones. A thermal version is available for search and rescue, inspections, and night operations.

*Purpose and Authorized Uses:*

To provide immediate situational awareness during search and rescue operations, various officer safety situations, and area overview.

*Fiscal Impact:*

\$5,998 initial kit cost; Intelligent Flight Batteries \$209; Speaker \$159; Tundra Automoving Lighting Solutions \$1,690; FAA License \$1,000 per 8 current pilots = \$8,000, every 2 years for license renewal

*Legal and Procedural Rules:*

Manufacturer guidelines; Marine Operations Division and Dive Team Standard Operating Procedures.

*Required Training:*

Manufacturer Trainer; Industry Guidelines; FedOSHA; agency-authored orientation course; monthly refresher.

*Compliance Mechanisms:*

Industry Guidelines, FedOSHA, and operational use under the review of the appropriate team supervisor, and the Chief of Police.

**ITEM 8**

*Category:*

Vehicle

*Unit:*

Patrol Operations Division

*Type:*

Ballistic Sport Utility Vehicle

*Description:*

Black in color, wheeled vehicle. No logos, Code Three modified, equipped with hidden Red/Blue lights and siren

*Quantity:*

1

*Capabilities:*

Armor level III rated to a .357 Magnum, 9mm Luger, and .44 Magnum

*Expected Lifespan:*

20 years



*Manufactures Description:*

International Armoring Corporation (IAC) built an Armor Level 3, B4 (NIJ Level IIIa) on a ¾ - Ton, 4 door, 4-wheel drive GMC Yukon XL.

*Purpose and Authorized Uses:*

Vehicle is used by our Dignitary Protection Unit (DPU) to safely transport high-ranking dignitaries to special event locations. The Maritime Tactical Team (MTT) utilizes this vehicle in tactical situations that require a vehicle with ballistic armor Capabilities.

*Fiscal Impact:*

\$112,519.26 initial cost; \$5,000 annual maintenance

*Legal and Procedural Rules:*

Policy manual § 704 and 706; Training Bulletin 20-06 Department Vehicle Operations – Accident Avoidance.

*Required Training:*

Agency-authored orientation course; annual refresher; driver license endorsement.

*Compliance Mechanisms:*

Operational use under the review of the Patrol Operations Division Commander or appropriate section supervision.

**ITEM 9**

*Category:*

Vehicle

*Unit:*

Patrol Operations Division

*Type:*

Ballistic Engineered Armored Response Vehicle (B.E.A.R.).

*Description:*

Black power coat in color, wheeled vehicle. White agency name, logo, and markings. Code Three modified, equipped with Red/Blue lights and siren.

*Quantity:*

1

*Capabilities:*

Range 100 mi. Armor rated to .50 cal.

*Expected Lifespan:*

10 years

*Manufactures Description:*

Lenco Industries produced a four-wheeled, five speed automatic transmission, diesel engine-powered personnel carrier, with ballistic glass, and armored exterior that is rated to .50 cal.

*Purpose and Authorized Uses:*

To provide for the safe transport, security, and rescue of agency personnel and citizens in high-risk incidents.

*Fiscal Impact:*

\$225,000 initial cost; \$5,000 annual maintenance

*Legal and Procedural Rules:*

Special Order 14-04 Deployment of the Ballistic Engineered Armored Response (B.E.A.R.) Vehicle.

*Required Training:*

Agency-authored orientation course; annual refresher; driver license endorsement.

*Compliance Mechanisms:*

Operational use under the review of the Patrol Operations Division Commander, appropriate section supervision, or the on-duty Watch Commander.

## CATEGORY 2 – LESS LETHAL

### **ITEM 10**

*Category:*  
Less Lethal

*Unit:*  
Support Services Division

*Type:*  
Magnetic Audio Device

*Description:*  
19.9" x 10.4" x 11.8" Aircraft grade aluminum housing, desert sand in color with a weight of 39 lbs.

*Quantity:*  
4

*Capabilities:*  
200 watts RMS, 400W program (music or speech) 800W peak, 200 ms.

*Expected Lifespan:*  
10 years

*Manufactures Description:*  
Active system with built in high grade D class power amplifiers, line microphone preamplifier/Mixer. 48 V DC NiHMH rechargeable battery pack. 90 V AC-24V AC battery charger. Wired head bend microphone and MP3 player with preprogrammed demo files included. Tripod included.

*Purpose and Authorized Uses:*  
A portable unit that can be deployed on land and sea for maritime protection, siege/hostage situations, and facility protection. Additional applications, crowd control, evacuation and emergency, mass notifications, and delivering non-lethal tones.

*Fiscal Impact:*  
\$12,000 initial cost per unit

*Legal and Procedural Rules:*  
Support Services Division Standard Operational Procedures.

*Required Training:*  
Agency-authored orientation course; annual refresher.

*Compliance Mechanisms:*

Operational use under the review of the Support Services Division Commander or appropriate section supervision.

## **ITEM 11**

*Category:*  
*Less Lethal*

*Unit:*  
Professional Development and Training Division

*Type:*  
12 gauge Launching Cup for Pocket Tactical Grenades (OC/CS/SMOKE)

*Description:*  
12 gauge Launching Canister an agency-authorized 12 gauge Launcher

*Quantity:*  
2 Launching Cups  
50 Launching Cartridges

*Capabilities:*  
Operational range 150 yards

*Expected Lifespan:*  
5 years

*Manufactures Description:*  
Launching CUP - The launching cup will project the Pocket Tactical Grenade beyond the normal throwing distance. This will extended the ability and safety of the officers involved. Removable shotgun forend to ensure proper stand-off when using breaching rounds.

Launching Cartridge - The 1210 12 gauge Muzzle Bang / Launching Cartridge incorporates an opaque shell and utilizes black powder as the propellant. It has the ability to be used alone as a Muzzle Bang for crowd management or for propelling grenades when using the 1370 Launching Cup.

*Purpose and Authorized Uses:*  
To introduce chemical agent/smoke canisters in areas to enhance officer safety. Launch smoke for signaling in maritime environment.

*Fiscal Impact:*  
Launching Cup \$25 initial cost; Launching Round \$5.00 per round cost; \$200 cost every 4-5 years.

*Legal and Procedural Rules:*  
Policy manual § 300, 308, and 309

*Required Training:*  
Department Certification; annual refresher.

*Compliance Mechanisms:*  
Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

## **ITEM 12**

*Category:*  
*Less Lethal*

*Unit:*  
Professional Development and Training Division

*Type:*  
37mm Kinetic Energy Launcher

*Description:*  
Dedicated 37mm Single Launchers that fire the approved 37mm munitions

*Quantity:*  
2 Single Shot Launcher

*Capabilities:*  
Deployed daily for all field operations. Munition standoff distances are 5 ft. -120 ft.

*Expected Lifespan:*  
15 years

*Manufactures Description:*  
Manufactured exclusively for Defense Technology®, the 37LMTS is a tactical single shot Launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two-point sling attachment. The 37LMTS will fire standard 37/38mm less lethal ammunition, up to 8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.

*Purpose and Authorized Uses:*  
To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its

application. Reduce deadly force encounters by having less lethal options in the field.  
Visual deterrent.

*Fiscal Impact:*

Single Shot \$608 per Launcher initial cost; \$25 annual maintenance

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309.

*Required Training:*

Department Certification; annual refresher; annual qualification.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division  
Commander or appropriate section supervision.

**ITEM 13**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

37mm Energy Projectiles

*Description:*

37mm, OC Ferret OC Liquid Munition from an agency-authorized 37mm Launcher

*Quantity:*

40

*Capabilities:*

Operational range 50 yards

*Expected Lifespan:*

5 years

*Manufactures Description:*

The Ferret® 37mm OC Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. These munitions are 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. To introduce chemical agent into a confined area when it is unsafe to make entry. This is not for use on people. A verbal warning of the intended use of the device should precede its application.

*Fiscal Impact:*

\$61.50 per round cost initial cost; \$500 cost every 4-5 years

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309.

*Required Training:*

Department Certification; annual refresher.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 14**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

37mm Energy Projectiles

*Description:*

37mm, CS Long Range Speed Heat fired from an agency-authorized 37mm Launcher.

*Quantity:*

50

*Capabilities:*

Operational range 150 yards

*Expected Lifespan:*

5 years

*Manufactures Description:*

The Spede-Heat™ 37mm Long-Range Round is designed to deliver down range 150 yards. The Spede-Heat™ round is designed specifically for outdoor use in crowd control situations with a high volume continuous burn. Regardless, the volume of smoke and

agent is vast and obtrusive. This 37mm shell casing is 4.75 in. by 1.5 in. and delivers approximately .94 oz. of active agent during its 20-40 second of burn time. The Spede-Heat™ chemical and smoke projectiles are designed for outdoor use and have fire-producing capability.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. To provide a safe distance for officers and prevent rioters from entering areas. This is not an impact munition. A verbal warning of the intended use of the device should precede its application.

*Fiscal Impact:*

\$15.55 per round cost initial cost; \$500 cost every 4-5 years

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, and 467

*Required Training:*

Department Certification; annual refresher; annual qualification.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 15**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

37mm Energy Projectiles

*Description:*

37mm, Training Liquid Munition from an agency-authorized 37mm Launcher

*Quantity:*

50

*Capabilities:*

Operational range 50 yards

*Expected Lifespan:*

5 years



*Manufactures Description:*

The Ferret® 37mm Inert Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. The munitions is 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.

*Purpose and Authorized Uses:*

To conduct training / certification for the use of ferret rounds

*Fiscal Impact:*

\$15.50 per round cost initial cost; \$400 cost every 4-5 years

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309

*Required Training:*

Department Certification; annual refresher

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 16**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

40mm Kinetic Energy Projectiles

*Description:*

40mm, CS foam-tipped kinetic energy fired from an agency-authorized 40mm Launcher

*Quantity:*

325

*Capabilities:*

Operational range 5 ft. -120 ft.

*Expected Lifespan:*

5 years

*Manufactures Description:*

The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with CS powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.

*Fiscal Impact:*

\$18.50 per round cost initial cost; \$500 annual qualification/certification cost

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309

*Required Training:*

Department Certification; annual refresher; annual qualification

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 17**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

40mm Kinetic Energy Marking Projectiles

*Description:*

40mm, foam-tipped kinetic energy fired from an agency-authorized 40mm Launcher

*Quantity:*

300

*Capabilities:*

Operational range 5 ft. -120 ft.

*Expected Lifespan:*

5 years

*Manufactures Description:*

The 40mm Direct Impact Munition is a point-of-aim, point-of-impact direct fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with a green marking agent, the Direct Impact can be used to indicate the aggressor in a crowd or riot situation to the team on the ground.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.

*Fiscal Impact:*

\$18.52 per round initial cost; Apx. \$500 to replenish annually

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309

*Required Training:*

Department Certification; annual refresher; annual qualification

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 18**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

40mm Kinetic Energy Training Projectiles

*Description:*

Reloadable 40mm, Plastic-tipped kinetic energy fired from an agency-authorized 40mm Launcher

*Quantity:*

16,000 one shot refills

*Capabilities:*

Operational range 5 ft. -120 ft.

*Expected Lifespan:*  
5 years

*Manufactures Description:*

This reloadable training kit allows officers to practice loading, sighting, trigger pull, and range estimate at a fraction of the cost of tactical rounds. With the base sitting on a flat surface, the nose is inserted into to the opening until it clicks. Using the supplied hex key, the screw is loosened and the fired cartridge is removed. A new one is inserted and the screw is tightened. The round is now ready to fire. Total lapse time is under 10 seconds. These rounds are not for use on humans.

*Purpose and Authorized Uses:*

To reduce the cost of annual training / qualification. NOT to be used in field application.

*Fiscal Impact:*

\$910 per 250 rounds and replacement plastic noses initial cost; \$200 annual cost

*Legal and Procedural Rules:*

Policy manual § 308 and 309

*Required Training:*

Department Certification; annual refresher; annual qualification

*Compliance Mechanisms:*

Training use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 19**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

40mm Kinetic Energy Projectiles

*Description:*

40mm, foam-tipped kinetic energy fired from an agency-authorized 40mm Launcher

*Quantity:*

1,500

*Capabilities:*

Operational range 5 ft. -120 ft.

*Expected Lifespan:*  
5 years

*Manufactures Description:*

The eXact iMPact 40mm sponge round is a point-of-aim, point-of-impact direct fire round. This lightweight, high speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40mm Launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and therefore, have velocities that are extremely consistent, Used for Crowd Control, Patrol and Tactical Applications.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.

*Fiscal Impact:*

\$18.50 per round initial cost; \$15,000 annual qualification/certification cost

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309

*Required Training:*

LAPD Academy; Department Certification; annual refresher; annual qualification

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 20**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

40mm Kinetic Energy Launcher (Multiple Types)

*Description:*

Dedicated 40mm Single, 4-Shot, and 6-shot Launchers that fires the approved 40mm munitions

*Quantity:*

24 Single Shot Launchers

6 (4) Shot Launchers

## 2 (6) Shot Launchers

### *Capabilities:*

Deployed daily for all field operations. Munition standoff distances are 5 ft. -120 ft.

### *Expected Lifespan:*

15 years

### *Manufactures Description:*

Single Shot Launcher – Manufactured exclusively for Defense Technology®, the 40LMTS is a tactical single shot Launcher that features an expandable ROGERS Super Stoc and an adjustable Integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two-point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.

4 Shot Launcher – Designed for riot and tactical situations, the Defense Technology® 1440 40mm Tactical 4-Shot Launcher is low profile and lightweight, providing multi-shot capability in an easy to carry Launcher. It features the Rogers Super Stoc™ expandable gunstock, an adjustable Picatinny mounted front grip, and a unique direct-drive system to advance the magazine cylinder. New Design Enhancements Effective October 19, 2018 These new design enhancements will result in a more robust and serviceable product, including a blast shield over the forward cylinder, minor material or coating changes for improved wear, new mount plate for improved cylinder adjustment, enhanced drive mechanism for positive cylinder alignment, and strengthened frame connections.

6 Shot Launcher – A 40mm pump-action advance magazine drum Launcher with a fixed stock and combo rail. It has a six-shot capacity and rifled barrel. Previously labeled the PGL-65, the features include: Double-action trigger, trigger lock push button, and hammer lock safeties. See specification sheet for more details.

### *Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. Reduce deadly force encounters by having less lethal options in the field. Visual deterrent.

### *Fiscal Impact:*

Single Shot Launcher \$868 per Launcher initial cost; \$25 annual maintenance

4 Shot Launcher \$1880 per Launcher initial cost; \$25 annual maintenance

6 Shot Launcher \$1925 per Launcher initial cost; \$25 annual maintenance

### *Legal and Procedural Rules:*

Policy manual § 300, 308, 309

*Required Training:*

Department Certification; annual refresher; and annual qualification

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 21**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

40mm Kinetic Energy Projectiles

*Description:*

40mm, OC foam-tipped kinetic energy fired from an agency-authorized 40mm Launcher

*Quantity:*

190

*Capabilities:*

Operational range 5 ft. -120 ft.

*Expected Lifespan:*

5 years

*Manufactures Description:*

The 40mm Direct Impact® munition is a point-of-aim, point-of-impact direct-fire round. An excellent solution whether you need to incapacitate a single subject or control a crowd. When loaded with OC powder, the Direct Impact combines blunt trauma with the effects of an irritant powder, maximizing the potential for incapacitation.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.

*Fiscal Impact:*

\$18.50 per round cost initial cost; \$500 annual qualification/certification cost

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309

*Required Training:*

Department Certification; annual refresher; annual qualification

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 22**

*Category:*

*Less Lethal*

*Unit:*

Professional Development and Training Division

*Type:*

12 gauge Kinetic Energy Launcher (Converted Remington 870 Shotgun)

*Description:*

Dedicated clearing marked 12 gauge beanbag Launcher that fires the approved Super Sock Bean Bag munition

*Quantity:*

15

*Capabilities:*

Deployed daily for all field operations. Munition standoff distances are 21 ft. – 75 ft.

*Expected Lifespan:*

15 years

*Manufactures Description:*

If the Model 870™ were introduced today, it would be hailed as a major advance in pump-action shotgun design - the ultimate in strength, durability, silky-smooth bind-free action, and sleek classical lines. Yet this remarkable shotgun has been around for more than half a century, and has become the best-selling shotgun of any Type: in history, with over 11 million made. As one of the most popular shotguns of all time, the Model 870 is offered in dozens of configurations to suite hundreds of applications. Browse all models and you will see why it's one of the most versatile shotguns ever conceived.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. Reduce deadly force encounters by having less lethal options in the field. Visual deterrent.



*Fiscal Impact:*

\$575 per Launcher initial cost; \$25 annual maintenance

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309

*Required Training:*

Department Certification; annual refresher; annual qualification

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 23**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

CS Chemical Munition Variety

*Description:*

CS Chemical Munition Canisters

*Quantity:*

4 Training Capsules (50 per unit)  
50 CS Pocket Tactical Canisters  
50 CS Triple Chaser Canister  
25 CS Riot Control Continuous Discharged

*Capabilities:*

Deployed in open areas, vehicles / vessels, structures

*Expected Lifespan:*

5 years

*Manufactures Description:*

Training Capsules – Pressed capsules are used in confined areas to simulate the presence of chemical agents. Heated with a candle or sterno flame, they will melt and release CS gas only into the area directed. The normal affected area is 15 cubic meters. These have been used in gas mask training and other forums where a controlled amount of agent is needed to develop lifesaving skills.

CS Pocket Tactical Canisters – The Pocket Tactical CS Grenade is small, and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 in. in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical grenade.

CS Triple Chaser Canister – The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system. The grenade is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds.

CS Riot Control Continuous Discharged – The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. To be used for area deniability, riots, rescue operations, training, tactical incidents, mutual aid, and increasing officer safety. Must have command approval prior to use.

*Fiscal Impact:*

\$53.12 per 50 pack of training Capsules initial cost; \$19.03 per Tactical Canisters initial cost; \$35.15 per Triple Chaser Canister initial cost; \$22.71 per CS Riot Control Continuous Discharged Canister initial cost; Replenish supply apx. every 3-4 years.

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, 310, and 312

*Required Training:*

Department Certification; annual refresher; Instructor must attend certified instructor course.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 24**

*Category:*  
Less Lethal

*Unit:*  
Professional Development and Training Division

*Type:*  
Infrared Weapons Training System

Description:	Quantity:
Active Shooter/Force on Force Training System	1
Law Enforcement Infrared M4	4
Law Enforcement Infrared Pistol	10
Infrared Vest	10
Stress X Belt	10
Infrared Headband	10
Command Control Module	1
Infrared Pistol Smart Magazine	10
Smart Magazine IR M4 (set of 2)	2
Co2 12-gram case	1
Co2 8-gram case	2
Armorers Kit	1
Training	1

*Manufactures Description:*

Law Enforcement Active Shooter Force on Force integrated training system. Utilized with ICE software and placed in hard cases.

*Capabilities:*

The system would be used for training scenarios such as Active Shooter, Felony Vehicle Stops, Building Searches, and Use of Force training.

*Expected Lifespan:*

10 years

*Purpose and Authorized Uses:*

Dedicated to supporting law enforcement agencies with the most effective crisis management, active shooter training, and equipment available. This is the training platform for ITEM 22- Colt M16/M4 Patrol Rifle.

*Fiscal Impact:*

\$48,760.91 initial cost

*Legal and Procedural Rules:*

Policy manual § 208, 300, 308, 309, 310, 312, and 414

*Required Training:*

One-time vendor authorized orientation course that was provided at time equipment was received.

*Compliance Mechanisms:*

Training use under the review of the Professional Development and Training Commander or appropriate section supervision.

**ITEM 25**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

OC Chemical Munition

*Description:*

OC Chemical Munition Canisters

*Quantity:*

165 OC Aerosol Vapor Canisters

*Capabilities:*

Deployed in open areas, vehicles / vessels, structures

*Expected Lifespan:*

5 years

*Manufactures Description:*

The Defense Technology® OC Vapor Aerosol Grenade is for law enforcement and corrections use to deliver a high concentration of Oleoresin Capsicum (OC) in a powerful mist. The grenade is designed for indoor-use in confined areas and, once deployed, inflames the mucous membranes and exposed skin resulting in an intense burning sensation. The incapacitating effect of the OC Vapor on the subject is dramatic, yet requires minimal decontamination. Removing the subject from the affected area to fresh air will resolve respiratory effects within minutes. The OC Vapor Aerosol Grenade is ideal for cell extractions or barricade situations where the use of pyrotechnic, powder or liquid devices is not practical or desired.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. To be used for area deniability, riots, rescue operations, training, tactical incidents, mutual aid, and increasing officer safety.

*Fiscal Impact:*

\$37.22 per OC Canister initial cost; Replenish supply apx. every 3-4 years

*Legal and Procedural Rules:*

Policy manual § 208, 300, 308, 309, 414, and 467

*Required Training:*

Department Certification; annual refresher; Instructor must attend certified instructor course.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 26**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

OC Chemical Munition

*Description:*

OC Canister Hand Deployed

*Quantity:*

50 2 MK9 OC

9 MK9 OC Vapor

*Capabilities:*

Deployed in open areas, vehicles / vessels, structures

*Expected Lifespan:*

5 years

*Manufactures Description:*

Mk9 OC Spray – The MK-9 features an easy to use trigger handle and will deliver 14 short bursts of OC at an effective range of 18-20 ft. This OC/CS aerosol product utilizes a stream delivery method providing a target-specific, strong concentrated stream for greater standoff.

Mk9 OC Vapor – The MK-9S features an easy to use trigger handle, is intended for use in crowd control management and will deliver 8-10 short bursts of OC at an effective range of 10-15 ft. This .7% MC OC aerosol product utilizes a vapor delivery method providing a high concentration of OC in a powerful mist inflaming the mucous membranes and exposed skin. Onset is immediate and very intense, resulting in an intense burning sensation that evaporates quickly when exposed to fresh air.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. To be used for area deniability, riots, rescue operations, training, tactical incidents, mutual aid, and increasing officer safety.

*Fiscal Impact:*

\$48.99 per MK9 OC Canister initial cost; \$48.99 per MK9 OC Vapor initial cost; Replenish supply apx. every 3-4 years.

*Legal and Procedural Rules:*

Policy manual § 208, 300, 308, 309, 310, 312, 414, and 467.

*Required Training:*

Department Certification; annual refresher; Instructor must attend certified instructor course.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 27**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

Pepperball Delivery System / Launcher (Multiple Types)

*Description:*

Dedicated Pepperball Launching Platforms that fires the approved Pepperball munitions

*Quantity:*

15 Shoulder Mounted Pepperball Launching Systems

4 Handheld Pepperball TCP Launching Systems

*Capabilities:*

Deployed daily for all field operations. Munition standoff distances are 3 ft. -150 ft.

*Expected Lifespan:*

10 years

*Manufactures Description:*

FTC Launcher – FTC is a high capacity, semi-automatic Launcher that is perfect for crowd control management and mobile field force operations. Reliable and accurate, it features a hopper that can hold up to 180 rounds and a flexible air source configuration.

TAC SF – This TAC-SA Semi-3<sup>Rd</sup> Burst-automatic Launcher is the perfect tool for crowd control management, riot-control scenarios or any other situation requiring high-intensity engagement. The TAC-SA quickly disperses PAVA across expansive areas.

Handheld Pepperball Launcher – The TCP™ (Tactical Compact Pistol) is a PepperBall Launcher that gives you the ability to have a multi-shot, non-lethal product on your belt, in your car, home, or when you travel. Requires no license or waiting period.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. Reduce deadly force encounters by having less lethal options in the field. Create area deniability by introducing Pepper Powder in the area. Also used to locate hidden possibly armed subjects, increasing officer safety, vessel interdiction, enforcing maritime security zones, and having other low-level use of force options to deescalate deadly force situations.

*Fiscal Impact:*

Single Shot \$565 per Launcher initial cost; \$10 annual maintenance

Shoulder Mounted Launcher \$700 per Launcher initial cost; \$10 annual maintenance

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309

*Required Training:*

Department Certification; annual refresher; annual qualification.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 28**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

Pepperball Munitions (Multiple Types)

*Description:*

Pepperball munitions that fires the approved Pepperball Launching Platforms

*Quantity:*

20 Pepperball Live (375 round count)

10 Pepperball Live X (375 round count)

5 Pepperball Marking (10 round count)

15 Pepperball Glass Breaking (10 round count)

23 Pepperball Inert Training (375 round count)

125 Pepperball VXR Live X (25 round count)

*Capabilities:*

Deployed daily for all field operations. Mmunition standoff distances are 3 ft. -150 ft.

*Expected Lifespan:*

5 years

*Manufactures Description:*

Pepperball Live – The basic PepperBall projectile, it contains 2% PAVA, and is excellent for direct impact and area saturation, especially in confined, interior spaces.

Pepperball Live X – Our most potent and powerful concentration of PAVA pepper powder. One round of LIVE-X™ contains the equivalent PAVA irritant chemical agent in 10 regular PepperBall® LIVE™ rounds.

Pepperball Marking – This projectile contains a paint solution that can be used to mark suspects for later apprehension and/or marking doors, openings, or objects for identification.

Pepperball Glass Breaking – A solid polymer projectile used for breaking out residential windows and side-glass of automobiles. Not for use on humans or animals.



Pepperball Inert Training – Containing a harmless, scented powder, this projectile is best suited for training, qualifications, and direct impact when chemical exposure is not desired.

VXR Live X – A more concentrated formula, containing approximately 10x the PAVA of the VXR LIVE projectile. Excellent for direct impact or area saturation.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. Reduce deadly force encounters by having less lethal options in the field. Create area deniability by introducing Pepper Powder in the area. Also used to locate hidden possibly armed subjects, increasing officer safety, vessel interdiction, enforcing maritime security zones, and having other low-level use of force options to de-escalate deadly force situations.

*Fiscal Impact:*

\$825 Pepperball Live (per 375 round count)  
\$1075 Pepperball Live X (per 375 round count)  
\$25 Pepperball Marking (per 10 round count)  
\$25 Pepperball Glass Breaking (per 10 round count)  
\$275 Pepperball Inert Training (per 375 round count)  
\$594 Pepperball VXR Live X (per 150 round count)

Apx. \$17,000 annually

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309

*Required Training:*

Department Certification; annual refresher; annual qualification.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 29**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

40mm / 12 gauge Signal Flares

*Description:*

40mm / 12 gauge Signal Flares an agency-authorized Launcher

*Quantity:*

650 12 gauge Ariel Signal Flares

450 40mm Ariel Signal Flares

*Capabilities:*

Operational range 50-300 meters

*Expected Lifespan:*

5 years

*Manufactures Description:*

12 gauge Signaling / Warning Flare – The 12 gauge Aerial Warning/Signaling Munitions series are designed to produce 170 dB of sound, and 2.2 million candelas of light. Each munition is manufactured to deflagrate at a set distance and altitude. These distances are 50 and 100 meters from the point of origin. Launched from a 12 gauge platform, these munitions give the operator the ability to engage people, vehicles or vessels from a safe stand-off position.

40mm Signal/Warning Flare – The 40mm Aerial Warning/Signaling Munition, 50/100/200/300 meters, is intended for use in situations where stand-off distance is desired, giving the operator the ability to engage crowds, vehicles, or vessels. Launched from a 40mm platform, the munitions deflagrate at a set distance of 50/100/200/300 meters to deliver 170 dB of sound and 5 million candelas of light, noticeable in day or night conditions. A tactile feature on the nose of the cone indicates the designated distance.

*Purpose and Authorized Uses:*

To introduce warning to boaters entering security zones, warning pending use of force encounters, distracting subjects/crowds, signaling emergencies. Not to be used to impact people.

*Fiscal Impact:*

\$14.15 12 gauge Ariel Signal Flares (per 5 pack)

\$17.80 40mm Ariel Signal Flares (per round)

Apx. \$100 every 1-2 years

*Legal and Procedural Rules:*

Policy manual § 308, 309, 434, and 804

*Required Training:*

Department Certification; annual refresher.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 30**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

Simunition Training Cartridges

*Description:*

Force on Force, De-escalation Training Cartridges

*Quantity:*

38,000 rounds of various color marking Simunition 9mm Cartridges

1,000 rounds of Simunition Secure Blanks 9mm Cartridges

*Capabilities:*

These are intended for training purposes only

*Expected Lifespan:*

5 years

*Manufactures Description:*

Simunition Marking Cartridges – The FX® marking cartridges, which come in six colors, are at the core of the FX® Training System known as "the world's most realistic close-range combat training system". The patented, reduced-energy, non-lethal cartridges leave a detergent-based, water-soluble color-marking compound. The visible impacts allow accurate assessment of simulated lethality. The cartridges are available in .38 cal. and 9mm and feature tactical accuracy up to 25 feet (7.6 meters). The 5.56mm is tactically accurate with ball cartridges to 100 feet (30 meters). No special ballistic facilities are required. They meet the need for a force-on-force and man-to-man training system that is realistic, effective, inexpensive, adaptable and fully portable.

Simunition Black Cartridges – SecuriBlank® Loud cartridges set a new standard as the world's safest blank cartridges. These reduced-energy cartridges are designed to use the Simunition® conversion kit. SecuriBlank® Loud feature reduced propellant charge. These cartridges produce realistic recoil, and are safer because they virtually eliminate unburnt propellant and ejected particles. SecuriBlank® Loud cartridges are affordable and convenient for training any time, any place, indoors or outdoors. Available in 9mm and 5.56 cal.

*Purpose and Authorized Uses:*

To conduct de-escalation / force on force training scenarios to properly officer to train in decision making during use of force encounters.

*Fiscal Impact:*

\$183.50 Simunition Marking Cartridges (per 500 round case)

\$183.50 Simunition Black Cartridges (per 500 round case)

Replenish cartridges every apx. 10 years

*Legal and Procedural Rules:*

Policy manual § 208, 308, and 309

*Required Training:*

Instructor Certification every 2 years

*Compliance Mechanisms:*

Training use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 31**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

Simunition Conversion Kits

*Description:*

Force on Force, De-escalation Training Kits

*Quantity:*

5 40mm Simunition Conversion Kit

30 Glock Simunition Conversion Kit

3 Shotgun Simunition Conversion Kit

8 Patrol Rifle Simunition Conversion Kit

*Capabilities:*

These are intended for training purposes only

*Expected Lifespan:*

5 years

*Manufactures Description:*

Simunition Conversion Kits – To further enhance the realism of its training exercises, Simunition® has developed simple, inexpensive, easy-to-install conversion kits that allow its SecuriBlank® Loud ammunition to be fired from the officer's own service weapons. As both an integral and essential part of a training system which stresses user safety, these kits help preclude the inadvertent chambering of live ammunition and ensure the proper operation and cycling of the weapons with SecuriBlank® Loud training ammunition.

*Purpose and Authorized Uses:*

To conduct de-escalation / force on force training scenarios to properly officer to train in decision making during use of force encounters.

*Fiscal Impact:*

\$414 per 40mm Simunition Conversion Kit  
\$481 per Glock Simunition Conversion Kit  
\$263.60 per Shotgun Simunition Conversion Kit  
\$711.72 per Patrol Rifle Simunition Conversion Kit

*Legal and Procedural Rules:*

Policy manual § 208, 300, 308, and 309

*Required Training:*

Instructor Certification every 2 years

*Compliance Mechanisms:*

Training use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 32**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

Tactical Smoke

*Description:*

Handheld Tactical Smoke Canisters

*Quantity:*

150 Smoke Pocket Tactical Canisters

*Capabilities:*

Deployed in open areas

*Expected Lifespan:*

5 years

*Manufactures Description:*

Smoke Pocket Tactical Canisters – The Pocket Tactical Saf-Smoke™ Grenade is small, and lightweight. The Saf-Smoke™ will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however, it is normally used as a signaling or covering device. Though it is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical grenade.

*Purpose and Authorized Uses:*

To check the wind to enhance safety when deploying chemical munitions, to signal officer and enhance officer safety, to reduce visibility for rescues operations, to create an illusion of chemical munitions being introduced and reduce the use of force against rioters.

*Fiscal Impact:*

\$19.07 per Tactical Canisters initial cost; Replenish supply apx. every 3-4 years

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, 414, and 467

*Required Training:*

Department Certification; annual refresher; Instructor must attend certified instructor course.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 33**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

12 gauge Kinetic Energy Projectiles

*Description:*

12 gauge, Super Sock, Bean Bag munition fired from an agency-authorized 12 gauge Launcher

*Quantity:*

5,000

*Capabilities:*

Operational range 21 ft. – 75 ft.

*Expected Lifespan:*

5 years

*Manufactures Description:*

The Super-Sock® is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to “unfold” or “stabilize.” The Super-Sock® is an aerodynamic projectile and its accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock® is first in its class providing the point control accuracy and consistent energy to momentarily incapacitate violent, non-compliant subjects. Effective range is 75 ft.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application.

*Fiscal Impact:*

\$5.50 per round cost initial cost; \$15,000 annual qualification/certification cost

*Legal and Procedural Rules:*

Policy manual § 300, 308, and 309

*Required Training:*

Department Certification; annual refresher; annual qualification.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 34**

*Category:*

Less Lethal

*Unit:*

Professional Development and Training Division

*Type:*

Ultimate Training Munitions M16/M4 Rifle Bolt Carrier Assembly

*Description:*

Black and Blue in color

*Quantity:*

13

*Capabilities:*

Can be inserted into M4 rifle to shoot man-marker rounds used in force on force training scenarios.

*Expected Lifespan:*

10 years

*Manufactures Description:*

UTM's Rifle and Carbine conversions and conversion kits are designed and engineered for the upmost in safety, in-service reliability and maintainability. The conversions and kits are easy to install, typically a simple exchange of the manufacturer's Bolt and Carrier Assembly. UTM conversions adapt the host weapon to fire UTM ammunition with the feel and function of "live" ammunition. The UTM standard rifle bolt conversion will function in any right hand ejecting, direct impingement or gas piston M4/M16/AR-15® style weapon.

*Purpose and Authorized Uses:*

To be used in training scenarios in force on force situations (i.e. active shooter response).

*Fiscal Impact:*

\$5,200 initial cost per unit

*Legal and Procedural Rules:*

Policy manual § 208, 300, 308, 309, and 310

*Required Training:*

Urban Patrol Rifle certified; orientation course.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Commander or appropriate section supervision.



## **CATEGORY 3 – BATTERING RAMS, SLUGS, AND BREACHING APPARATUSES**

### **ITEM 35**

*Category:*  
*Breaching Equipment*

*Unit:*  
Professional Development and Training Division

*Type:*  
12 gauge TKO Tactical Breaching Rounds

*Description:*  
12 gauge breaching rounds for use in an agency-authorized 12 gauge Launcher

*Quantity:*  
100 cartridges

*Capabilities:*  
Operational range 0-1 yards

*Expected Lifespan:*  
5 years

*Manufactures Description:*  
The 12 gauge TKO Breaching Round is a 12 gauge shell loaded with a compressed zinc slug, utilizing smokeless powder as a propellant. The is a widely used method to breach door locks or hinges for entry during tactical operations. When properly deployed, the TKO is capable of defeating door lock mechanisms, doorknobs, hinges, dead bolts, safety chains, and pad locks on either wooden or hollow core doors. Upon impact with the target, the zinc slug disintegrates in to a fine powder eliminating fragmentation.

*Purpose and Authorized Uses:*  
To conduct rescue operations on vessels, for active shooter response on barricaded locations.

*Fiscal Impact:*  
\$5.25 per round initial cost; \$200 cost every 4-5 years

*Legal and Procedural Rules:*  
Policy manual § 300, 308, 309, and 414.

*Required Training:*

Department Certification; annual refresher.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 36**

*Category:*

Breaching Equipment

*Unit:*

Professional Development and Training Division

*Type:*

Distraction Device Variety

*Description:*

Distraction Device Handheld Flashbang

*Quantity:*

360 Training Fuze  
50 Low Roll One time use Distraction Device  
96 Reload Charge (4-gram)  
26 Def Tec Reloadable Body  
10 Def Tec Training Reloadable Body

*Capabilities:*

Deployed in open areas, on vessels, in structures

*Expected Lifespan:*

5 years

*Manufactures Description:*

Training Fuzes – The Defense Technology® Low Roll® Distraction Device® Training Fuze with Safety Clip offers a reliable and safe way to introduce students to the proper deployment protocols used by your Department. The safety clip is designed to keep the pull-pin against the device body to prevent the pin from protruding and possibly snagging on other objects. The Low Roll Distraction Device Training Fuze (1697TSC) will deliver 120 dB of sound and a slight flash. Used in conjunction with the 8933T Low Roll Distraction Device Training Body or the 8922T Low Roll II Distraction Device Training Body, the fuze and body assemblies allow students to understand the safe applications of the Defense Technology reloadable Distraction Device models.

Low Roll One time use Distraction Device – The 12-gram Low Roll® Non-Reloadable Distraction Device® w/ Safety Clip, High Humidity utilizes an M201A1 Type: fuze with Hex design steel body. It produces 175 dB of sound output at 5 feet and 6-8 million candelas for 10 milliseconds. This is a modified version of the Low Roll Non-Reloadable Distraction Device that is designed for use in high humidity environments, which incorporates a water resistant charge tube. The standard render safe practice involving 24-hour water submersion will no longer be effective for the high humidity devices, please consult the render safe procedure for incineration in the instructions.

4-gram Reload Charge – The 4-gram Distraction Device® Reload produces a reduced light, and sound output ideal for when the full effects of the 12-gram charge are not desirable. The 4-gram Distraction Device® Reload is used in training environments, when a delayed report is required.

Def Tec Reloadable Body- The Low Roll Distraction Device is a reloadable gun steel body with hex design. This newest version of the first reusable non-bursting canister limits movement and rolling once deployed.

Def Tec Reloadable Device – The 11-gram Non-Reloadable Distraction Device® w/Safety Clip incorporates an M201A1 Type: fuze with hex design gun steel body. This is a compact version of the 8933 Low Roll® Distraction Device is the newest version of the first reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device unit fits safely in your hand and packs all the power of the full-size 15-gram Distraction Device® unit.

Def Tec Reloadable Training Device – The Defense Technology® Low Roll® Training Body is a replica of the Low Roll Distraction Device® body. The hex cut end cap design reduces the roll effect when deployed. The training body is powder-coated military training blue to be easily distinguished from operational devices. This body will only accept the 1697 series of training fuzes and has an unlimited life cycle of use. The use of eye, hearing and glove protection is strongly encouraged. When deploying, do not block the end caps.

*Purpose and Authorized Uses:*

To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. To be used for creating a distraction to enhance officer safety to preform rescues, emergency response, potential violent dangerous situations. Must have command approval prior to use.

*Fiscal Impact:*

\$3.24 per Training Fuze initial cost  
\$46.65 per Low Roll One time use Distraction Device initial cost  
\$38 per 4-gram Reload Charge initial cost  
\$82 per Def Tec Reloadable Body initial cost  
\$38.77 per Def Tec Training Reloadable Body initial cost

Replenish supply apx. every 4-5 years

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, 310, 312

*Required Training:*

Department Certification; annual refresher training; and Instructor must attend certified instructor course every three years.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 37**

*Category:*

Breaching and Rescue Kit

*Unit:*

Marine Operations Division

*Type:*

4.5" Tactical Mini Breaching and Rescue Kit

*Description:*

4.5" grinder with Cerakote Gen II NIR graphite black finish

*Quantity:*

1

*Capabilities:*

An effective way to defeat padlocks, door hinges, gate latches, and more. It's small size and light weight makes it easy to carry and use. Much more efficient than bolt cutters or other bulky tools.

*Expected Lifespan:*

5

*Manufacture's Description:*

Makita 18v LXT 4.5" grinder with 2 4.5" Broco Diamond Ripper blades with two batteries. Includes ADP05 utility USB charging adapter with ruggedized power cord and mounting plate.

*Purpose and Authorized Uses:*

To conduct rescue operations on vessels, for active shooter response on barricaded locations.

*Fiscal Impact:*

\$1,879 initial kit cost

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, and 414.

*Required Training:*

Manufacturer Trainer; Industry Guidelines; annual refresher training.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

## CATEGORY 4 – FIREARMS

### **ITEM 38**

*Category:*  
Firearms

*Unit:*  
Professional Development and Training Division

*Type:*  
Colt Patrol Rifle

*Description:*  
Standard Issued Colt Patrol Rifle 5.56mm/223 cal.

*Quantity:*  
138

*Capabilities:*  
Operational deployed by all sworn personnel

*Expected Lifespan:*  
15-25 years

*Manufactures Description:*  
Throughout the world today, Colt's reliability, performance, and accuracy provide our Armed Forces the confidence required to accomplish any mission. Colt's LE6920 series shares many features of its combat-proven brother, the Colt M4.

*Purpose and Authorized Uses:*  
To obtain a tactical advantage when addressing deadly force encounters to include suspects with superior firearms, subject wearing body armor, multiple subjects, long distance engagements, vessel interdiction, etc.

*Fiscal Impact:*  
\$990 per rifle cost initial cost; \$30 annual maintenance

*Legal and Procedural Rules:*  
Policy manual § 308, 309, 310, and 312

*Required Training:*  
Post Approved Certification; annual manipulations; refresher training; bi-annual qualification; manipulations test.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 39**

*Category:*

Firearms

*Unit:*

Professional Development and Training Division

*Type:*

Colt Patrol Rifle

*Description:*

Emergency Capabilities: Deployment Select Fire Colt Patrol Rifle 5.56mm/223 cal.

*Quantity:*

113

*Capabilities:*

Must have command approval for deployment by certified sworn personnel

*Expected Lifespan:*

15-25 years

*Manufactures Description:*

The Colt M16A4 Rifle is the fourth generation of the M16 series weapon system, and is the world standard by which all other weapons of this class are judged. With a removable carrying handle and an integral rail mounting system for optics and other ancillary devices, it is the ultimate 5.56mm full-length combat rifle.

*Purpose and Authorized Uses:*

To obtain a tactical advantage when addressing deadly force encounters to include suspects with superior firearms, subject wearing body armor, multiple subjects, long distance engagements, vessel interdiction, significant terrorist attack, etc.

*Fiscal Impact:*

\$1,500.00 per rifle initial cost; \$10-30 annually

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, 310, and 312

*Required Training:*

Post Approved Certification, Department refresher training, annual manipulations refresher training, and bi-annual qualification, manipulations test.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 40**

*Category:*

Firearms

*Unit:*

Professional Development and Training Division

*Type:*

Colt Sub-Compact Patrol Rifle

*Description:*

Converted Simunition Training Select Fire Colt Patrol Rifle 9mm/SIMs

*Quantity:*

2

*Capabilities:*

Converted Rifles as dedicated Simunition training firearms

*Expected Lifespan:*

15-25 years

*Manufactures Description:*

The Colt 9mm Submachine Gun (SMG) is exceptionally well suited for military, paramilitary, and Law Enforcement organizations requiring a lightweight, compact, highly concealable, select fire weapon system for close confrontations. The Colt SMG is constructed with a modular rail system that allows the easy mounting of ancillary devices, fires from a closed bolt, is equipped with a collapsible buttstock, and is easily field stripped without the need of any special tools. The straight-line construction, coupled with the low recoil of 9mm ammunition, provides highly accurate fire with less muzzle climb, especially in full automatic fire. Less recoil also facilitates ease of training and improves accuracy. Finally, operation and training for the Colt 9mm SMG is similar to that for the Colt M16A2/A4 Rifle, Colt M4 Carbine or Colt Commando Carbine, simplifying user training substantially.



*Purpose and Authorized Uses:*

To use in force options simulated training involving force on force with paint rounds to enhance officers' decision-making Capabilities:. Not to be used against subjects for field use.

*Fiscal Impact:*

\$500 per rifle initial cost; \$10 annual maintenance

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, 310, and 312

*Required Training:*

Basic Firearms Safety Training for operator; Instructor must attend Certified Simunition Instructor class to facilitate the training.

*Compliance Mechanisms:*

Training use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 41**

*Category:*

Firearms

*Unit:*

Professional Development and Training Division

*Type:*

HK MP5 Patrol Rifle

*Description:*

Emergency Capabilities: Deployment Select Fire HK MP5 9mm

*Quantity:*

19

*Capabilities:*

Must have command approval for deployment by certified sworn personnel

*Expected Lifespan:*

15-25 years

*Manufactures Description:*

The MP5K is the ultimate close-quarters weapon. Created for use in very confined spaces, it is optimally suited both for active engagement of individual targets, and for personal defense. With its low weight and compact size, it offers a decisive advantage:

The weapon can be carried concealed on the person without limiting the carrier's freedom of movement.

*Purpose and Authorized Uses:*

To obtain a tactical advantage when addressing deadly force encounters to include suspects with superior firearms, subject wearing body armor, multiple subjects, Tight Vessel Corridors , vessel interdiction, significant terrorist attack, etc.

*Fiscal Impact:*

\$2,500 per rifle initial cost; \$10-30 annual maintenance

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, 310, and 312

*Required Training:*

Post Approved Certification; Department refresher training; annual manipulations refresher training; bi-annual qualification; manipulations test.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

**ITEM 42**

*Category:*

Firearms

*Unit:*

Professional Development and Training Division

*Type:*

HK UMP40 Patrol Rifle

*Description:*

Emergency Capabilities: Deployment Select Fire HK UMP 40 Cal.

*Quantity:*

12

*Capabilities:*

Must have command approval for deployment by certified sworn personnel

*Expected Lifespan:*

15-25 years

*Manufactures Description:*

With the UMP, Heckler & Koch has developed a versatile submachine gun the likes of which did not exist before on the world market. A weapon that can cover three calibers simply by exchanging a few assemblies: 9 mm x 19, .40 S&W and .45 ACP. The UMP combines top-rate performance with simple handling and high safety standards. The modular fibre-reinforced polymer receiver guarantees the necessary ruggedness with minimized overall weight. As a typical member of the HK family of weapons, the UMP is a highly effective, economical alternative for military and law enforcement applications.

*Purpose and Authorized Uses:*

To obtain a tactical advantage when addressing deadly force encounters to include suspects with superior firearms, subject wearing body armor, multiple subjects, Tight Vessel Corridors , vessel interdiction, significant terrorist attack, etc.

*Fiscal Impact:*

\$2,500 per rifle cost initial cost; \$10-30 annual maintenance

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, 310, and 312

*Required Training:*

Post Approved Certification; Department refresher training; annual manipulations refresher training; bi-annual qualification; manipulations test.

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

## **CATEGORY 5 – AMMUNITION OF .50 CALIBER OR GREATER**

### **ITEM 45**

*Category:*  
Ammunition

*Unit:*  
Professional Development and Training Division

*Type:*  
Patrol Rifle Duty / Training Ammunition

*Description:*  
Standard Issued Duty/Training Patrol Rifle Ammunition 5.56mm/223 cal/308

*Quantity:*  
160,000 rounds of 5.56mm Full Metal Jacket Ammunition  
150,000 rounds of 223 Cal. Law Enforcement Duty Ammunition  
40,000 rounds of 223 Cal. Frangible Training Ammunition  
4,000 rounds of 308 Cal. Law Enforcement Duty / Training Ammunition  
20 rounds of 308 Cal. Full Metal Jacket

*Capabilities:*  
Operational deployed by all sworn personnel

*Expected Lifespan:*  
5 years

*Manufactures Description:*  
5.56mm Full Metal Jacket Ammunition – Backed by generations of legendary excellence, Winchester "USA White Box" stands for consistent performance and outstanding value, offering high-quality ammunition to suit a wide range of hunter's and shooter's needs.

223 Cal. Law Enforcement Duty Ammunition – Winchester Ranger offers a proven lineup of duty and training ammunition products; trusted reliability supporting the law enforcement community for decades.

223 Cal. Frangible Training Ammunition – You are only as good as your training. Ranger Frangible SF allows for virtually unlimited close quarters and special purpose training. By incorporating totally lead-free-powdered metal projectiles, Ranger handgun, rifle and shotshell Frangible delivers superior frangibility against hard targets. With no jacket, plating or surface treatment, nothing but fine, low energy dust particles remain after hard surface impacts. Reduced ricochet and target backsplash mean more concentration on specific and accurate training.

308 Cal. Law Enforcement Duty / Training Ammunition – For serious rifle competition, trust Match ammunition. Combining proven Winchester technology with proven bullets, the hollow point boat tail design provides the precision match shooters demand, shot after shot.

308 Cal. Full Metal Jacket Training Ammunition – Designed for the sport shooter, USA Ready is a select grade of ammunition and components. Made in the USA, it offers optimal accuracy, and is ideal for competition, training, or just a day at the range.

*Purpose and Authorized Uses:*

To Qualify, Training, and Deploy patrol rifles for duty use. Patrol rifles help obtain a tactical advantage when addressing deadly force encounters to include suspects with superior firearms, subject wearing body armor, multiple subjects, long distance engagements, vessel interdiction, etc.

*Fiscal Impact:*

\$326 per 1000 rounds of 5.56mm Full Metal Jacket Ammunition initial cost  
\$495 per 1000 rounds of 223 Cal. Law Enforcement Duty Ammunition initial cost  
\$654.88 per 1000 rounds of 223 Cal. Frangible Training Ammunition initial cost  
\$934 per 200 rounds of 308 Cal. Law Enforcement Duty / Training Ammunition initial cost  
\$24 per 20 Rounds of 308 Cal. Full Metal Jacket Training Ammunition initial cost

Apx. \$175,000 to replenish annually

*Legal and Procedural Rules:*

Policy manual § 300, 308, 309, 310, and 312

*Required Training:*

Post Approved Certification; annual manipulations; refresher training; bi-annual qualification; manipulations test

*Compliance Mechanisms:*

Operational use under the review of the Professional Development and Training Division Commander or appropriate section supervision.

END OF REPORT

## **Statutes and Legal Requirements.pdf**

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## 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.

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## 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.



## Hate Crime Checklist.pdf

**Commission on Peace Officer Standards and  
Training Hate Crimes Model Policy 2019.pdf**



# POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019



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## FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.



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# POLICY GUIDELINES

## GUIDELINE #1

*Develop the foundation for the agency's hate crimes policy.*

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

## GUIDELINE #2

*Develop a hate crimes policy for the agency.*

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
  - A. Response
  - B. Training
  - C. Planning and Prevention
  - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

## GUIDELINE #3

*Develop expertise to identify and investigate hate crimes.*

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

## GUIDELINE #4

*Develop and implement cooperative hate crimes plans with other law enforcement agencies.*

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

## GUIDELINE #5

*Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.*

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
  - Develop a network to build rapport with community groups

- 
- Develop a protocol for response to hate crimes
  - Obtain witness and victim cooperation
  - Provide support services to victims
  - Collect demographic information about specific communities
  - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
  - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

## **GUIDELINE #6**

### ***Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.***

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

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# MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

## **CPC 13519.6, effective January 1, 2005, minimally requires:**

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
  - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
  - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
  - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
  - d. Providing victim assistance and follow-up, including community follow-up.
  - e. Reporting

## **CPC 422.87, effective January 1, 2019, states and minimally requires:**

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
  - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 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.
    - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

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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.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to 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, if 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 than those of the victim, those 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.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.



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# MODEL POLICY FRAMEWORK

## Purpose

This model policy framework 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 law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

## Policy

It is the policy of this agency 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 agency will employ necessary 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 agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

## Response, Victim Assistance and Follow-up

### *Initial response*

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
  3. Ensure the safety of victims, witnesses, and perpetrators.
    - a. Issue a Temporary Restraining Order (if applicable).
  4. 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.
  5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed 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 ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
  6. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
  7. Identify criminal evidence on the victim.
  8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
  9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. The offer of victim confidentiality per Government Code (GC) 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"<sup>1</sup> in the commission of the crime.
      1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 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.
        - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

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<sup>1</sup>See Appendix, page 15, for definition

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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.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to 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, if 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 than those of the victim, those 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.

10. Adhere to CPC 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.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

### ***Investigation***

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
    - e. Desecration of religious symbols, objects, or buildings.
  6. Request the assistance of translators or interpreters when needed to establish effective communication.
  7. Conduct a preliminary investigation and record information regarding:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. Offer of victim confidentiality per GC 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. Document the victim's protected characteristics.
  8. Provide victim assistance and follow-up.
  9. Canvass the area for additional witnesses.
  10. Examine suspect's social media activity for potential evidence of bias motivation.
  11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
  12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
  13. Determine if the incident should be classified as a hate crime.
  14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
    - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
    - b. Provide ongoing information to the victim about the status of the criminal investigation.
    - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
  15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
  16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

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## *Supervision*

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
  - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
  - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. 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.
3. 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.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 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. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

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## Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at [www.post.ca.gov](http://www.post.ca.gov). In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

## Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.



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6. Review 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 Islamic communities.<sup>2</sup>
  7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

### ***Release of Information***

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

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<sup>2</sup>As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
  2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
  3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
  4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

## Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.



## Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
  - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
  - Definition of "hate crime" included from:
    - CPC 422.55
    - CPC 422.56
    - CPC 422.6
  - Title by title specific protocol regarding:
    - Prevention
      - Is contact is established with identified persons and/or communities who are likely targets?
      - Have we formed and/or are we cooperating with hate crime prevention and response networks?
      - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
    - Response
      - Requirement that all hate crimes be properly investigated and supervised
      - Requirement that any hate crimes committed under the color of authority are investigated
    - Accessing Assistance
      - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
    - Victim assistance and follow-up
    - Reporting
      - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
    - Training
      - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
        - Does the checklist include first responder responsibilities include:
          - Determining the need for additional resources if necessary?
          - Referral information for appropriate community and legal services?
          - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
        - Information regarding bias motivation from CPC 422.87
        - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
  - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.



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# APPENDIX

## Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 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:

### *Hate crime*

“Hate crime” 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:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“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 CPC 422.55 subdivision (a).

**Note:** A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

### *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 and solicitation to commit any crime.

### *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

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## ***Bias Motivation***

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 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 Bias***

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if 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 than those of the victim, those 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.

## ***Disability***

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## ***Gender***

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

## ***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 crime would not have been committed but for the actual or perceived characteristic.

## ***Nationality***

Nationality includes citizenship, country of origin, and national origin.

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***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, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public



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## 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.

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## 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.



# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b>                  Legal name (Last, First): _____                  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>                  Name: _____                  Type: _____  <i>(e.g., non-profit, private, public school)</i>                  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>                  Name: _____                  Faith: _____                  Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
---------------	---	--

<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b> <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
-------------	--	---

	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
--	--

<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
----------------	--	--

<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
----------------	--

# HATE CRIME CHECKLIST

Page \_\_\_\_ of \_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>	<b><u>SUSPECT</u></b>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>	<b><u>Victim</u></b>	<b><u>Suspect</u></b>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/> Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/> Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/> Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date





# POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019



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## FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.



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# POLICY GUIDELINES

## GUIDELINE #1

*Develop the foundation for the agency's hate crimes policy.*

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

## GUIDELINE #2

*Develop a hate crimes policy for the agency.*

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
  - A. Response
  - B. Training
  - C. Planning and Prevention
  - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

## GUIDELINE #3

*Develop expertise to identify and investigate hate crimes.*

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

## GUIDELINE #4

*Develop and implement cooperative hate crimes plans with other law enforcement agencies.*

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

## GUIDELINE #5

*Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.*

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
  - Develop a network to build rapport with community groups

- 
- Develop a protocol for response to hate crimes
  - Obtain witness and victim cooperation
  - Provide support services to victims
  - Collect demographic information about specific communities
  - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
  - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

## **GUIDELINE #6**

***Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.***

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

---

# MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

## **CPC 13519.6, effective January 1, 2005, minimally requires:**

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
  - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
  - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
  - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
  - d. Providing victim assistance and follow-up, including community follow-up.
  - e. Reporting

## **CPC 422.87, effective January 1, 2019, states and minimally requires:**

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
  - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 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.
    - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

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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.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to 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, if 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 than those of the victim, those 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.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.



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# MODEL POLICY FRAMEWORK

## Purpose

This model policy framework 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 law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

## Policy

It is the policy of this agency 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 agency will employ necessary 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 agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

## Response, Victim Assistance and Follow-up

### *Initial response*

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

- 
2. Stabilize the victim(s) and request medical attention when necessary.
  3. Ensure the safety of victims, witnesses, and perpetrators.
    - a. Issue a Temporary Restraining Order (if applicable).
  4. 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.
  5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed 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 ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
  6. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
  7. Identify criminal evidence on the victim.
  8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
  9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. The offer of victim confidentiality per Government Code (GC) 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"<sup>1</sup> in the commission of the crime.
      1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 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.
        - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

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<sup>1</sup>See Appendix, page 15, for definition

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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.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to 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, if 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 than those of the victim, those 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.

10. Adhere to CPC 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.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

### ***Investigation***

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

- 
5. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
    - e. Desecration of religious symbols, objects, or buildings.
  6. Request the assistance of translators or interpreters when needed to establish effective communication.
  7. Conduct a preliminary investigation and record information regarding:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. Offer of victim confidentiality per GC 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. Document the victim's protected characteristics.
  8. Provide victim assistance and follow-up.
  9. Canvass the area for additional witnesses.
  10. Examine suspect's social media activity for potential evidence of bias motivation.
  11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
  12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
  13. Determine if the incident should be classified as a hate crime.
  14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
    - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
    - b. Provide ongoing information to the victim about the status of the criminal investigation.
    - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
  15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
  16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

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## *Supervision*

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
  - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
  - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. 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.
3. 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.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 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. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

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## Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at [www.post.ca.gov](http://www.post.ca.gov). In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

## Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.



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6. Review 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 Islamic communities.<sup>2</sup>
  7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

### ***Release of Information***

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

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<sup>2</sup>As described in CPC 13519.6(b)(8)

- 
1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
  2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
  3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
  4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

## Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.



## Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
  - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
  - Definition of "hate crime" included from:
    - CPC 422.55
    - CPC 422.56
    - CPC 422.6
  - Title by title specific protocol regarding:
    - Prevention
      - Is contact is established with identified persons and/or communities who are likely targets?
      - Have we formed and/or are we cooperating with hate crime prevention and response networks?
      - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
    - Response
      - Requirement that all hate crimes be properly investigated and supervised
      - Requirement that any hate crimes committed under the color of authority are investigated
    - Accessing Assistance
      - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
    - Victim assistance and follow-up
    - Reporting
      - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
    - Training
      - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
        - Does the checklist include first responder responsibilities include:
          - Determining the need for additional resources if necessary?
          - Referral information for appropriate community and legal services?
          - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
        - Information regarding bias motivation from CPC 422.87
        - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
  - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.



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# APPENDIX

## Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 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:

### *Hate crime*

“Hate crime” 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:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“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 CPC 422.55 subdivision (a).

**Note:** A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

### *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 and solicitation to commit any crime.

### *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

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## ***Bias Motivation***

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 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 Bias***

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if 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 than those of the victim, those 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.

## ***Disability***

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## ***Gender***

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

## ***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 crime would not have been committed but for the actual or perceived characteristic.

## ***Nationality***

Nationality includes citizenship, country of origin, and national origin.

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***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, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public



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## 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.

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## 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.



# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b>                  Legal name (Last, First): _____                  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>                  Name: _____                  Type: _____  <i>(e.g., non-profit, private, public school)</i>                  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>                  Name: _____                  Faith: _____                  Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b>  <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense  <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):                  _____                  _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
--	--

<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
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<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
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# HATE CRIME CHECKLIST

Page \_\_\_\_ of \_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>	<b><u>SUSPECT</u></b>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>		<b><u>Victim</u></b>	<b><u>Suspect</u></b>	
	<input type="checkbox"/>	<input type="checkbox"/>		Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>		Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>		Received medical treatment
	Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			<b>Paramedics at scene?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date





# POST HATE CRIMES MODEL POLICY



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019



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## FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.



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# POLICY GUIDELINES

## GUIDELINE #1

*Develop the foundation for the agency's hate crimes policy.*

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

## GUIDELINE #2

*Develop a hate crimes policy for the agency.*

- I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
  - A. Response
  - B. Training
  - C. Planning and Prevention
  - D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

## GUIDELINE #3

*Develop expertise to identify and investigate hate crimes.*

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal

reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

## GUIDELINE #4

*Develop and implement cooperative hate crimes plans with other law enforcement agencies.*

- I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.
- II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

## GUIDELINE #5

*Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.*

- I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
  - Develop a network to build rapport with community groups

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- Develop a protocol for response to hate crimes
  - Obtain witness and victim cooperation
  - Provide support services to victims
  - Collect demographic information about specific communities
  - Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
  - Identify periods of increased vulnerability based on significant dates and events for affected communities
- II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

## **GUIDELINE #6**

### ***Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.***

The assessment should include:

- I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.
- II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.
- III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.
- IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

- V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

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# MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

## **CPC 13519.6, effective January 1, 2005, minimally requires:**

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
  - a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
  - b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
  - c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
  - d. Providing victim assistance and follow-up, including community follow-up.
  - e. Reporting

## **CPC 422.87, effective January 1, 2019, states and minimally requires:**

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
  - a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 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.
    - i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

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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.

- ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to 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, if 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 than those of the victim, those 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.
- b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
- c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
- d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.
- e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
- f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
- h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.



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# MODEL POLICY FRAMEWORK

## Purpose

This model policy framework 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 law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

## Policy

It is the policy of this agency 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 agency will employ necessary 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 agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

## Response, Victim Assistance and Follow-up

### *Initial response*

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

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2. Stabilize the victim(s) and request medical attention when necessary.
  3. Ensure the safety of victims, witnesses, and perpetrators.
    - a. Issue a Temporary Restraining Order (if applicable).
  4. 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.
  5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed 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 ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
  6. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
  7. Identify criminal evidence on the victim.
  8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
  9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. The offer of victim confidentiality per Government Code (GC) 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"<sup>1</sup> in the commission of the crime.
      1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 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.
        - (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

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<sup>1</sup>See Appendix, page 15, for definition

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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.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to 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, if 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 than those of the victim, those 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.

10. Adhere to CPC 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.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

### ***Investigation***

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

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5. Collect and photograph physical evidence or indicators of hate crimes such as:
    - a. Hate literature.
    - b. Spray paint cans.
    - c. Threatening letters.
    - d. Symbols used by hate groups.
    - e. Desecration of religious symbols, objects, or buildings.
  6. Request the assistance of translators or interpreters when needed to establish effective communication.
  7. Conduct a preliminary investigation and record information regarding:
    - a. Identity of suspected perpetrator(s).
    - b. Identity of witnesses, including those no longer at the scene.
    - c. Offer of victim confidentiality per GC 5264.
    - d. Prior occurrences, in this area or with this victim.
    - e. Statements made by suspects; exact wording is critical.
    - f. Document the victim's protected characteristics.
  8. Provide victim assistance and follow-up.
  9. Canvass the area for additional witnesses.
  10. Examine suspect's social media activity for potential evidence of bias motivation.
  11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
  12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
  13. Determine if the incident should be classified as a hate crime.
  14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
    - a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
    - b. Provide ongoing information to the victim about the status of the criminal investigation.
    - c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
  15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
  16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

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## *Supervision*

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
  - a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  - b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
  - c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. 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.
3. 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.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 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. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: <https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf>
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

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## Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at [www.post.ca.gov](http://www.post.ca.gov). In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

## Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.



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6. Review 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 Islamic communities.<sup>2</sup>
  7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

### ***Release of Information***

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

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<sup>2</sup>As described in CPC 13519.6(b)(8)

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1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
  2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
  3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
  4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

## Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.



## Checklist for the agency's policy creation

- Message from the law enforcement's agency's chief executive is included
  - The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
  - Definition of "hate crime" included from:
    - CPC 422.55
    - CPC 422.56
    - CPC 422.6
  - Title by title specific protocol regarding:
    - Prevention
      - Is contact is established with identified persons and/or communities who are likely targets?
      - Have we formed and/or are we cooperating with hate crime prevention and response networks?
      - Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
    - Response
      - Requirement that all hate crimes be properly investigated and supervised
      - Requirement that any hate crimes committed under the color of authority are investigated
    - Accessing Assistance
      - Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
    - Victim assistance and follow-up
    - Reporting
      - Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
    - Training
      - Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
        - Does the checklist include first responder responsibilities include:
          - Determining the need for additional resources if necessary?
          - Referral information for appropriate community and legal services?
          - The requirement to provide the agency's hate crimes brochure per CPC 422.92?
        - Information regarding bias motivation from CPC 422.87
        - Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- Definitions of terms used in the policy are listed
- Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
  - Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.



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# APPENDIX

## Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 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:

### *Hate crime*

“Hate crime” 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:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.

“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 CPC 422.55 subdivision (a).

**Note:** A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

### *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 and solicitation to commit any crime.

### *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

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## ***Bias Motivation***

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 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 Bias***

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if 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 than those of the victim, those 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.

## ***Disability***

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

## ***Gender***

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

## ***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 crime would not have been committed but for the actual or perceived characteristic.

## ***Nationality***

Nationality includes citizenship, country of origin, and national origin.

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***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, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public



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## 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.

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## 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.



# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b>                  Legal name (Last, First): _____                  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>                  Name: _____                  Type: _____  <i>(e.g., non-profit, private, public school)</i>                  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>                  Name: _____                  Faith: _____                  Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b>  <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense  <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):                  _____                  _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
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<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
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# HATE CRIME CHECKLIST

Page \_\_\_\_ of \_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>	<b><u>SUSPECT</u></b>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>	<b><u>Victim</u></b>	<b><u>Suspect</u></b>	<b>Paramedics at scene?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

## Hate Crime Checklist.pdf

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b> Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b> Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b> Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b> <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
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<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
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# HATE CRIME CHECKLIST

Page \_\_\_\_ of \_\_\_\_

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<b>OBSERVATIONS</b>	<u><b>VICTIM</b></u>	<u><b>SUSPECT</b></u>
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**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>	<u><b>Victim</b></u>	<u><b>Suspect</b></u>	<b>Paramedics at scene?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Name(s)/ID #: _____
			Hospital: _____
			Jail Dispensary: _____
			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b> Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b> Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b> Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b> <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b> <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
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<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
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<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
----------------	--

# HATE CRIME CHECKLIST

Page \_\_\_\_ of \_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>	<b><u>SUSPECT</u></b>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>	<b><u>Victim</u></b>	<b><u>Suspect</u></b>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Name(s)/ID #: _____
			Hospital: _____
			Jail Dispensary: _____
			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

# HATE CRIME CHECKLIST

Page \_\_\_\_\_ of \_\_\_\_\_

<b>VICTIM</b>	<p style="text-align: center;"><b><u>Victim Type:</u></b></p> <p><input type="checkbox"/> <b>Individual</b>                  Legal name (Last, First): _____                  Other Names used (AKA): _____</p> <p><input type="checkbox"/> <b>School, business or organization</b>                  Name: _____                  Type: _____  <i>(e.g., non-profit, private, public school)</i>                  Address: _____</p> <p><input type="checkbox"/> <b>Faith-based organization</b>                  Name: _____                  Faith: _____                  Address: _____</p>	<p style="text-align: center;"><b><u>Target of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Person    <input type="checkbox"/> Private property    <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><b><u>Nature of Crime (Check all that apply):</u></b></p> <p><input type="checkbox"/> Bodily injury                      <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
---------------	---	--

<b>BIAS</b>	<p style="text-align: center;"><b><u>Type of Bias</u></b>  <b>(Check all characteristics that apply):</b></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense  <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific):                  _____                  _____</p>	<p style="text-align: center;"><b><u>Actual or Perceived Bias – Victim’s Statement:</u></b></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)].  <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><b><u>Reason for Bias:</u></b></p> <p><b>Do you feel you were targeted based on one of these characteristics?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you know what motivated the suspect to commit this crime?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Do you feel you were targeted because you associated yourself with an individual or a group?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Explain in narrative portion of Report.</i></p> <p><b>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p> <p><b>Are there Indicators the suspect is affiliated with a criminal street gang?</b>  <input type="checkbox"/> Yes    <input type="checkbox"/> No    <i>Describe in narrative portion of Report.</i></p>
-------------	--	---

	<p style="text-align: center;"><b><u>Bias Indicators (Check all that apply):</u></b></p> <p><input type="checkbox"/> Hate speech                      <input type="checkbox"/> Acts/gestures                      <input type="checkbox"/> Property damage                      <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication                      <input type="checkbox"/> Graffiti/spray paint                      <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
--	--

<b>HISTORY</b>	<p style="text-align: center;"><b><u>Relationship Between Suspect &amp; Victim:</u></b></p> <p>Suspect known to victim?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____    Order/Case# _____</p>
----------------	--	--

<b>WEAPONS</b>	<p>Weapon(s) used during incident?    <input type="checkbox"/> Yes    <input type="checkbox"/> No    Type: _____</p> <p>Weapon(s) booked as evidence?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</p>
----------------	--



# HATE CRIME CHECKLIST

Page \_\_\_\_ of \_\_\_\_

<b>EVIDENCE</b>	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

<b>OBSERVATIONS</b>	<b><u>VICTIM</u></b>	<b><u>SUSPECT</u></b>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

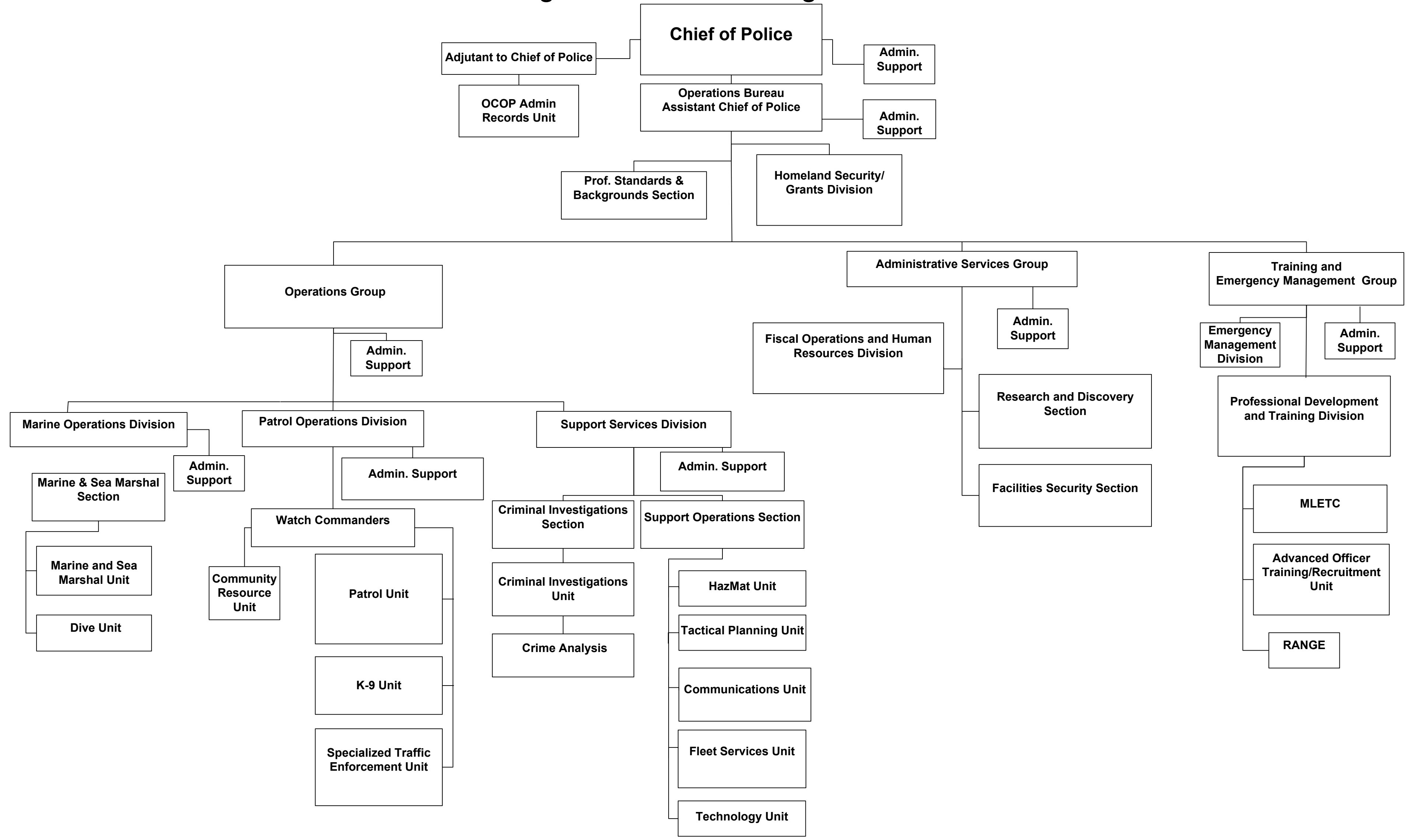
**Resources offered at scene:**  Yes  No Type: \_\_\_\_\_

<b>MEDICAL</b>	<b><u>Victim</u></b>	<b><u>Suspect</u></b>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Name(s)/ID #: _____
			Hospital: _____
			Jail Dispensary: _____
			Physician/Doctor: _____
			Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

**Los Angeles Port Police Org Chart - 07012022.pdf**

# Los Angeles Port Police Organization Chart



**LAPP Elder Abuse First Responder  
Checklist LAPP Form No 4-2-03.79.pdf**



### Los Angeles Port Police Elder Abuse First Responder Checklist

Does the older adult have any impairments?

- Hearing impaired/uses hearing aid
- Visually impaired (wears glasses, full or partial blindness, cataracts)
- Requires walker, wheelchair, or cane
- Wears dentures

Does the older adult take medications? If so, list:

---

---

Does the older adult have any medical conditions? If so, list:

---

---

Can the older adult do the following things independently (without assistance)?

- |                          |                              |                             |                                  |
|--------------------------|------------------------------|-----------------------------|----------------------------------|
| Bathing                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Dressing                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Toileting                | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Transferring             | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Continence               | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Ability to use telephone | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |
| Transportation           | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Unknown |

Signs of Physical Abuse:

Victim's Self Report	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Bruises	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Black Eyes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Lacerations	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Ligature/Restraint Marks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Broken Bones	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Burns	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Bite Marks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Over/Under Medicated	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Hair Pulled Out	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Uncooperative Caretaker	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Weapons	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____



Los Angeles Port Police  
 Elder Abuse First Responder Checklist

Signs of Sexual Abuse:

Victim's Self Report	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Bruises	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Black Eyes	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Lacerations	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Ligature/Restraint Marks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Broken Bones	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Burns	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Bite Marks	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Over/Under Medicated	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Hair Pulled Out	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Uncooperative Caretaker	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Weapons	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____

Signs of Neglect/Cruelty:

Victim's Self Report	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Lack of Basic Services	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Lack of Assistive Device	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Abandonment	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Inappropriate Clothing	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Inadequate Heating or Cooling	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Bed Sores	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Unsafe Environment	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Fleas/Lice/Roaches/Rodents	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Fecal/Urine Odor/Stains	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Lock/Chains on Interior Doors	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____

Signs of Emotional Abuse:

Victim's Self Report	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Upset/Agitated	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Withdrawn/Non-Responsive	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Nervous Around Caregiver/Others	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Caregiver Restricts Communication to Friends & Family	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Fearful or Saying or Doing Something Wrong	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____



Los Angeles Port Police  
Elder Abuse First Responder Checklist

Signs of Financial Abuse:

Victim's Self Report	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	Victim's Self Report Description
Unemployed Adults Reside in Home	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
New Names on Signature Card(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Unauthorized Withdrawal(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Abrupt Changes in Will	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Disappearance of Funds/Possessions	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Unpaid Bills/Adequate Funds	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Forged Signature for Transactions	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Appearance of Uninvolved Relatives	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Sudden Transfer of Assets	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Unlicensed Personal Care Home	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Large Purchases for Abuser's Benefit	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____
Inappropriate Financial Reimbursement for Services to the Older Adult	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown	_____

Signs of Self-Neglect:

Dehydration/Malnutrition	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Lack of Medical Attention	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Unsafe Living Conditions	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Unsanitary Living Conditions	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Inappropriate Clothing	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Lack of Assistive Devices	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
Inadequate Housing	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown

# Los Angeles Port Police Policy Manual

Los Angeles Port Police Policy Manual

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