

# San Diego Unified School District Police Department

## Policy Manual

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### **CHIEF'S PREFACE**

San Diego Unified School District Police Department

#### Vision Statement

**To be the recognized leader in School Oriented Policing.**

San Diego Unified School District Police Department

#### Values

#### **TRUSTWORTHINESS**

#### **LEADERSHIP**

#### **PARTNERSHIPS**

#### **PROFESSIONALISM**

San Diego Unified School District Police Department

#### Mission Statement

**As leaders of educational law enforcement, the members of San Diego Unified School District Police Department are dedicated to protecting our future, and by virtue of the school oriented policing philosophy, we will ensure the safety and success of our students, staff, and community.**

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### **LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

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

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

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

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### **MISSION STATEMENTS**

#### **SAN DIEGO UNIFIED SCHOOL DISTRICT MISSION STATEMENT**

All San Diego students will graduate with the skills, motivation, curiosity, and resilience to succeed in their choice of college and career in order to lead and participate in the society of tomorrow.

#### **SCHOOL POLICE SERVICES MISSION STATEMENT**

As leaders of educational law enforcement, the members of SDUSD Police Department are dedicated to protecting our future, and by virtue of the school oriented policing philosophy, we will ensure the safety and success of our students, staff, and community.

#### **VISION STATEMENT**

To be the recognized leader in School Oriented Policing.

#### **RESPONSIBILITY STATEMENT**

The School Police Department is responsible for enforcing laws on and near school facilities located within the City of San Diego. School Police personnel will utilize principals of School Oriented Policing to facilitate safe schools.

#### **OBJECTIVE MEASURES**

School Police personnel embrace a "Specialized and Focused" type of policing. Our officers operate as key partners in the K-12 academic setting. We keep our schools safe by undergoing the same training, certifications, and response protocols of municipal police officers; however, our work centers around prevention and maintaining a healthy and safe learning environment. We also provide leadership and mentoring for our district staff (along with other districts) in emergency management and disaster planning. Our work revolves around daily interactions with students, staff, and parents, all focused on keeping children in school and ensuring they feel safe. Numerous studies/surveys conclude that students cannot learn when feeling unsafe; this statement alone is captured in our department motto ...

*Protecting Our Future*

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

## Law Enforcement Authority

### 100.1 POLICY

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

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to exercise sound discretion when enforcing the law.

### 100.2 PURPOSE AND SCOPE

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

### 100.3 PEACE OFFICER POWERS

California Education Code section 38000 et seq., empowers school district within the State of California to establish a school district police department. Persons employed and compensated as members of a school district police department, when appointed and duly sworn, are peace officers, for the purposes of carrying out their duties of employment pursuant to section 830.32 of the California Penal Code.

California Penal Code section 830.32 et seq., provides that persons employed as members of a police department of a school district pursuant to Section 38000 of the Education Code, if the primary duty of the police officers is the enforcement of the law as prescribed in Section 38000 of the Education Code, are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency. Any peace officer employed by a K-12 public school district who has completed training as prescribed by subdivisions (f) of Section 832.3 shall be designed a school police officer.

#### 100.3.1 JURISDICTION

It is the intention of the Legislature that a school district police department ensures the safety of pupils, staff, and the general public on or near California's public schools by providing school police officers with training that will enable them to deal with the increasingly diverse and dangerous situations they encounter. School police officers are peace officers whose authority extends to any place in the state and are not limited to just school property.

#### 100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SAN DIEGO UNIFIED SCHOOL DISTRICT POLICE DEPARTMENT

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

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



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- (b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- (c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

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

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

#### 100.3.3 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SAN DIEGO UNIFIED SCHOOL DISTRICT POLICE DEPARTMENT

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit while investigating crimes committed within the San Diego Unified School District while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the San Diego Unified School District should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

When an officer makes an out-of-county arrest pursuant to a warrant, the officer shall inform the arrestee of the right to be taken before a magistrate in that county (Penal Code § 821; Penal Code § 822).

#### 100.3.4 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. the next day unless (Penal Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
  - 1. A misdemeanor committed in the presence of the officer.
  - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

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### **100.4 CONSTITUTIONAL REQUIREMENTS**

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

## Chief Executive Officer

### 101.1 PURPOSE AND SCOPE

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

#### 101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

## Oath of Office

### 102.1 PURPOSE AND SCOPE

Officers of this department (sworn and non-sworn) are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### 102.1.1 OATH OF OFFICE

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

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

### 102.2 POLICY

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

### 102.3 OATH OF OFFICE

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

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

### 102.4 MAINTENANCE OF RECORDS

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

# Policy Manual

## 103.1 PURPOSE AND SCOPE

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

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

## 103.2 POLICY

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

### 103.2.1 DISCLAIMER

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

## 103.3 AUTHORITY

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

## 103.4 DEFINITIONS

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

**Adult** - Any person 18 years of age or older.

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

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**CHP**- The California Highway Patrol.

**CFR** - Code of Federal Regulations.

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

**Department/SDUSDPD** - The San Diego Unified School District Police Department.

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

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

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

**Manual** - The San Diego Unified School District Police Department Policy Manual.

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

**Member** - Any person employed or appointed by the San Diego Unified School District Police Department, including full-time sworn officers, reserve officers, non-sworn employees and volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the San Diego Unified School District Police Department.

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

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

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

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

**Shall or will** - Indicates a mandatory action.

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

**Supervisor** - A person in a position of authority regarding 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. Supervisory authority is not 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 directing the work of others without regard to a formal job title, rank or compensation.

**USC** - United States Code.

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#### **103.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members of 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 Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

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

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

#### **103.7 REVISIONS TO POLICIES**

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

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

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

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

## **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 while providing the best possible service to the public.

### 200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the San Diego Unified School District Police Department. The Department consists of two divisions:

Operations Support Division

Field Operations Division

#### 200.2.1 OPERATIONS SUPPORT DIVISION

The Operations Support Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Operations Support Division. The Operations Support Division consists of Investigations, Professional Standards Unit (PSU), Training, Communications, Crime Analyst, and Professional Staff.

#### 200.2.2 FIELD OPERATIONS DIVISION

The Field Operations Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Field Operations. The Field Operations Division consists of three service areas, along with a K-9 Unit. Each service area consists of a Sergeant, Campus Police Officers (CPO), Uniformed Patrol Officers.

#### 200.2.3 DEPARTMENT ORGANIZATION CHART

[This link will display the department's most current Organizational Chart.](#)

### 200.3 ORDERS

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

## Emergency Management Plan

### 201.1 PURPOSE AND SCOPE

The State has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or another 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).

The San Diego Unified School District is required by the California Education Code to prepare a Comprehensive School Safety Plan. This plan is to be completed by each school and facility within the District. (California Education Code §32282). The District also has a set of Emergency Procedures that should be consulted for a variety of incidents that could affect the District.

### 201.2 ACTIVATING THE EMERGENCY PLAN

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

The District's Emergency Procedures or Comprehensive School Safety Plans should be consulted for site-specific events that require an elevated or specialized response.

#### 201.2.1 RECALL OF PERSONNEL

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

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

### 201.3 LOCATION OF THE PLAN

The Emergency Management Plan is available from the State of California's website:

<http://www.caloes.ca.gov/PlanningPreparednessSite/Documents/00%20SEP%207-01-09%20covrev%20%2812%29.pdf>

The state-mandated Comprehensive School Safety Plan is located at each school site in hard copy format. It is also available for review by school police personnel from the [www.sandi.net](http://www.sandi.net) website, from the E-teams section. Employees must be given permission to access the plans electronically. The District's Emergency Procedures link can be accessed from [www.sandi.net](http://www.sandi.net) or from the following link:

<https://www.sandi.net/staff/procedures/emergency-procedures>

## Training and Travel Policy

### 202.1 PURPOSE AND SCOPE

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

The department allows and encourages officers to seek training that is outside the department, as well. The department shall make arrangements for travel and lodging when needed, and when budgeted for such expenses.

### 202.2 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). The department may utilize training, seminars, conferences, and courses that are not certified by POST but that further the department's mission and goals.

### 202.3 OBJECTIVES

The objectives of the Training Program are to:

- (a) Enhance the level of law enforcement service to the public
- (b) Increase the technical expertise and overall effectiveness of our personnel
- (c) Provide for continued professional development of department personnel

### 202.4 TRAINING PLAN

It is the intent of the department to comply with all training requirements that is mandated by state and federal law. Further, the department shall review and follow as practical all recommendations made by POST. In addition, the department will provide a matrix that delineates what type of training should be achieved and maintained by sworn and non-sworn personnel. It is the department's intent to ensure opportunities are provided for staff to take advantage of professional learning and training.

Training:

Any structured program of instruction that provides department personnel with increased knowledge, skills or ability, growth and development through planned learning events that pertain to their particular assignment.

Mandated:

Training that is required by law, to include all training recommended by POST.

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#### *Training and Travel Policy*

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##### Essential:

Training that is deemed by the department as necessary to a particular assignment.

##### Desired:

Training that is neither mandated, nor essential for a particular assignment, but is relevant and beneficial and promotes professional growth of the employee. Desired training may be assigned by the department or requested by the individual employee. The department has the final determination as to what classes are deemed appropriate and will further support the department mission.

#### **202.5 TRAINING NEEDS ASSESSMENT**

Managers and supervisors play an important role in directing officers to develop their careers by participating in training to acquire the skills and knowledge necessary for professional growth. Employees and their supervisors should meet annually during performance evaluation reviews, to discuss their career goals and determine what areas of development are needed to further support their career goals. They should periodically review their training file for accuracy and completeness. All peace officers will receive a minimum of 24-hour perishable skills training (i.e., Regional Officers Training) every two years, as required by POST. All officers will maintain certification in first aid, CPR, and receive updated and specialized training as required by POST.

#### **202.6 TRAINING DEVELOPMENT**

The training sergeant shall meet with designated department training staff bi-annually to discuss upcoming department training. The training sergeant shall review certain incidents within and outside the agency to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. The training topics should not identify specific facts of any incidents, such as the identity of the employee involved or the date, time and location of the incident, but should focus on the type of training being recommended.

#### **202.7 TRAINING PROCEDURES**

- (a) 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:
  - 1. Court appearances.
  - 2. Ordered to work a detail/assignment.
  - 3. Physical limitations preventing the employee's participation.
  - 4. Emergency situations.
- (b) When an employee is unable to attend mandatory training, that employee shall:
  - 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.

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2. Make arrangements through his/her supervisor and the training sergeant to attend the required training on an alternate date.

#### **202.8 TRAINING PROCEDURES CONTINUED**

##### Training:

It is the employee's responsibility to notify their supervisor of any upcoming training he/she may be eligible to receive. All employees desiring training will first complete a ["Request for Training"](#) Form complying with all instructions on the form. Once completed, the employee desiring the training will forward the form to his/her supervisor. The supervisor will review the request and if supporting the request the supervisor will forward it to their respective Captain. The Captain will review the request for approval. Once approved, the Captain will forward the form to the Chief of Police for review and forward it to the training sergeant. The Training Sergeant will handle class enrollment for the employee (if the employee has not already enrolled themselves in the class pending approval), lodging and travel accommodations, and complete the "Travel Authorization." The training sergeant will notify the requesting employee and his/her supervisor when they are enrolled for the requested course and what equipment will be needed. If the training is denied, the training sergeant or supervisor will notify the employee as soon as possible.

##### Overtime:

Attending training shall not result in overtime for the employee without prior approval from the training sergeant. Non-mandatory training may not be approved if it will require overtime for the employee, or in the absence of the employee, the department is unable to maintain the proper staffing level without utilizing overtime. Overtime may be authorized for mandated training, however, professional improvement training does not qualify for overtime.

##### Transportation:

Travel to and from training will be coordinated with each employee by the training sergeant. . The most economical means of transportation will be used for all training travel. Department vehicles, if available, may be furnished, upon approval by the training sergeant. Privately owned vehicles are authorized for training travel when department vehicles are not available. Mileage for personal vehicle use shall be reimbursed at the prevailing district-approved travel rate only for the distance from school police department headquarters to and from the training site and travel directly related to the training class. Travel by air is considered when it is for distances over 150 miles and less expensive than traveling in a personal vehicle. Car rentals are authorized for out of town training only if the time/distance constraint on utilizing public transportation is cost-prohibitive and pre-approved by the operations support captain.

##### Travel Time:

Travel time is paid time to an employee who may be eligible for travel to a training venue/location. The amount of travel time an employee may have will depend upon training location and travel arrangements that need to be made. Travel time will be determined by the following category.

- (a) 1. Category A

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- (a) Travel inside the city and county of San Diego. Travel in this category does not qualify for travel time.
- 2. Category B
  - (a) Travel to all training outside of San Diego County, except as described in Category C.
- 3. Category C
  - (a) Travel by automobile to training sites outside of San Diego County requiring transportation of specialized equipment. This may include, but not limited to, firearms, ammunition, chemical agents, or other equipment requiring special handling procedures when travel by air is not permitted.

#### Cancelation of Training:

If, after receiving confirmation of a class reservation, an employee cannot attend the training, the employee must immediately notify the training sergeant and their supervisor via email, citing the reasons for the cancelation. It will be the responsibility of the employee to work with the training sergeant to amend arrangements with the training presenter, either by canceling the reservation or by finding a replacement. It shall be the responsibility of the employee to cancel all hotel accommodations or travel arrangements they have made.

#### **202.9 TRAVEL TIME PROCEDURES**

The department will authorize travel time to personnel attending training in categories B and C as follows:

- (a) Category B
  - (a) Personnel who fly shall be granted flight time plus, three hours travel time to reach the training facility or place of lodging. This time shall not exceed two working days and will be given as time off on the final work day prior to the training and the day following the scheduled class. Personnel who choose ground transportation (automobile or train) will be granted one hour of travel time for every fifty miles of travel. This time shall not exceed two working days (8 hours/400 miles each way) and will be given as a travel day on the final work day prior to the training and the day following the scheduled training.
- (b) Category C
  - (a) Personnel will be granted a maximum of one hour of travel time for every fifty miles of travel round trip. Total travel time in this category shall not exceed two working days and will be given as a travel day on the final workday prior to training and the day following the scheduled class.
  - (b) Personnel will notify their supervisor if and how much travel times is required. This will help facilitate proper staffing. Supervisors may consider a change to the Travel Time to accommodate travel, training and/or staffing requirements.

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- (c) If personnel desire to drive to training in which they would normally fly, they will be reimbursed for mileage at the lower rate (airfare vs vehicle mileage). This will be approved by the operations support captain on a case by case basis.

#### **202.10 CONDUCT AT TRAINING CLASS**

All persons attending training classes are considered on-duty and representing the San Diego Unified School District Police Department. Attire will be determined by the training presenters and may be modified depending on the type of training the individual is attending and what is authorized/expected by the training presenters.

Employees who become ill and cannot attend training or must leave training early will follow the Standards of Conduct Policy - 319 and notify their immediate supervisor. The employee will also contact the training coordinator of the facility presenting the training.

#### **202.11 REIMBURSEABLE EXPENSES**

Per diem reimbursement is provided by POST to enable agencies to send their employees to quality training. This allotment is for lodging and meals combined. Tips paid for any meal or service will not be reimbursed. Employees will be reimbursed at the current district per diem rate for training out of the county. Lunches for local day trip commuter classes (i.e. AOT) will be reimbursed according to the current collective bargaining agreement between the district and the SDSPOA/AASD. Other reimbursable expenses may include taxi fares, parking charges, business telephone calls, one telephone call per 24 hour period of time to the employee's residence, facsimile service and registration/ tuition fees. Accrued unexpected reimbursable expenses must have receipts documenting the expense, to be eligible for reimbursement.

Training expenses such as airfare and lodging may be pre-paid by the district, provided arrangements are made by the attending employee at least four weeks before the training is scheduled. The employee must provide paperwork such as flight and hotel reservations to the training sergeant in order for pre-paid requests to be processed. Reimbursable car rentals must be pre-authorized by the department or they will not be qualified for reimbursement.

Employee's reimbursements will be processed after they return from training and have provided the training sergeant original receipts from the hotel or class, and a copy of their course certificate of completion. All receipts and certificates are due to the training sergeant within one week after the completion of the training.

#### **202.12 SHARING KNOWLEDGE AND INFORMATION**

Persons attending training are expected to share with other employees the knowledge and information gained from training opportunities. Employees may, at the request of the training sergeant or their supervisor, be assigned to complete a training bulletin or verbally share with co-workers (i.e. at department meetings) knowledge and information gained while attending a course of instruction.

## Electronic Mail

### 203.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the District'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.

### 203.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over district networks are considered district records and therefore are district property. The district 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 stored on any district or 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 district. 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. Employees using the District's email system shall have no expectation of privacy concerning communications on the system.

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

### 203.3 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.

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

### 203.4 FREQUENCY OF USE

It is Department expectation that all employees check their work email at least once per shift. It is not required that employees access their email through their personal electronic communication device (cell phone, personal computer, etc.). The department will maintain at least one computer at the station for employee use.



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### **203.5 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 District is the Custodian of Records and shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy. This policy does not override current retention policies outlined by the District.

## **Administrative Communications**

### **204.1 POLICY**

This administrative communications policy delineates processes that shall be followed to ensure consistency in the development, editing, and dissemination of Department-level directives defined below. This policy also provides guidance and requirements for accessing and adhering to directives.

### **204.2 PURPOSE**

Administrative communications of this department are governed by the following policies.

### **204.3 SCOPE:**

This procedure applies to all members of the San Diego Unified School District Police Department.

### **204.4 DEFINITIONS:**

- (a) Correspondence - a communication in writing by letter or email.
- (b) Business Letter – an official written correspondence directed to individuals or organizations outside of the San Diego Unified School District Police Department.
- (c) Department Announcement – a written communication of an informal nature not requiring compliance. Often the information will be advisory in nature.
- (d) Memorandum – a written correspondence designed for internal department communications.
- (e) Department Order – a written directive requiring compliance by all affected members of the Department for a period of two years.
- (f) Department Policy – a written expression of a guiding principle requiring compliance by all affected members of the Department until rescinded or superseded.
- (g) Training Bulletin – a Department publication that introduces training topics, defines subject matter, explains and discusses accepted practices, procedures, and philosophies.
- (h) Redaction – to modify, edit or to revise in order to remove confidential and sensitive information.

### **204.5 RESPONSIBILITY:**

The Administrative Sergeant and Training Unit, on behalf of the School Police Chief is responsible and accountable for drafting, editing, revising, and publishing all Department Policies, and Orders. In addition, Administrative Sergeant and Training Unit will review all Training Bulletins, and Department Orders to determine if modifications are required to existing Policies. If modifications are necessary, the Administrative Sergeant and Training Unit will coordinate making the changes with the originator of the directive. The Administrative Sergeant and Training Unit will obtain approval from the appropriate management staff along with the overall approval from the School

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Chief of Police via the Administrative Captain, before publishing new or revised Department Policies.

#### **204.6 DEPARTMENT ANNOUNCEMENT:**

- (a) A Department Announcement shall only be issued with the specific approval of the Chief of Police or designee.
- (b) Department Announcements are appropriately used to communicate information that is advisory in nature.
- (c) Recommendations for Department Announcements may be originated by any member of the Department and submitted, via the originator's chain of command, to the Chief of Police's Confidential Administrative Assistant, for coordination of the review, approval, and dissemination.
  - 1. An electronic copy of the Announcement shall be e-mailed to the Chief of Police's Executive Assistant for review, approval and dissemination.
  - 2. The Chief of Police Confidential Administrative Assistant shall maintain a hard copy and electronic archive of all department announcements.

#### **204.7 MEMORANDUMS**

Memorandums are generally used by all department members, to document and facilitate internal department communications.

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

The Chief of Police may occasionally use a memorandum to effect an immediate change in existing policy or create a new policy. It is not the intent of the Department to create policy via memorandum. It is merely an avenue that may be utilized until an updated or new policy has been incorporated into the policy manual, via the approval process.

Memorandums will generally be released via electronic mail, however, any employee may request a paper version of the memorandum.

#### **204.8 CORRESPONDENCE**

- (a) In order to ensure that the letterhead and name of the Department are not misused, all external correspondence on Department letterhead shall bear the signature element of the Chief of Police or designee. Personnel should use Department letterhead only for official business and with the approval of their supervisor.
- (b) Any department announcement, email or similar correspondence, which may be addressed to all department members, shall be reviewed by the Chief of Police and/or an assigned designee.

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#### **204.9 DEPARTMENT ORDERS:**

- (a) Department Orders shall only be issued with the specific approval of the School Chief of Police via the Administrative Captain.
- (b) Department Orders are appropriately used to:
  - 1. Initiate new directives that are immediately effective;
  - 2. Reiterate and emphasize existing requirements; and,
  - 3. Temporarily modify instructions expressed in previously published directives.
- (c) Department Orders shall be brief and contain only essential directive elements. Format guidelines and examples may be obtained from the Administrative Sergeant and Training Unit.
- (d) Each Department Order shall remain in effect for two years from the date of the Order, unless:
  - 1. The Order contains an explicitly stated earlier termination date;
  - 2. The very nature of the directive is self-canceling; or,
  - 3. The Order is explicitly rescinded or superseded by another directive.
- (e) Recommendations for new Department Orders may be originated by any member of the Department.
- (f) When a Department Order modifies an existing Department Policy, a member of the department generating the Order will contact the Administrative Sergeant and Training Unit to have the Department Policy forwarded to them for revising, consistent with the language reflected in the Order.
- (g) The Administrative Sergeant and Training Unit shall maintain a master hardcopy of Department Orders and electronic archive.
- (h) The template of the Department Order can be found on the M Drive:
  - 1. The electronic version of the Order will be forwarded to the Administrative Sergeant and Training Unit.
  - 2. The Order will be printed as a hardcopy and provided to the appropriate Captain for review, approval, signature and date.
  - 3. The hardcopy will be then be forwarded to the Administrative Captain, for review, approval, signature and date.
  - 4. Once the process is complete, the hardcopy will be forwarded to the Administrative Sergeant and Training Unit for hardcopy archive.
  - 5. The electronic version will be used for publishing and maintained in an electronic archive.

#### **204.10 SURVEYS:**

All Surveys made in the name of the Department shall be authorized by the Chief of Police or a Captain.

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#### **204.11 DEPARTMENT POLICIES:**

- (a) New Department Policies or changes to existing Department Policies shall only be issued with the specific approval of the School Chief of Police via the Administrative Captain.
- (a) Recommendations for new Department Policies or changes to existing Policies may be originated by any member of the Department and emailed, via the originator's chain of command, to the Administrative Sergeant and Training Unit for review/revision, approval, and dissemination.
- (a) Each recommendation for a new Department Policy or change to an existing Policy will be accompanied by a draft of the proposed Policy, prepared in the proper format. Format guidelines and examples may be obtained from the Administrative Sergeant and Training Unit.
- (a) The Administrative Sergeant and Training Unit shall maintain a master copy of Department Policies and electronic archive.

#### **204.11 TRAINING BULLETINS:**

- (a) Training Bulletins shall only be issued with the specific approval of the School Chief of Police.
- (a) Training Bulletins shall be prepared by any department member and approved by their immediate supervisor. The electronic version of the Training Bulletin will then be forwarded to the Administrative Sergeant and Training Unit. The Administrative Sergeant and Training Unit shall review the Training Bulletin for consistency with existing Policies.
- (a) The template of the Training Bulletin can be found on the M Drive at:

M: Templates/Administrative/Training Bulletin Approval Copy

#### **204.13 CUSTODIAN OF RECORDS FOR DEPARTMENT ADMINISTRATIVE COMMUNICATIONS:**

- (a) The School Chief of Police, Confidential Administrative Assistant shall ensure that Department Administrative Communications are disseminated and archived.
- (a) When new Department Administrative Communications are generated, an electronic notification will be provided to all members of the Department via e-mail. All Department members must access and read their department e-mail weekly, except while on approved leave.
- (a) All members of the Department are responsible for abiding by the information contained in Department Orders, Department Policies, and Training Bulletins.
- (a) The School Chief of Police, Confidential Administrative Assistant will create an annual archive of revisions made to Department Policies, Orders, and Training Bulletins.
- (a) The archive will be secured and maintained in the School Police Chief Office.

#### **204.14 POLICY APPROVAL PROCESS:**

## Sworn Officer Patrol Shift Rotation

### 205.1 PURPOSE

Achieve quality service while working towards equitable shift rotations for department personnel.

### 205.2 DEFINITION

The term "Shift" will be used to describe the different hours an employee could be assigned to work.

### 205.3 PROCEDURE

Officers generally work Monday through Friday to provide safety and law enforcement services during the district's primary hours of operation. Patrol officers may be assigned to one of three shifts. In order to foster equity and provide officers with the experience of handling a variety of calls for service, the department has designated times throughout the year when officers rotate shifts.

Shifts:

There are three shifts employees may work. The early and late shift are considered the primary shifts because they allow the department to service the needs of the district from the start of the school day to the close business. The shift hours are as follows:

- (a) Early Shift-0700 to 1500 hours
- (b) Middle Shift-0800 to 1600 hours
- (c) Late Shift-0900 to 1700 hours

Patrol Rotation:

When Patrol Officers are assigned to more than one shift, Shift Change will occur twice annually, aligning with the district's fall and spring school semesters. If there are more than two officers assigned to a particular service area, the sergeant will determine the number of officers for a particular shift based on the needs of the district. Officers who wish to remain on the same shift are encouraged to work cooperatively to develop an agreement with their area counterpart(s). If there is a conflict and an agreement cannot be reached, the assignment will be made by the area sergeant according to seniority.

Night Patrol:

Night Patrol may be fielded during summer school and/or during scheduled breaks, and shall not affect minimum deployment during daytime hours unless approved by the Chief of Police. The Operations Captain will set the hours of deployment and shall be in accordance with the current Collective Bargaining Agreement between the District and the POA.

In the event that a night patrol is established, the shift may comprise of five eight (8) hours shifts, or four ten (10) hour shifts. Officers will be assigned to night patrol based on seniority. The most senior officers shall have the opportunity to apply for the night shift until all necessary positions

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have been filled. In the event that there are not enough officers to fill the required positions, vacant slots will be filled based on least seniority.

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## Staffing Levels

### 206.1 PURPOSE AND SCOPE

This policy details staffing guidelines to ensure adequate coverage of district business and other departmental operational needs. The policy is also intended to provide employees with clear guidelines for requesting leave.

### 206.2 FIELD STAFFING GUIDELINES

Staffing guidelines are based on a variety of data, including the number of district facilities, statistical crime data, calls-for-service, and the level of service expected by the district. Letter codes are used to indicate the schedule required for different categories of School Police workdays:

- (a) Fully-duty schedule (Schedule A)
  - 1. The full-duty schedule dictates deployment during the traditional school calendar, excluding scheduled breaks.
- (b) Summer school schedule (Schedule B)
  - 1. The summer school schedule dictates deployment from the last day of traditional school until the last day of summer school.
  - 2. The B Schedule shall be used for year-round school staffing.
- (c) School break schedule (Schedule C)
  - 1. The break schedule dictates deployment during the time schools are on scheduled breaks (Fall Break, Winter Break, Spring Break, and Summer break after Summer School Ends).

### 206.3 DEPLOYMENT STANDARDS

All below staffing numbers are based on allocated positions, not positions filled at any given time.

A sergeant (or above) has the authority to approve/deny leave based on staffing guidelines.

- A. Schedule A:
  - 1. Patrol officers and campus police officers: 18 minimum (70%)
  - 2. Detectives: 2 minimum (50%). For purposes of meeting minimum staffing, detectives assigned to specialized units (i.e., ICAC, Human Trafficking, etc.) shall not be considered as on duty
  - 3. Sergeants: 2 minimum for the field (66%). However, the investigative and/or administrative sergeant may be used to augment this minimum number.
  - 4. Captain: 1 captain (50%)
- B. Schedule B:
  - 1. Patrol officers and campus police officers: 13 minimum (50%)



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2. Detectives: 2 minimum (50%). The investigative sergeants can substitute as the second detective on duty. For purposes of meeting minimum staffing, detectives assigned to specialized units (i.e., ICAC, Human Trafficking, etc.) shall not be considered as on duty
  3. Sergeants: 2 minimum (total on-duty, including investigative and/or administrative sergeant)
- C. Schedule C:
- (a) Personnel in administrative assignments within the same job classification may be used to augment field deployment with supervisory approval.
  - (b) Six (6) sworn police officers (any combination of patrol or campus police officers), whose primary function will be to deploy in vehicles and respond to calls-for-service or conduct campus safety checks, special details, mutual aid operations, etc.
  - (c) One (1) detective. For purposes of meeting minimum staffing, detectives assigned to specialized units (i.e., ICAC, Human Trafficking, etc.) shall not be considered as on duty
  - (d) One (1) sergeant (captain may substitute)
  - (e) One (1) captain (Chief of Police may substitute)
- D. Night Patrol
1. Night patrol may be deployed during summer school and/or during school breaks and shall not augment minimum deployment during daytime hours unless approved by the Chief of Police. The Chief of Police reserves the right to alter minimum deployment standards to meet district needs.
  2. Hours of deployment shall be set by the Operations Captain in accordance with the Collective Bargaining Agreement between the district and the POA.

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## Retiree Sworn Officer Identification Cards

### 207.1 PURPOSE AND SCOPE

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

### 207.2 POLICY

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

### 207.3 LEOSA

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

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

#### 207.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

#### 207.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
  - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
  - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
  - (c) Not prohibited by federal law from receiving a firearm.
  - (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

#### **207.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE**

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

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

##### **207.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT**

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

- (a) A photograph of the retiree.
- (b) The retiree's name and date of birth.
- (c) The date of retirement.
- (d) The name and address of this department.
- (e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

#### **207.5 FORMER OFFICER RESPONSIBILITIES**

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

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##### **207.5.1 RESPONSIBILITIES UNDER LEOSA**

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

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

##### **207.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT**

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

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

##### **207.6 DENIAL, SUSPENSION OR REVOCATION OF A LEOSA IDENTIFICATION CARD**

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

##### **207.7 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD**

A CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Captain 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.

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- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
  2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
  3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).
1. The decision of such hearing board shall be binding on the Department and the retiree.
  2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Captain as soon as practicable. The Captain 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 Captain 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 Captain should attempt to make the above notice of

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temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Captain may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

### **207.8 FIREARM QUALIFICATIONS**

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

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## Assignment of Acting Supervisors

### 208.1 PURPOSE AND SCOPE

This policy provides standards and guidelines for the assignment of acting supervisors. The primary purpose of this general order is to ensure the department can adequately staff both long and short-term vacancies in supervision. This policy will clearly define the qualifications an employee must possess to serve as an acting supervisor, along with the process of selection. An additional benefit of assigning employees as acting supervisors is that qualified employees have the opportunity to assist the department while gaining various levels of leadership experience.

### 208.2 DEFINITIONS

Definitions related to this policy include:

**Formal Discipline** - refers to a letter of reprimand or above

**Supervisors** - may refer to captain, sergeant, police communications supervisor, or civilian supervisor

### 208.3 PROCEDURE

A supervisor may recommend a qualified employee fill the role of an acting supervisor when the said supervisor will be unable to perform their duties for a period of time. Deviations from these guidelines may only be granted by the Chief of Police, or designee.

- (a) Employees must possess the following minimum qualifications to serve as an acting supervisor:
  1. Acting Captain
    - i. Only police sergeants can serve as an acting captain.
    - ii. While not mandatory, it is desirable that the sergeant should meet minimum qualifications to apply for the full-time captain position.
    - iii. The sergeant must have completed their one-year probationary period.
    - iv. The sergeant must not have received formal discipline within the past 12 months.
    - v. Most recent performance evaluation rated standard or above.
  2. Acting Sergeant
    - i. Only sworn police personnel may serve as an acting sergeant.
    - ii. Must have supervisor endorsement.
    - iii. Must possess an Intermediate POST Certificate or higher.
    - iv. Must meet the minimum qualifications to apply for the full-time sergeant position.
    - v. Must have completed their one-year probationary period when first hired as a sworn officer with the department. However, a PO II who is off

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#### *Assignment of Acting Supervisors*

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- probation and then promotes to CPO may be eligible to serve as an acting sergeant while on probation as a CPO.
- vi. Must not have received formal discipline within the past 12 months.
  - vii. Most recent performance evaluation rated standard or above.
  - viii. While not mandatory, it is desirable that the employee is serving as an active field training officer.
3. Acting Police Communications Supervisor
    - i. Communications Supervisor is a specialized position. Appointment to this position shall rest with the Operations Support Captain.
    - ii. Only a current police dispatcher or lead dispatcher may serve in this capacity. The dispatcher/lead must have completed their one-year probationary period.
    - iii. Must not have received formal discipline within the past 12 months.
    - iv. Most recent performance evaluation rated standard or above.
  4. Acting Confidential Administrative Assistant
    - i. Only school police clerks can serve as an acting confidential administrative assistant.
    - ii. The school police clerk must have completed their one-year probationary period.
    - iii. The school police clerk must not have received formal discipline within the past 12 months.
- (b) The process of assigning an acting supervisor shall be as follows:
1. It is not mandatory that an acting or temporary supervisor for any rank or classification be appointed for all vacancies.
  2. Generally, any supervisory absence of three or more days should be considered a reason to appoint an acting supervisor of any rank or classification.
  3. The decision to appoint an acting supervisor shall rest with the Operations or Operations Support Captain, subject to approval by the Chief of Police.
  4. The appointed acting supervisor shall adhere to the dress code for said position.
  5. The appointed acting supervisor shall adhere to the District procedure and Department policy for said position.
  6. The supervisor appointing the acting supervisor shall complete the appropriate paperwork for said employee to receive the out of class pay.
  7. Employees on the most current promotional list for the said position may also be considered to fill vacancies in related positions.
  8. The Operations Captain shall maintain a list of eligible employees to serve in the acting supervisor position, taking note of time periods for acting service



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#### *Assignment of Acting Supervisors*

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time, working towards providing equitable acting time for interested and eligible employees.

- i. If multiple candidates are eligible to serve as an acting supervisor, employees shall generally be selected on seniority and rotated so that each eligible candidate may serve in such capacity and gain supervisory experience.
- ii. There will be no set length of time a person can serve in an acting assignment.

## Unit Designators

### 209.1 PURPOSE AND SCOPE

To define the designators to be used in conjunction with unit numbers.

### 209.2 POLICY

In order to readily identify the type of unit and the extent of responsibility that may be placed on a unit, a unit designator will be used at all times. This will be especially helpful to San Diego Police officers when our frequencies are patched together for major incidents by immediately identifying which units are peace officers, which units are supervisors, etc.

- A. Type of unit designator:
  - 1. (a) B (Baker) - Campus officer with a Code-3 equipped vehicle
  - (b) C (Charles) - Captain
  - (c) D (Delta) - Detective
  - (d) E (Edward) - Campus Officer
  - (e) G (George) - Sworn officer with trainee
  - (f) J (John) - One sworn officer unit
  - (g) K (King) - Two sworn officer unit
  - (h) L (Lincoln) - Lieutenant
  - (i) N (Nora) - K9 unit
  - (j) S (Sam) - Sergeant
  - (k) O (Ocean) - Community Service Officer
- B. Use of unit designators:
  - 1. Unit designators will be used at all times by School Police personnel when making radio transmissions.
  - 2. The unit designator letter will precede the unit number; e.g. J301, O343, E324, S300, C1, etc.
  - 3. A police officer accompanied by a community service officer is not to be considered a "King" unit; rather, they will identify themselves as a "John" unit, using the sworn officer's unit designator.

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 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 PURPOSE

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

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

### 300.3 SCOPE

This procedure applies to all sworn members of the San Diego Unified School District Police Department.

### 300.4 DEFINITIONS

Definitions related to this policy include:

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

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

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

**Serious bodily injury** - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment

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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).

#### **300.5 DUTY TO INTERCEDE**

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

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

#### **300.6 FAIR AND UNBIASED USE OF FORCE**

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

#### **300.7 DUTY TO REPORT EXCESSIVE FORCE**

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

#### **300.8 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

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believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

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

#### 300.8.1 SHOOTING AT OR FROM MOVING VEHICLES

This agency generally prohibits officers from shooting at a moving vehicle. [See attachment: 306.7.3 Use of Firearms Vehicle Pursuits Lexipol.pdf](#)

#### 300.8.2 DISPLAYING OF FIREARMS

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

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

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

### **300.8 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

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the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

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

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.

#### 300.8.1 USE OF FORCE TO EFFECT AN ARREST

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

#### 300.8.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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- (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.

#### 300.8.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

#### 300.8.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration



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or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the San Diego Unified School District Police Department for this specific purpose.

### **300.9 REPORTING THE USE OF FORCE**

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

#### **300.9.1 NOTIFICATION TO SUPERVISORS**

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

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

### **300.10 MEDICAL CONSIDERATION**

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

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

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff, or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be

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fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

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

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

#### **300.11 SUPERVISOR RESPONSIBILITY**

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.

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- (g) Determine if there is any indication that the subject may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and 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.

#### **300.11.1 DEFENSIVE TACTICS INSTRUCTOR RESPONSIBILITIES**

The defensive tactics instructor shall review all reported use of force incidents to ensure this policy was followed and force options used by officers were within current training guidelines. The defensive tactics instructor review will take place at the San Diego Unified School District Police Department police station. The review is for non-disciplinary training/improvement reasons; however, any legal and/or policy issues shall be reported to a supervisor. Once the review is complete, the defensive tactics instructor will sign the Use of Force Log.

#### **300.12 TRAINING**

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

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

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

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

#### **300.13 ADDITIONAL FORCE OPTIONS**

Not all force options available to officers were covered within Policy 300. For further details regarding firearms and patrol rifles, cord cuffs, impact weapons, conducted electrical weapons (CEW), and liquid chemical agents, refer to the specific section covered in the department's policy manual.

#### **300.14 USE OF FORCE LOG**

The department shall maintain a Use of Force Log. The log will be maintained by the Chief of Police's designee. The log shall include the following information:

- (a) Date of the incident
- (b) Incident number associated with the use of force

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- (c) Name and identification number of the officer involved
- (d) Indication of whether lethal or less-lethal force was used
- (e) Indication of whether the officer was injured
- (f) Indication of whether the subject was injured
- (g) Notation that the defensive tactics instructor's review was completed
- (h) Notation that the log was reviewed by the Chief's designee

#### **300.15 USE OF FORCE COMPLAINTS**

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

#### **300.16 POLICY AVAILABILITY**

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

#### **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 the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

## Handcuffing and Restraints

### 301.1 PURPOSE AND SCOPE

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

### 301.2 POLICY

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

### 301.3 USE OF RESTRAINTS

Only members who have successfully completed San Diego Unified School District Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

- 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.

#### 301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after a brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as it 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.

#### 301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

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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##### **301.3.3 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.

##### **301.3.4 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.

##### **301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

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

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

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

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

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

##### **301.5 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 mucus) 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 the application of physical restraint, while the person is restrained, or during or after transport.

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

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

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

#### **301.6 APPLICATION OF LEG RESTRAINT DEVICES**

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

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

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

##### **301.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

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

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other

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circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **301.7 CORD CUFF PROCEDURES**

Applying the cord cuff leg restraint to elementary school-aged students or pregnant females is generally prohibited. Exceptions must be approved by a sworn supervisor or above. When cord cuff leg restraints are going to be used, the following guidelines should be observed:

- (a) Use of Cord Cuff Leg Restraint
  1. To be used if the suspect's hands are handcuffed behind his/her back.
  2. Handcuffs should be double-locked.
- (b) Applying the Cord Cuff Leg Restraint
  1. At a minimum, one officer should be responsible for the application.
  2. At a minimum, one officer should be responsible for controlling the subject.
- (c) Waist/Handcuff Restraint Technique
  1. To be used to prevent the subject from slipping handcuffs under the legs to the front.
  2. The restraint is looped around the subject's waist, pulled tautly and clipped to the double-locked handcuffs.
  3. Unless impracticable, all restrained prisoners shall be seated upright and restrained by seatbelt prior to being transported.
- (d) Leg Hobble Restraint Technique
  1. To be used to control the movement of the feet while allowing the subject to walk.
  2. The restraint is looped once around the subject's leg just above the ankle and pulled tautly.
  3. The officer shall hold the loose end of the restraint and have a hand on the subject to help control him/her and protect him/her from falling and injury.
- (e) Maximum Restraint Technique
  1. Incorporates two or more cord cuffs with the subject in a prone, handcuffed position.
  2. The first cord cuff is used to restrain the feet by wrapping it around the ankles.
  3. The subject should then be placed on their side and their legs bent at the knees.
  4. The second cord cuff is wrapped around the subject's waist and the clasp is snapped through the loop in front of the subject.
  5. Connect the end of the cord cuff around the waist to the cord cuff around the ankle in front of the subject.
- (f) Handling and Transporting Maximally Restrained Subjects



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1. After applying the Maximum Restraint Technique, IMMEDIATELY ROLL THE SUBJECT ONTO HIS/HER SIDE and monitor consciousness and breathing.
  2. The preferred method for lifting and carrying a prisoner in the maximum restraint position is to sit that subject upright. On their respective side, officers positioned on each side of the prisoner place one hand behind the prisoner's knee and the other hand on the inside of the upper arm. Additional officers may be used if necessary.
  3. Subjects shall be transported in a marked police vehicle, seat-belted, sitting or lying sideways across the back seat facing the front of the vehicle. The subject should be booked and processed as promptly as possible.
  4. Two officers shall transport a maximally restrained prisoner. It is the responsibility of the passenger officer to monitor the subject for consciousness and breathing.
  5. An ambulance should be called to the scene if the subject appears to be unconscious, incoherent, having difficulty breathing, convulsing, seizing, complaining of pain due to injury or other medical issues. At least one officer should ride in the ambulance if the subject is transported.
- (g) Notifications/Reporting
1. San Diego Unified School District Police Department (SDUSDPD) dispatch shall be notified of all incidents involving the use of cord cuff leg restraints. SDUSDPD dispatch shall notify a field supervisor of the application of the cord cuff restraints.
  2. Officers using the cord cuff leg restraint shall document the use and reason(s) for such use in a detention or arrest report.
  3. All officers present at the incident who were involved in the physical application of any cord cuff restraint technique shall document their involvement in their own supplemental report.
- (h) Department-Approved Cord Cuff Users
- (a) Only sworn personnel are authorized to utilize the cord cuff restraint.
  - (b) The approved cord cuff restraint will be issued by the department. Officers who wish to purchase additional cord cuff restraints shall contact the administrative sergeant for information on where to purchase the approved gear.

#### **301.8 REQUIRED DOCUMENTATION**

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

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

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

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

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- (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.

#### **301.9 TRANSPORTATION**

After a sworn supervisor approves the booking, all individuals being transported by an officer in a marked or unmarked department vehicle to jail or juvenile hall shall be handcuffed, seated in the backseat and secured with a safety belt.

#### **301.10 THE WRAP RESTRAINT**

The Wrap Restraint (the Wrap) is a four-piece restraint system designed to immobilize a person's body while protecting subjects, officers, students and staff members. The Wrap restricts the subject's ability to kick, hit, or inflict harm upon oneself or others. When the Wrap is going to be used, the following safety precautions, transportation criteria, and documentation requirements shall be observed:

##### Safety Precautions

- (a) The shoulder harness should never be tightened to the point that it interferes with the subject's ability to breathe.
- (b) The leg bands and shoulder harness should be checked frequently for tightness and adjusted as needed.
- (c) If the restrained subject complains or shows signs of breathing distress, paramedics shall be notified immediately.
- (d) The subject shall NOT be left unattended at any time.
- (e) Subjects should be placed in an upright, seated position or on their side to allow for healthy respiration.
- (f) A spit mask may be placed on the subject for protection from spitting or biting (See Policy 301.5).
- (g) A helmet can be placed onto the subject if the officer believes the subject may bang their head on hard objects.
- (h) After using the helmet, it must be thoroughly cleaned before its next use.
- (i) If the subject defecates or urinates on the Wrap, it shall be decontaminated before its next use. Decontamination of the Wrap includes rinsing it with soap and water followed by wiping it down with bleach. After cleaning the Wrap, it must be air-dried prior to storing.

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##### Transportation

- (a) The subject can be carried by two to four officers using the hand straps on the leg harness.
- (b) If the subject is cooperative, the leg straps can be loosened on the bottom, so the subject can shuffle step and walk. If this technique is used, there should be at least one officer on each side of the subject in case the subject trips or falls.
- (c) Prior to transporting the subject, recheck all of the belts to ensure that they are securely fastened. The subject shall be facing forward with his/her seat belt fastened across the subject's chest.
- (d) The subject may be transported by ambulance. If possible, a sworn officer should be with the subject in the ambulance during transport.
- (e) If paramedics advise to take off the restraints, SDUSDPD dispatch and a supervisor shall be notified immediately.

Required Documentation - Anytime the Wrap is used, the officer shall document the incident in detail. The following should be included in the report:

- (a) The date and time the restraint was placed onto the subject and when the restraint was removed from the subject.
- (b) The name of the supervisor was informed of the use of the Wrap.
- (c) How the subject was transported and the position of the subject.
- (d) Observation of the subject's behavior and any signs of medical problems.
- (e) Any known or suspected drug use by the subject.
- (f) Name of the doctor treating the subject and if any injuries occurred.
- (g) Any visible signs of previous injuries or a complaint of injuries from the subject.

#### **301.11 TRAINING**

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

- (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.

## Liquid Chemical Agents (OC Spray)

### 302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of liquid chemical agents (OC Spray) when officers deal with non-compliant and combative subjects while minimizing the risk of physical injury to themselves, staff members and students.

### 302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to become violent, the San Diego Unified School District Police Department authorizes officers to use OC Spray in accordance with the guidelines in this policy and the Use of Force Policy.

### 302.3 RESPONSIBILITIES

The following procedures will be adhered to by all members of the organization:

- (a) OC Spray shall be carried only by sworn police officers authorized by this agency in the performance of their duties. Only department-issued canisters may be carried and deployed used on duty. Officers are not permitted to loan, give, or use this restricted equipment outside the scope of their employment.
- (b) OC Spray should be used as a means to reduce, limit, or prevent injury to officers, innocent persons or suspects, and within the guidelines set forth by this policy. Because of the resulting effects caused by OC Spray or "Tear Gas," officers must be especially diligent on or around school campuses, using OC Spray as an option of Less Lethal force in an attempt to limit the need for additional force options may cause bodily injury.
- (c) Officers should use their command presence and verbal skills in an attempt to de-escalate situations. If this is ineffective, officers may consider OC Spray as an option in lieu of physical force which may cause more significant bodily injury.
- (d) OC Spray shall not be used on passive resisters. However, it may be used in crowd control situations when a specific subject is identified and the likelihood of violent physical force or serious injury. Officers applying OC Spray shall do so only in accordance with their training and this policy.
- (e) The officer applying OC Spray is responsible for proper first aid to the person(s) affected. Decontamination is relatively quick and simple. Proper first aid is to expose the affected person to fresh air as soon as possible, followed by the application of flowing cool and clear water within 30 minutes of exposure. First aid may only be delayed if such action could increase the risk of injury to the officer, the public, and/or the suspect (e.g., the suspect is spitting or attempting to bite officers, etc). A supervisor must be notified if first aid is being delayed. The officer should ask the affected person which part(s) of their body are in pain/have been affected by the chemical agent, and ensure these areas are flushed for 10 to 15 minutes with fresh water.
- (f) Officers will monitor affected persons for signs of adverse and/or excessive physical reactions/allergic reactions to the chemical agent. If the officer believes the person is

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beginning to show signs of allergic or excessive reaction to the chemical agent, it is their responsibility to summon immediate medical attention.

- (g) If the individual is placed in a detention facility, the transporting officer shall inform the facility that OC Spray was used and request that the individual's face or affected areas be washed again with clear, cool water.

#### **302.4 SAFETY CONCERNS**

- (a) Whenever possible, OC Spray should be used in an isolated area outside school district buildings. If OC Spray is used inside of buildings or related facilities, officers must consider the use of fans and/or cleaners to facilitate dissipation and decontamination of the product. Doors and windows should also be opened as soon as possible to allow the residual spray to dissipate. General decontamination of the classroom or similar location should be to render the room unusable for a minimum of forty-five (45) minutes.
- (b) Officers electing to use OC Spray as a force option must remain aware that anyone in the immediate area is likely to be cross-contaminated and may require first aid. Whenever possible, verbal warnings should be given to innocent bystanders to clear the immediate area prior to the deployment of the agent. Any person directly affected by the use of OC Spray shall be offered the same first aid (III.E.)(302.3E) to help with the effects of the chemical agent.

#### **302.5 NOTIFICATION OF USE**

In all cases when OC Spray is used, whether accidentally or in the performance of duty, officers shall:

- (a) Complete the appropriate report.
- (b) Notify and brief the Chief of Police via the chain of command as soon as time and circumstances permit. If a Sergeant or a higher ranked sworn supervisor is not on duty at the time of the discharge and/or use, the officer must contact the on-call supervisor as soon as it is safely and reasonably possible.
- (c) Provide detailed and accurate information concerning the circumstances relating to its use in the appropriate police reports prior to the end of the officer's shift.
- (d) The officer's immediate supervisor or the on-call supervisor is responsible for conducting a thorough review of the circumstances surrounding the use of OC Spray. The supervisor shall complete the OC Use Report Form, attach it to a copy of the officer's report and forward both documents to the operations captain and less-lethal instructor (see Use of Force policy). The operations captain shall review both reports to ensure compliance with this procedure. A copy of the Use of Force Form will be forwarded to the administrative sergeant for record retention. These records will be used for the determination of appropriate OC canister replacement.
- (e) The operations sergeant or operations captain will enter the Use of Force into the Use of Force log.
- (f) Possible disciplinary action will be taken if the actions of the officer are found to be in violation of this policy.

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### **302.6 ISSUING, CARRYING, MAINTENANCE AND USING CHEMICAL AGENT**

OC Spray described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of OC Spray are authorized to carry and use the device.

- (a) Each officer who is certified and authorized to carry OC Spray will be issued a canister by the administrative sergeant. The officer is solely responsible for any use or misuse of the device.
- (b) The department will maintain a log of issued canisters containing the date of the issuance, the name of the officer and the serial number of the issued canister. Supervisors are responsible for periodic inspections of the log and the canisters possessed by their personnel. Replacement canisters will require an empty or expired canister for exchange. Officers shall request replacements from the administrative sergeant.
- (c) Any damage to or malfunction of a canister shall be reported to a supervisor.
- (d) Serial numbers and other marks for identification on the canisters are required by law. Officers shall not remove a label or mark off identification from any chemical agent canister.
- (e) Theft of the canister shall be reported immediately on a Crime Report. The loss of the canister shall be reported on an officer's report. In both cases, a supervisor shall be advised and a copy forwarded to the administrative sergeant.

OC Spray 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 OC Spray appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of OC Spray.

When using OC Spray, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### **302.7 TRAINING**

The Training Manager shall ensure that all personnel who are authorized to carry OC Spray have been properly trained and certified to carry OC Spray and are retrained or re-certified as necessary. In-service training regarding this policy will be conducted periodically to ensure proper education and compliance.

- (a) Proficiency training shall be monitored and documented by the Less Lethal Instructor.
- (b) All training and proficiency for OC Spray will be documented in the officer's training file.

## Conducted Energy Weapons (CEW)

### 303.1 PURPOSE AND SCOPE

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

### 303.2 POLICY

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

### 303.3 ISSUANCE, CARRYING AND MAINTENANCE OF CEWS

All sworn officers shall complete the current industry-standard training course before being issued a CEW (e.g., at the time of this policy, the department issues Taser devices; Taser/Axon requires an initial 8-hour training). At the completion of the training course, the officer shall be issued a department-provided CEW. The issued CEW shall be carried by all officers working in the field (i.e., patrol and campus) on a daily basis.

Officers will be issued one CEW device, one holster, and two cartridges. Officers may purchase their own department-approved holster and cartridge pouch at their own expense. Thigh holsters are authorized for field use.

Officers shall only use the CEW and cartridges that have been issued by the department. Uniformed officers who have been issued the CEW shall wear the device in an approved holster on their person on the opposite side of their duty weapon (either cross-draw or weak-hand draw). Non-uniformed officers may secure the CEW in the trunk of their department vehicle or duty gear bag, while on duty.

Members carrying the CEW should perform a spark test on the device at least once per week.

It is the officer's responsibility to properly maintain the CEW and make the CEW instructor aware of any issue the CEW may have. CEW maintenance is facilitated by the CEW instructor. Requests for repair or maintenance will be made to the CEW instructor via the administrative sergeant. All expended or expired cartridges will be replaced by the CEW instructor at the request of the officer or his/her supervisor.

### 303.4 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 as follows:

- (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.

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.

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### **303.5 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 approach the subject within the operational range of the device. Although the CEW is generally effective in controlling most individuals, officers electing to utilize a CEW should be aware that the device may not achieve the intended results and that they need to be prepared with other options.

#### **303.5.1 APPLICATION OF THE CEW**

The CEW may be used in any of the following circumstances when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

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

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

#### **303.5.2 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 risk of using the device. Officers should consider the following special deployment circumstances:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles of elementary school age.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height).
- (g) Handcuffed individuals
- (h) Passively resisting individuals
- (i) Using the CEW more than three times on an individual
- (j) Individuals operating motor vehicles or machinery unless the subject displays life-threatening behavior

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



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##### 303.5.3 TARGETING CONSIDERATIONS

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

- (a) When targeting the front of a subject, aim the CEW at the beltline in an attempt to have the probes strike the subject below the chest/heart.
- (b) If and when practical, target the back of the subject. Targeting the back of a subject provides the officer access to a larger body mass, sometimes tighter clothing, generally more muscle mass, and a larger target area.

##### 303.5.4 MULTIPLE APPLICATIONS OF THE CEW

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

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

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

Officers should not intentionally apply (fire) more than one CEW against a single subject. Officers shall also not activate more than two "cycles" of the CEW on said subject. If an officer applies more than two cycles of the CEW, the officer shall detail the circumstances.

##### 303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CEW discharges. Confetti AFIDS should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin. The officer should take the following steps at the scene of the incident and document it in their report:

- (a) If possible, take photos of the probes prior to medics removing them.
- (b) Take photos of the punctures left by the probes.
- (c) Take photos of any areas where the subject claims they are injured.
- (d) Document and photograph the scene in which the CEW was used.

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- (e) A supervisor shall take custody of the CEW for evidence download. The CEW should be returned to the officer prior to the start of the officer's next shift.

#### 303.5.6 DANGEROUS ANIMALS

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

#### 303.6 DOCUMENTATION

Officers shall document all CEW discharges in the related arrest/crime report. A notification shall be made to a supervisor in compliance with the Use of Force Policy. A supervisor shall log the Use of Force in the Use of Force log. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will be documented in the log. The CEW instructor should be notified of the CEW deployment.

#### 303.7 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 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.

Prior to medical assistance arriving at the scene of a CEW deployment, officers should follow common first aid protocols, if possible:

- (a) Roll the person onto his/her side or into a sitting position.
- (b) Monitor breathing and establish an airway if necessary.
- (c) Monitor the person's pulse.
- (d) Monitor the person's facial skin color (blue or gray is a sign of medical stress).
- (e) Determine if the person is conscious and lucid.

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Personnel should avoid contact with the CEW probes while administering first aid. If paramedics transport a person that has been subjected to the effects of a CEW deployment, a minimum of one officer shall accompany the paramedics during the transport to assist in the event the subject becomes violent.

Any individual exhibiting signs of distress or who are exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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

#### **303.8 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 an activation of the CEW. Photographs of probe sites should be taken and witnesses interviewed.

#### **303.9 TRAINING**

Personnel who are authorized to carry the CEW shall be permitted to carry the CEW after they successfully complete the initial department-approved training. Any personnel who have not carried the CEW as a part of their assignment for a period of six months or more may be re-certified by a department-approved 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 skill may be required at any time if deemed appropriate by the Training Manager. All training and proficiency for CEWs will be documented in the officer's training file.

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

The Training Manager is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training. The annual training will consist of the officer deploying one CEW cartridge. Periodic audits should be used for verification.

Application of CEWs on officers during training could result in injury to personnel and should not be mandatory for certification.

The Training Manager should ensure that all training includes:

- (a) A review of this policy.

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- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations including techniques or options to reduce the unintentional application of probes near the head, neck, chest, and groin.
- (e) De-escalation techniques.
- (f) Restraint techniques that do not impair respiration following the application of the CEW.

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## Officer-Involved Shootings and Deaths

### 304.1 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 of the San Diego Unified School District Police Department may decide that the investigation will follow the process provided in this policy.

### 304.2 POLICY

The policy of the San Diego Unified School District Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner. According to the Memorandum of Understanding between the San Diego Unified School District Police Department and the San Diego Police Department, all officer-involved shootings and deaths will be investigated by the San Diego Police Department when occurring within the San Diego City limits. In other instances, the appropriate jurisdiction shall investigate.

### 304.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations that may include, but are not limited to, the following:

- 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.

### 304.4 CONTROL OF INVESTIGATIONS

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

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

#### 304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the San Diego Unified School District Police Department would control the investigation if the suspect's crime occurred within the San Diego Unified School District.

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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.

#### **304.4.2 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.

#### **304.4.3 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.

#### **304.5 INVESTIGATION PROCESS**

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

##### **304.5.1 UNINVOLVED/RESPONDING OFFICER RESPONSIBILITIES**

Upon arrival at the scene of an officer-involved shooting, the first uninvolved SDUSDPD 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.

##### **304.5.2 SUPERVISOR RESPONSIBILITIES**

Upon arrival at the scene, the first uninvolved SDUSDPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. In the event that there are no uninvolved officers who can supply an adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

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- (b) If necessary, the supervisor may administratively order any SDUSDPD 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, the perimeter of the incident scene, the identity of known or potential witnesses and any other pertinent information.
  2. The initial on-scene supervisor should not attempt to order an involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Captain and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Assume command and secure the incident scene with additional SDUSDPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure involved officers are transported (separately, if feasible) to a suitable location for further direction.
  1. Each involved SDUSDPD officer should be given an administrative order not to discuss the incident with other involved officers or SDUSDPD 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.

#### 304.5.3 CAPTAIN RESPONSIBILITIES

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

All outside inquiries about the incident shall be directed to the Captain.

#### 304.5.4 NOTIFICATIONS

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

- Chief of Police
- Captain
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- SDUSD Communications
- Administrative Sergeant/Profession Standards Unit (PSU)

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- POA President

#### 304.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  1. Involved SDUSDPD 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-SDUSDPD 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 SDUSDPD officer. A licensed psychotherapist may also be provided to any other affected SDUSDPD members, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of an incident with an involved or witness officer.

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

#### **304.6 CRIMINAL INVESTIGATION**

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

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



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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) SDUSDPD supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of SDUSDPD 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.

#### 304.6.1 REPORTS BY INVOLVED SDUSDPD OFFICERS

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

While the involved SDUSDPD 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 SDUSDPD 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.

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##### **304.6.2 INVESTIGATIVE PERSONNEL**

Per the Memorandum of Understanding between the San Diego Unified School District Police Department and the San Diego Police Department, all SDUSDPD officer-involved shootings or deaths shall be forwarded to SDPD to conduct the investigation.

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

##### **304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS**

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

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

##### **304.7 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 SDUSDPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
  - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
  - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  - 5. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **304.8 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.

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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.

#### **304.9 AUDIO AND VIDEO RECORDINGS**

In the event that SDUSDPD becomes equipped with body-worn cameras or other recording devices, the following shall apply.

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

The district maintained school surveillance cameras shall be reviewed for pertinent recorded footage. Officers may be permitted to review these recordings prior to providing a statement completing reports.

#### **304.10 DEBRIEFING**

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

##### **304.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Administration Captain is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards Unit personnel.

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##### **304.10.2 TACTICAL DEBRIEFING**

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

##### **304.11 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 Captain, Investigative Unit Captain and SDUSD Communications in the event of inquiries from the media.

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

##### **304.12 REPORTING**

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

## Firearms

### 305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuing of firearms, along with their safe and legal carry, maintenance, and training.

### 305.2 POLICY

The San Diego Unified School District Police Department authorizes its members with firearms to address the risks posed to the public and department members from violent and/or well-armed persons.

### 305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the department Office and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with said firearm.

The following is a list of department-approved firearm types:

- I. On-duty semi-automatic pistols of the 9mm or .45 caliber shall be used with standard ammunition issued and/or approved by the department. Officers who choose to carry the .45 caliber in 1911 models must attend an additional department-approved transition course. All firearms must be of acceptable quality as defined by the rangemaster and approved by the Chief of Police.
- II. Long gun/patrol rifles are restricted to department-issued civilian model AR-15 platform in .223 caliber.

Personal weapons used on-duty must be inspected annually and approved by the department rangemaster.

All ammunition carried on-duty must be of a type approved or issued by the department and shall not be altered in any way. This includes extra ammunition carried in the duty belt, equipment cases or loaders. All ammunition and weapons are subject to change or approval by the Chief of Police.

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

#### 305.3.1 PERSONALLY-OWNED DUTY FIREARMS

Members desiring to carry an authorized, personally-owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally-owned duty firearms are subject to the following restrictions:

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- I. The firearm shall be in good working order and on the department list of approved firearms.
- II. The firearm shall be inspected by the rangemaster prior to being carried and, thereafter, subject to inspection whenever it is deemed necessary.
- III. Prior to carrying the firearm, members shall qualify under range supervision and, thereafter, in accordance with ongoing department qualification schedules. Members must demonstrate proficiency, safe handling, and that the firearm functions properly.
- IV. Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the rangemaster, who will maintain a list of the information.

#### 305.3.2 AUTHORIZED SECONDARY HANDGUN

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

- I. The handgun shall be in good working order and on the department's list of approved firearms.
- II. Only one secondary handgun may be carried at a time.
- III. The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the department.
- IV. The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- V. The handgun shall be inspected by the rangemaster prior to being carried and, thereafter, shall be subject to inspection at any time.
- VI. Ammunition shall be the same as the department issue. If the caliber of the handgun is other than the department issue, the Chief of Police or the authorized designee must approve the ammunition.
- VII. Prior to carrying the secondary handgun, members shall qualify under range supervision and, thereafter, shall qualify in accordance with the department qualification schedules. Members must demonstrate proficiency, safe handling, and that the handgun functions properly.
- VIII. Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the rangemaster, who will maintain a list of the information.

#### 305.3.3 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:

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

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

- II. The firearm shall be carried concealed at all times and in such a manner as to prevent accidental or unintentional "cocking," discharge or loss of physical control.
- III. 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.
- IV. Prior to carrying an 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.
- V. The member will successfully qualify with the firearm prior to it being carried.
- VI. Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- VII. 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.
- VIII. Members shall only carry department-authorized ammunition.
- IX. When armed, officers shall carry their badges and San Diego Unified School District Police Department identification cards under circumstances requiring possession of such identification.

#### **305.3.4 AMMUNITION**

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

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

#### **305.4 PATROL RIFLES**

The following sections within this policy discuss the procedures concerning patrol rifles.

##### **305.4.1 PURPOSE AND BACKGROUND**

The patrol rifle provides an officer with an effective and accurate means to engage a hostile suspect(s) at distances greater than the effective and accurate range of a handgun. With an increasing number of hostile suspects wearing body armor, the .223 caliber round will defeat most soft body armor to provide a greater opportunity to stop the threat. The discharge of the patrol rifle is a response to a deadly force situation which shall be governed by Policy 304 - Officer-Involved Shooting, Policy 300 - Use of Force, and this policy. Furthermore, the possession and use of rifles shall be in accordance with federal, state, and local laws.



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##### 305.4.2 DEFINITIONS

- I. **Patrol Rifle:** For the purpose of this policy, the "patrol rifle" shall consist of a semi-automatic shoulder-fired long gun that fires a .223 rifle caliber cartridge. The department-approved patrol rifles are the AR-15 platform designed to fire a .223 caliber projectile. Authorized high-capacity ammunition feeding devices (magazines) will have the ability to contain no more than 30 rounds.
- II. **Patrol Ready:** A condition where the rifle has been inspected by the officer, the fire selector switch is in the safe position, the chamber is empty, and a fully-loaded magazine is inserted into the magazine well.

##### 305.4.3 AUTHORIZED USERS

###### Authorized Users:

Only sworn officers who have successfully completed a department-approved patrol rifle transition course are authorized by the Chief of Police to carry a patrol rifle. The Chief of Police may revoke the authorization at any time for any reason. Officers shall thereafter be required to successfully complete annual training and qualification conducted by the rangemaster/patrol rifle instructor.

Any officer failing to qualify or failing to successfully complete any department-sanctioned training/qualification session within a calendar year will no longer be authorized to carry a patrol rifle. It shall be at the rangemaster's discretion to select a time/location to attempt to re-qualify said officer.

##### 305.4.4 STORAGE AND MAINTENANCE

- I. The patrol rifle shall be stored and transported securely in a department vehicle's rifle mount, located in the trunk.
- II. Any qualified officer carrying a patrol rifle in the field shall maintain the rifle in the vehicle in the "patrol ready" condition until deployed.
- III. Patrol rifles must be removed from department vehicles and brought into the officer's home each night, and stored and locked in the department-issued rifle case, or in accordance with section 305.6.2. Rifles may ONLY be left in a department vehicle after-hours if the vehicle is parked inside of the department member's garage that is secured and locked. If the patrol rifle is transported to the officer's residence in a privately owned vehicle or if the department vehicle is stored outside of the officer's residence, the officer shall remove the weapon from the vehicle and store it safely and locked inside of their residence. Patrol rifles should never be left overnight in a personally-owned vehicle, even if said vehicle is parked inside of a locked garage.
- IV. The primary responsibility for the maintenance of the patrol rifle falls on each assigned officer. Officers are also responsible for immediately report any damage to the weapon via their chain of command.
- V. Each patrol rifle shall be subject to inspection at any time by the supervisor or rangemaster. However, all approved rifles shall be inspected no less than once a year by the department rangemaster.

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#### 305.4.5 LOADING AND UNLOADING PROCEDURES

Officers loading and unloading the patrol rifle shall use due care and caution to reduce the danger of injury or damage associated with unintentional discharge. As such, it is generally prohibited to load or unload the patrol rifle inside a vehicle, inside a facility, underneath any overhead structure, or close to a multi-storied building.

##### I. Loading

###### 1. Chambering a cartridge

- (a) Pull the bolt and release it. The weapon is ready to fire.

###### 2. Inspection

- (a) Ensure the safety switch is in the "ON" position.
- (b) Remove the magazine.
- (c) Lock the bolt open and visually and physically inspect the chamber and magazine area.
- (d) Verify the weapon is empty.
- (e) Close the bolt.
- (f) Insert the fully-loaded magazine into the well.
- (g) Move the safety switch to the "OFF" position.
- (h) Place and lock the patrol rifle in the vehicle gun mount.

##### II. Unloading

###### 1. Move the safety switch to the "ON" position.

###### 2. Remove the magazine.

###### 3. Keeping the finger off the trigger, point the muzzle of the patrol rifle in a safe direction.

###### 4. Pull the bolt rearward slowly, releasing the chambered cartridge (if one exists) into the cup of the hand.

###### 5. Lock the bolt open.

###### 6. Inspect the chamber area visually and physically to verify the weapon is empty.

#### 305.4.6 DEPLOYMENT

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed AND is in accordance with other department policies regarding the use of force or firearms. **Officers electing to deploy the patrol rifle shall notify a supervisor via radio communication that they are "CODE-R"**. However, officers are not required to radio "CODE-R" when a supervisor is on the scene and is witness to the patrol rifle's deployment, and/or broadcasting "CODE-R" could occupy valuable radio time that may be needed by other officers involved in the volatile situation.

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A supervisor has the authority and responsibility to ensure a "Code-R" patrol rifle deployment is necessary and may override an officer at any time, ordering the officer to secure the weapon back into the trunk of a department vehicle.

Examples of appropriate deployment could include:

- I. Situations where an officer reasonably anticipates an encounter with a suspect armed with a firearm.
- II. Situations where an officer may be required to deliver an accurate and effective shot at a long range.
- III. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- IV. Situations where an officer reasonably believes there may be a need to deliver fire on a barricaded suspect or on a suspect with a hostage.
- V. Situations where an officer is authorized or requested to deploy by a supervisor.

#### **305.4.7 DISCHARGE OF PATROL RIFLE**

In the event of either an intentional or unintentional discharge of a patrol rifle, officers shall immediately make a supervisor aware of the situation and complete directed documentation, and/or comply with department investigators.

#### **305.4.8 PATROL RIFLE AMMUNITION**

The department will provide ammunition for duty use and for regular qualification shoots. The authorized duty ammunition is the caliber .223 Remington, Federal, Tactical Urban (TRU), 55 grain, ballistic tip cartridge.

### **305.5 EQUIPMENT**

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

#### **305.5.1 REPAIRS OR MODIFICATIONS**

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

Firearms that are the property of the Department 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.

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##### 305.5.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

##### 305.5.3 TACTICAL LIGHTS

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

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

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

- I. Members shall not unnecessarily display or handle any firearm.
- II. Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except under Rangemaster supervision. If a member must dry fire their firearm while off duty, the member shall visually inspect the firearm to ensure the ammunition magazine has been removed and there is no ammunition in the chamber.
- III. Members approved to carry a rifle are responsible for its care and routine maintenance. If the rifle needs servicing or repair beyond routine maintenance, the rifle shall be brought to the rangemaster. Only range personnel is authorized to service and/or repair department-issued rifles. Personnel shall not clean, repair, load or unload a firearm anywhere in the department or district premises.
- IV. Members shall not place or store any firearm or another weapon on department premises except in the department approved armory.
- V. 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.

##### 305.6.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Officers who carry a patrol rifle shall inspect the weapon at the beginning of their shift to ensure the good functionality of the weapon. The member shall ensure that the firearm is carried in the proper condition, loaded with approved ammunition, and secured in the locking rifle rack located in the trunk of their department vehicle. All firearms shall be pointed in a safe direction.

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##### 305.6.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep the firearms and ammunition inaccessible to children and others who should not have access, and in compliance with all applicable laws. 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 the negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

Patrol rifles must remain inside the locked hard case inside of the officer's residence when not at work. An officer capable of securing their department patrol rifle in their residence in a safe, suitable place may opt to not have a "hard case" issued to them. An officer opting out of the issuance of a "hard case" for the department-issued patrol rifle shall sign the "Hardcase Waiver" form and submit it to the administrative sergeant for approval. [See attachment: Policy 305 Hardcase Waiver.pdf](#)

##### 305.6.3 ALCOHOL AND DRUGS

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

##### 305.6.4 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk 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 another similar locking device (Penal Code § 25140). If no "lock-box" or vehicle safe is available, department members are prohibited from leaving a firearm inside of a personal or department vehicle.

Patrol rifles must be in the secured trunk-mounted rifle rack whenever the weapon is in a department vehicle. The rifle must be transported to and from the department vehicle inside the locked hard case unless directed otherwise in an approved training environment or actual deployment.

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

#### **305.7 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete quarterly training with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

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##### **305.7.1 NON-CERTIFICATION OR NON-QUALIFICATION**

If any member fails to meet minimum standards for firearms training or qualification for any reason, the department's rangemaster shall notify the training sergeant. The training sergeant shall work with the rangemaster to arrange additional training or qualification opportunities.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  1. Unauthorized range make-up
  2. Failure to meet minimum standards or qualify after remedial training

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

Officers are allowed to safely practice with department-issued and personally-owned handguns (and personal rifles) on their own time, at their own expense, and within a legal shooting facility, or in a legal outdoor environment in compliance with all federal, state, and local laws.

However, because of a patrol rifle's increased complexity and penetrating power, officers shall only operate, deploy, and fire a patrol rifle in an official capacity, during supervised training, or during an actual call-for-service in compliance with this and other related department policies.

##### **305.8 DEPARTMENT PROCEDURES**

The following specific terms, conditions, and requirements are to be adhered to:

- I. The duty weapon is considered a necessary piece of equipment and will be carried on your person or accessible at all times when on duty unless exempted by the Chief of Police.
- II. All sworn personnel shall be authorized to carry their firearms while off-duty. The carrying of firearms while off-duty shall be at the option of the officer. The carrying of a firearm is solely for the protection of life which is in immediate danger. All officers carrying a weapon shall have in their immediate possession their badge and identification card which clearly identifies them as a peace officer. The carrying of an on-duty or department-issued off-duty weapon may be rescinded at any time by the Chief of Police.
- III. Off-duty personnel shall carry or wear their weapon in a concealed manner. Off-duty personnel shall carry their department-issued badge and identification card with them while they wear a firearm.
- IV. No officer shall discharge a firearm in the performance of duty except:
  1. During authorized training.

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2. When reasonably necessary to protect themselves from death or serious bodily injury or to protect another person from death or serious bodily injury or to apprehend a person reasonably believed to be a fleeing felon and armed with a deadly weapon, for a felony involving serious bodily injury or the threat of serious bodily injury.
- V. Firing at or from a moving vehicle is generally prohibited except when immediately necessary to protect persons from death or serious bodily injury.
- VI. Firearms are not designed or intended for striking people. Their use as such is generally prohibited except when immediately necessary to protect the officer or the public from death or serious bodily injury.
- VII. Personnel who display a firearm as a demonstration of force while in an off-duty capacity shall report the incident as soon as practicable to either their supervisor or the on-call duty supervisor.

#### **305.9 FIREARM DISCHARGE**

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

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

- I. If on-duty at the time of the incident, the member shall file a written report with his/her Captain or provide a recorded statement to investigators prior to the end of the shift, unless otherwise directed.
- II. 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.
- III. Personnel who either injure or kill another person as a result of the shooting will immediately notify SDUSDPD dispatch who will notify the local law enforcement agency where the shooting took place. The supervisor will respond to the scene, assess the incident and then notify a captain or Chief of Police.

The San Diego County-wide procedures for officer-involved shooting incidents are as follows:

- I. When an officer of any local, state, or federal law enforcement agency becomes involved in a shooting incident wherein injury or death results, an investigation shall be conducted by the agency within whose jurisdiction the shooting occurred. Within the City of San Diego, the San Diego Police Department Homicide Unit will have the responsibility of conducting this investigation.
- II. The agency which employs the officer involved in the shooting may also conduct a concurrent administrative investigation of the shooting for the purpose of possible

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future action. These concurrent investigations shall be conducted jointly with full participation by designated investigators from the agencies involved.

- III. The agency in whose jurisdiction the shooting occurred shall have the responsibility for presenting the facts in the case to the District Attorney or other appropriate prosecutorial agency for evaluation. Any information or reports developed by the investigator shall be made available to all concerned agencies as required.
- IV. Claims personnel from the involved government agency shall be permitted access to the scene of the shooting incident(s) and provided with the information necessary to fulfill their responsibility.

#### **305.9.1 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.

#### **305.10 RANGEMASTER DUTIES**

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

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

The Rangemaster has the responsibility of making a 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 an annual basis, can demonstrate proficiency in the care, cleaning, and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

#### **305.11 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



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intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- I. 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.
- II. Officers must carry their San Diego Unified School District Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- III. The San Diego Unified School District Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the San Diego Unified School District Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- IV. An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- V. Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- VI. 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.
- VII. Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- VIII. 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.
- IX. Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or another management representative of the air carrier.
- X. Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **305.12 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):

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- I. The officer shall carry his/her San Diego Unified School District Police Department identification card and badge whenever carrying such firearm.
- II. The officer is not the subject of any current disciplinary action.
- III. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- IV. 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.

#### **305.13 RETIREE PURCHASE OF DUTY WEAPON**

An officer retiring from active service may have the option to purchase their service weapon. The cost of the weapon will be determined by the member's current collective bargaining agreement with the San Diego Unified School District (District). To purchase the weapon, the officer must:

- I. Be retiring.
- II. Not be receiving a retirement based on a psychologically-related disability.
- III. Have served at least five years with the District as a sworn officer.

## Vehicle Pursuits

### 306.1 POLICY

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

### 306.2 SCOPE

This procedure applies to all members of the San Diego Unified School District Police Department.

### 306.3 PURPOSE

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

#### 306.3.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

**Vehicle Pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using

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high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

#### **306.4 DEFINITIONS**

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

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

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

#### **306.5 OFFICER RESPONSIBILITIES**

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

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##### 306.5.1 WHEN TO INITIATE A PURSUIT

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

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

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
- (d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
- (i) Suspect and officer vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).
- (k) Availability of other resources such as air support or vehicle locator or deactivation technology.

##### 306.5.2 WHEN TO TERMINATE A PURSUIT

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

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

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

- (a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.
- (e) Hazards to uninvolved bystanders or motorists.
- (f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.
- (h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

#### **306.5.3 SPEED LIMITS**

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

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

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

#### **306.6 PURSUIT UNITS**

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

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

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

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##### 306.6.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

##### 306.6.2 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

##### 306.6.3 SECONDARY UNIT RESPONSIBILITIES

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

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

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##### 306.6.4 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.
- (c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from available air support.
  - 2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Request other units to observe exits available to the suspects.
- (d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

##### 306.6.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

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

##### 306.6.6 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



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termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.

#### **306.6.7 AIR SUPPORT ASSISTANCE**

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

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

#### **306.7 SUPERVISORY CONTROL AND RESPONSIBILITIES**

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

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

- (a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring that the Captain is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing San Diego Unified School District Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
  1. Supervisors should initiate follow up or additional review when appropriate.

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##### **306.7.1 CAPTAIN RESPONSIBILITIES**

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

##### **306.8 DISPATCH**

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

##### **306.8.1 DISPATCH RESPONSIBILITIES**

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

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notify the Captain as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

##### **306.8.2 LOSS OF PURSUED VEHICLE**

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

##### **306.9 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.

##### **306.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the San Diego Unified School District Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers

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may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

#### **306.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

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

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

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

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

Assistance to a pursuing allied agency by officers of this department will terminate at the State 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.

#### **306.10 WHEN PURSUIT INTERVENTION IS AUTHORIZED**

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

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##### 306.10.1 USE OF FIREARMS

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

##### 306.10.2 INTERVENTION STANDARDS

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

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

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

#### 306.10.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force,

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which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

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

#### **306.11 PRISONER PROCESSING**

In the absence of any other argument, the suspect(s) from the pursuit shall be turned over to the custody of the agency which has the most significant charge. Absent of more significant charges by another agency, custody, and booking of the suspect(s) shall be the responsibility of the agency initiating the pursuit. The agency assuming custody shall be responsible for processing, booking and all related reports.

#### **306.12 REPORTING REQUIREMENTS**

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

- (a) The primary officer should complete appropriate crime/arrest reports.
- (b) The Captain shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Captain for review and distribution.
- (c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum 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.
  5. Alleged offenses.
  6. Whether a suspect was apprehended, as well as the means and methods used.
  7. 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 the Use of Force Policy).
  8. Any injuries and/or medical treatment.
  9. Any property or equipment damage.
  10. Name of supervisor at scene or who handled the incident.

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

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

#### 306.12.1 TRAFFIC COLLISION OR DAMAGE RELATED TO A PURSUIT

When a traffic collision occurs relating to a pursuit, the officers at the scene, if uninjured shall:

- (a) Render first aid to any injured persons and notify paramedics via Communications if necessary.
- (b) Notify a field sergeant or higher ranking sworn supervisor, who will respond to the scene.
- (c) The agency having jurisdiction will respond for the accident report. The sergeant will collect all pertinent data and submit a pursuit review form (SDPD form 157) to the Chief of Police, via the chain of command, within five days. This form is in addition to the CHP Form 187A report. This review shall include a factual evaluation concerning compliance with department regulations. Violations shall be identified and listed in the report narrative.
- (d) If a police vehicle "bottomed out" during a pursuit, the driver shall inspect it for possible damage and notify the administrative sergeant. If damage occurred, the administrative sergeant shall direct the preparation of the appropriate documentation. The administrative sergeant will also have a damage and safety inspection conducted at the district garage prior to allowing the vehicle to return to the field.

#### 306.12.2 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Manager shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

- (a) This policy.
- (b) The importance of vehicle safety and protecting the public.
- (c) The need to balance the known offense and the need for immediate capture against the risks to officers and others.

#### 306.12.3 POLICY REVIEW

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

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### **306.13 APPLICATION OF VEHICLE PURSUIT POLICY**

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.



## High Risk Vehicle and Pedestrian Stops

### 307.1 PURPOSE AND SCOPE

This policy will address high-risk vehicle and pedestrian stops and will establish a unified response by the San Diego Unified School District Police Department officers. High-risk vehicle and pedestrian stops are one of the most potentially dangerous situations a peace officer could face. Officers must contend with numerous variables associated with high-risk stops and must utilize sound officer safety tactics to ensure their safety, the safety of other officers, and the public.

### 307.2 DEFINITIONS

A proper definition of a "high-risk stop" is any vehicle or pedestrian stop where an officer believes the person(s) may be armed and/or dangerous. In most cases, high-risk stops involve an officer giving an occupant(s) or pedestrian(s) verbal commands while at gunpoint.

### 307.3 PROCEDURE

San Diego Unified School District Police Department officers involved in a high-risk stop will:

- A. Exercise extreme concern for the safety of themselves and others.
  - 1. Consider what is beyond the suspect in the event the stop turns into a lethal force incident
  - 2. Utilize cover/concealment, when available
  - 3. Take traffic control measures, when able
- B. Plan actions to minimize risk.
  - 1. Have proper communication with other officers and the suspect
- C. Establish cover or backup before making the stop, if possible.
  - 1. Utilize proper contact and cover procedures
  - 2. Establish if additional resources are needed (i.e. canine, air support, etc.)

### 307.4 GENERAL PRINCIPLES

The following are some general principles that should be considered. The following items are not to be considered all inclusive:

- A. Take steps to reduce the suspect's advantage and control.
  - 1. Proper lighting if the stop is taking place at night or low light situations
  - 2. Initiating a stop in a location of the officer's choice, if possible
- B. Time is on your side; there is no need to rush; wait for cover.
  - 1. Wait to initiate stop until needed resources arrive, if possible
  - 2. Have an adequate number of officers at the scene to assist with detained subjects

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3. Consider waiting for air support to initiate a vehicle stop in case the incident becomes a vehicle pursuit
- C. When possible, look for a safe location to conduct the stop.
  1. Adequate lighting
  2. Minimal traffic
  3. Minimal crowds
  4. Ideal background

#### **307.5 RESPONSIBILITY**

- A. Department
  1. Provide appropriate situation training and training material.
- B. Individual Officers and Dispatchers
  1. Maintain a level of awareness and knowledge to effectively handle a "high-risk" vehicle or pedestrian stop.

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# Officer Response to Calls and Emergency Vehicle Operations

## 308.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to emergency and non-emergency situations.

## 308.2 DEFINITIONS

For the purposes of this policy, an "emergency vehicle" is defined as a department vehicle equipped with a red light and siren operated by a sworn member of the department.

## 308.3 RESPONSE CODES

The following procedure establishes guidelines on the use of emergency response codes by officers.

- A. Code 3 (Emergency Response) is the operation of an emergency vehicle using emergency lights and siren, as reasonably necessary, under the following conditions:
  - 1. When necessary to facilitate an immediate response to another officer's request for urgent cover.
  - 2. When in pursuit of an actual or suspected law violator.
  - 3. When responding to a situation involving an immediate or potentially life-threatening emergency.
- B. Code 11-99 - Officer Needs Immediate Help/Life Threatening
  - 1. A call for 11-99 shall be requested and broadcast only when an officer is in immediate life-threatening danger and backup assistance is urgently needed.
- C. Code 10-88 or "Cover Now" - Immediate response for urgent assistance
  - 1. A call for 10-88 or "Cover Now" by an officer authorizes a Code 3 response. Officers responding should drive with due regard for the safety of all persons. Officers shall stop driving Code 3 once an update is provided by the officer who initiated the 10-88 or "Cover Now" that they are Code 4 or a supervisor disregards a Code 3 response.
- D. Non-urgent request for assistance
  - 1. Officers that need non-urgent assistance should make the request clear that the request is non-urgent. A non-urgent request for assistance does not authorize an officer to respond Code 3.

## 308.4 RESPONSE TO CALLS

Officers responding Code 3 shall continuously operate emergency lighting equipment, including at a minimum, a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

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

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

#### **308.5 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 notify Dispatch when able to do so.

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

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

##### **308.5.1 NUMBER OF UNITS ASSIGNED**

Normally, only one unit should respond to an emergency call Code 3 unless a sergeant or higher ranking sworn supervisor authorizes an additional unit(s).

#### **308.6 INITIATING CODE 3 RESPONSE**

If an officer believes a Code 3 response to any call is appropriate, the officer shall immediately notify Dispatch and advise the location from which they are responding. Should another officer believe a Code 3 response is appropriate, Dispatch shall be notified and a sergeant or higher ranking sworn supervisor will make a determination as to whether one or more officers driving Code 3 is appropriate.

#### **308.7 RESPONSIBILITIES OF RESPONDING OFFICERS**

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

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

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

Officers shall use sound discretion in responding to emergency calls and should consider:

- (a) The distance to the call.
- (b) Traffic and pedestrian congestion.
- (c) Time of day (school dismissal) and weather conditions.
- (d) The number of units already responding.

Only after officers have determined they are within a reasonable distance and have considered the above-mentioned items can they proceed to the call Code 3. If officers are an excessive distance from the call, they shall respond only while obeying all traffic laws.

#### **308.8 COMMUNICATIONS RESPONSIBILITIES**

A dispatcher shall not assign a Code 3 response. In all other circumstances, the officer shall notify dispatch of their Code 3 response if the officer believes a Code 3 response is needed. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring emergency assistance.
- (b) Immediately notify a sergeant or higher ranked sworn supervisor and the communications supervisor of the call or Code 3 response. If no sworn supervisor is on duty the On-Call Supervisor will be called by phone immediately.
- (c) Confirm the location from which the unit is responding.
- (d) Notify and coordinate allied emergency services with the San Diego Police Department or other agencies (e.g., fire and ambulance), if needed.
- (e) Continue to obtain and broadcast information, as necessary, concerning the response and monitor the situation until it is stabilized or terminated. Dispatchers will repeat the location and the fact that the unit is responding Code 3 to minimize conflict with other responding units. Once the situation has stabilized, Dispatch will relay that information to responding agencies, and advise if further assistance is needed.
- (f) Control all radio communications during the emergency and coordinate assistance under the direction of the officer, sergeant, or higher ranked sworn supervisor.
- (g) When an 11-99 is broadcast, it may be simulcast to additional frequencies only if deemed appropriate by a supervisor.

In some situations, the officer requesting assistance may be unable to safely communicate so no radio inquiries should be made which may distract them. The dispatcher should only attempt to make contact at the request of a responding unit or field supervisor. The dispatcher will activate the "Emergency Tone" at the onset of the incident and closely monitor the incident providing direction and control of responding officers. The dispatcher will accumulate, format, and retransmit to responding officers any information and continue to update as the incident progresses and until officers are Code 4.

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### **308.9 SUPERVISORY RESPONSIBILITIES**

Upon being notified that a Code 3 response has been initiated, a sergeant or higher ranking sworn 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.

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

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

The supervisor may also authorize a Code 3 response to an incident units are responding to or monitoring. When making the decision to authorize a Code 3 response, the sergeant or higher ranking sworn 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 must monitor all Code 3 incidents and terminate Code 3 operations when safety risks or lack of urgency no longer warrant a Code 3 response. This is a requirement (17004.7 CVC, Public Agency Immunity) placed on all law enforcement agencies in California.

### **308.10 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code 3 response and respond accordingly. In all cases, the officer shall notify Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

### **308.11 LEGAL CONSIDERATIONS**

The following are legal considerations all members of the department must follow:

- (a) 21052 CVC
  1. All employees, except as authorized by 21055 CVC, are required to operate their vehicles in accordance with all state laws.
- (b) 21055 CVC
  1. Provides that the driver of an authorized emergency vehicle is exempt from Division 11, Chapters 2 through 10 of the Vehicle Code. This limited exemption is only in effect when the following conditions are met:

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- (a) Drivers of emergency vehicles are required to continually sound the siren and utilize the emergency lights when disregarding traffic control devices or other vehicle code regulations.
  - (b) The vehicle is being driven in response to an emergency call, or while engaged in rescue operations, or is being used in the immediate pursuit of an actual or suspected violator of the law.
- (c) 21056 CVC
1. States that the exemption of section 21055 CVC does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
    - (a) The effect of 21056 CVC is to establish that emergency vehicle operators are not protected when their unreasonable or negligent acts of driving imperil others.
    - (b) Officers may be held liable in criminal and/or civil actions for damages caused by negligent emergency vehicle operations.

## Domestic Violence

### 310.1 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.

#### 310.1.1 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.

### 310.2 POLICY

The San Diego Unified School District Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### 310.3 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.

### 310.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases involving adults as well as juveniles.

- (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.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a



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person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigating officer 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 another lawful search must be taken into temporary custody (Penal Code § 18250).
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as the sole justification for declining to take enforcement action include:
  - 1. Marital status of suspect and victim.
  - 2. Whether the suspect lives on the premises with the victim.
  - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 4. The potential financial or child custody consequences of an arrest.
  - 5. The physical or emotional state of either party.
  - 6. Use of drugs or alcohol by either party.
  - 7. Denial that the abuse occurred where evidence indicates otherwise.
  - 8. A request by the victim not to arrest the suspect.
  - 9. Location of the incident (public/private).
  - 10. Speculation that the complainant may not follow through with the prosecution.
  - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

#### **310.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

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- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

#### 310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

#### **310.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

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

#### **310.6 DISPATCH ASSISTANCE**

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

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

#### **310.7 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

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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 the 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.

### **310.8 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

#### **310.8.1 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

- (a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is reasonable cause to do so requires supervisor approval.
  - 1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
- (b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade the victim from making a lawful private person's arrest. Officers should refer to the provisions in the Private Person's Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

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- (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 a spouse, cohabitant)
  - 2. Penal Code § 273.5 (corporal injury on a spouse, cohabitant, fiance/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
  - 6. All of the above incidents/directives apply to same-sex couples
- (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 the 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).

#### 310.8.2 COURT ORDERS

- (a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- (b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

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- (c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).
- (d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or another lawful search shall be taken into temporary custody (Penal Code § 18250).
- (e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

#### 310.8.3 PUBLIC ACCESS TO POLICY

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

#### 310.8.4 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

#### 310.8.5 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence-related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730).

#### 310.8.6 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether

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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).

## Search and Seizure

### 311.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for San Diego Unified School District Police Department personnel to consider when dealing with search and seizure issues.

### 311.2 POLICY

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

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

### 311.3 SEARCHES

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

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

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

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

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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#### **311.4 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 possible 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.

#### **311.5 DOCUMENTATION**

Officers are responsible to document searches as required. Officers completing reports that involve searches should ensure the documentation is thorough and should consider the following items when documenting the search:

- 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

### 312.1 POLICY

School police officers understand the school environment when it comes to interviewing juveniles at school. Officers will make an effort to minimally impact a minor's class time for interviews, especially during state or special testing times, circumstances regarding the interview permitting. Officers should avoid multiple interviews with child abuse victims or child sexual assault victims.

The San Diego Unified School District Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the San Diego Unified School District Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

### 312.2 PURPOSE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the San Diego Unified School District Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

### 312.3 SCOPE

This policy applies to all members of the San Diego Unified School District Police Department.

### 312.4 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.

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Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

**Safety checks** - Direct, visual observation personally by a member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile handcuffed to a rail.
- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (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).

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

Juveniles who exhibit any of the following conditions should not be held at the San Diego Unified School District Police Department, San Diego Police Department Substation or in a Campus Police Officer's on-site office:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed

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- (d) Significantly intoxicated except when approved by the Captain. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the San Diego Unified School District Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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

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

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

#### **312.5.2 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).

#### **312.6 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the San Diego Unified School District Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the San Diego Unified School District Police Department without authorization of the arresting officer's supervisor or the Captain. 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 San Diego Unified School District Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

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##### 312.6.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the San Diego Unified School District Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

##### 312.6.2 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).

##### 312.6.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the San Diego Unified School District Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

- (a) Released upon warning or citation.
- (b) Released to a parent or other responsible adult after processing at the Department.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

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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).

#### **312.7 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).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to 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 the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

#### **312.8 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the San Diego Unified School District Police Department (15 CCR 1150).
- (c) Captain 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).

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- (h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Captain shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

#### **312.9 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.

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

#### **312.10 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the San Diego Unified School District Police Department shall ensure the following:

- (a) The Captain should be notified if it is anticipated that a juvenile may need to remain at the San Diego Unified School District Police Department more than four hours. This will enable the Captain to ensure no juvenile is held at the San Diego Unified School District Police Department more than six hours.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal safety checks and significant incidents/activities shall be noted on the log.
- (d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- (f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).

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- (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.
- (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).

#### **312.11 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the San Diego Unified School District Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Captain. 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).

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##### **312.12 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the school site or San Diego Police Department substation 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. Contraband items shall be inventoried and documented and either impounded or disposed of according to state law (i.e., destroyed or given back to parents/guardian). A large or bulk property should be returned to the parents/guardian, if possible, otherwise, let the school administrator have the property for safekeeping. Officers shall document the disposition of bulk property.

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 officer.

If a juvenile will not be getting his/her property back due to evidentiary reasons, then the officer shall follow the Impound and Disposal of Property Procedure (337).

##### **312.13 SECURE CUSTODY**

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Captain approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

- (a) Age, maturity, and delinquent history
- (b) Severity of offense for which the juvenile was taken into custody
- (c) The juvenile offender's behavior
- (d) Availability of staff to provide adequate supervision or protection of the juvenile offender
- (e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.



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The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

##### **312.13.1 LOCKED ENCLOSURES**

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- (b) Juveniles shall have constant auditory access to department members (15 CCR 1147).
- (c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- (d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
  - 1. All safety checks shall be logged.
  - 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

##### **312.14 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

- (a) Information is necessary to protect life or property from an imminent threat.
- (b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

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##### **312.14.1 MANDATORY RECORDINGS OF JUVENILES**

Currently, members of this department are prohibited by California law from conducting any investigations involving homicides. However, if in the event that a department member is asked by an outside agency to assist in such an investigation, the following procedures shall apply. 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 another 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) The recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
- (e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
- (f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
- (g) The questions are part of a routine processing or booking and are not an interrogation.
- (h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

##### **312.15 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 Captain.

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.

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For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Captain or the Investigative Unit 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

#### **312.16 ADMINISTRATIVE SEARCHES**

School administrative personnel have the authority to conduct administrative searches on juveniles on school grounds, based on reasonable suspicion. School police officers are ideally suited to assist administrators who desire that an administrative search is conducted on juveniles. The officer should be asked to conduct the search by school personnel. Officers should know the reason for the search and then may conduct the administrative search on behalf of the administrator. If contraband is located, it may be turned over to the administrator, if the item is not inherently illegal. If the contraband is illegal, the officer shall follow department procedures for a possible arrest and impound of property.

#### **312.17 RELEASE OF INFORMATION CONCERNING JUVENILES**

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning the authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the San Diego Unified School District Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827. Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. Investigative Unit

#### **312.18 RELIGIOUS ACCOMMODATION**

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

#### **312.19 TRAINING**

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

## Child Abuse

### 315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist officers when dealing with incidents of suspected child abuse. This policy also addresses when the San Diego Unified School District Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

#### 315.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

### 315.2 POLICY

The San Diego Unified School District Police Department will report or forward to the proper agency of jurisdiction all incidents of alleged child abuse and ensure CPS is notified as required by law.

### 315.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

- (a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
- (b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The San Diego Unified School District Police Department will not investigate incidents of child abuse. Officers of this department will notify a sergeant of the child abuse incident. Officers of this department will assist the San Diego Police Department with completing courtesy reports and notify Child Protective Services when assisting the San Diego Police Department with child abuse incidents. Officers will gather necessary information from victims and/or witnesses in order to ascertain there is a child abuse incident that will need to be investigated by the San Diego Police Department. All preliminary reports of child abuse incidents that are taken by officers of this department will be transferred to the San Diego Police Department Child Abuse Unit for investigation.

In all incidents where officers are made aware of child abuse, the officer shall report the abuse, and notify a sergeant of the abuse.

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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 his/her employment as a peace officer.

#### **315.3.1 NOTIFICATION PROCEDURE**

Officers shall notify a sergeant of suspected child abuse in all cases. Officers will ensure the San Diego Unified School District Suspected Child Abuse Report Form is completed, that Child Protective Services is contacted via phone, and the San Diego Unified School District Suspected Child Abuse Report form is faxed. This form can be completed by either the officer or the school official reporting the incident. If a school official has completed the previously listed steps as outlined in this section, the officer should obtain a copy of the San Diego Unified School District Suspected Child Abuse Report form and attach it to their report for the San Diego Police Department. The officer should also document the previously listed steps were completed in their written report for the San Diego Police Department. The San Diego Unified School District Suspected Child Abuse Report form, a phone call to Child Protective Services, and the fax of the San Diego Unified School District Suspected Child Abuse Report form shall be completed the same day as the incident was reported. This satisfies Penal Code §11166 - Notification Requirements.

It is the responsibility of the sergeant to make a notification to the San Diego Police Department Child Abuse Unit, if necessary unless the sergeant directs the officer to make the notification.

#### **315.4 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. The following items should be turned in with the report:

- (a) San Diego Unified School District Suspected Child Abuse Report form (whether completed by the officer or school official).
- (b) Fax confirmation of the San Diego Unified School District Suspected Child Abuse Report form being sent.
- (c) Any impound barcode labels or property tags from evidence impounded (i.e. photographs).
- (d) Any other items deemed necessary by the officer.

#### **315.4.1 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

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successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone or fax to the agency with proper jurisdiction (Penal Code 11165.9).

#### **315.5 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or another responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in the abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

- (a) The officer reasonably believes a child is a person described in Welfare and Institutions Code § 300 or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:
  1. The child has an immediate need for medical care.
  2. The child is in immediate danger of physical or sexual abuse.
  3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
  1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  2. There is no lawful custodian available to take custody of the child.
  3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.

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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 a child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

#### **315.5.1 CALIFORNIA SAFELY SURRENDERED BABY LAW**

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

#### **315.6 INTERVIEWS**

##### **315.6.1 PRELIMINARY INTERVIEWS**

Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to assist the San Diego Police Department with beginning an investigation. When practicable, 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.

##### **315.6.2 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 the 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 a reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

##### **315.6.3 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).

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#### **315.7 MEDICAL EXAMINATIONS**

If a child has been the victim of abuse that requires immediate medical care, the officer must make a request for medical assistance via communications. A field supervisor shall ensure that SDPD is notified of the health status of the child. If the child has been the victim of abuse that requires medical attention, but the child does not need to be seen immediately, the officer shall notify a sergeant. The sergeant will notify the San Diego Police Department Child Abuse Unit of the situation, and follow their direction as to how to proceed.

#### **315.8 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.

#### **315.9 STATE MANDATES AND OTHER RELEVANT LAWS**

California requires or permits the following:

##### **315.9.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

##### **315.9.2 CHILD DEATH REVIEW TEAM**

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

#### **315.10 TRAINING**

The Department should provide training on best practices in child abuse incidents to members tasked with responding to these incidents. The training should include:

- (a) Any updates to this policy
- (b) Any changes in reporting procedures
- (c) Other items deemed necessary by the command staff



## Missing Persons

### 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 316.1.1 DEFINITIONS

**At-risk** - Includes, but is not limited to (Penal Code § 14215), the following:

- A victim of a crime or foul play
- A person missing and in need of medical attention
- A missing person with no pattern of running away or disappearing
- A missing person who may be the victim of parental abduction
- A mentally impaired missing person
- A juvenile that did not make it home after school
- A juvenile that walked off campus, takes meds, has special needs or under 12 years old

**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** - Those databases or computer networks available to law enforcement and that is suitable for information related to missing person investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

### 316.2 POLICY

The San Diego Unified School District Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The San Diego Unified School District Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

### 316.3 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 contact dispatch or alert a member who can take the report.

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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).

Officers of this department will not write the physical missing person report. Officers should begin investigating a missing person incident once they have been made aware someone is missing, and coordinate with the San Diego Police Department. Missing persons reports and investigations will be transferred and completed by the San Diego Police Department.

#### **316.4 INITIAL INVESTIGATION**

Officers, SDUSDPD dispatch, or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but not 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. As determined by the San Diego Police Department or other investigating agency.
- (f) Initiate a search as applicable based on facts.
- (g) Collect and/or review:
  - (a) A photograph.
  - (b) A copy of the juvenile's demographics and phone numbers.
  - (c) Any documents that may assist in the investigation, such as court orders regarding custody.
  - (d) Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (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.

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### **316.5 REPORT PROCEDURES AND ROUTING**

Officers should obtain as much information to assist in locating a missing person and advise the appropriate supervisor promptly. The sergeant will make the determination when the San Diego Police Department will be called to take over the missing person investigation. All relevant information gathered will be shared with the San Diego Police Department.

#### **316.5.1 SUPERVISOR RESPONSIBILITIES**

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

- (a) Ensuring resources are deployed, as appropriate.
- (b) Initiating a command post, as needed.
- (c) Ensuring applicable notifications and public alerts are made and documented.
- (d) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
- (e) Make a determination when the missing person investigation shall be transferred to the San Diego Police Department.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate the transfer of the case to the agency of jurisdiction.

### **316.6 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the officer shall notify the reporting party, as appropriate, and other involved agencies and refer the case for additional investigation, if warranted. Officers should determine if a missing person's cancellation report needs to be completed. If a cancellation report needs to be completed, the San Diego Police Department shall be notified of the found individual and complete the cancellation report.

### **316.7 TRAINING**

This Department does not retain the authority for final completion of missing person cases and does not input information into the Missing Persons System; therefore, training is limited to the initial response to a possible missing person. The following list outlines important information an officer should gather when initially responding to a missing person. This list is not to be considered all-inclusive.

- (a) Confirming missing status and custody status of minors
- (b) Identify if the person is at-risk (age, medical issues, suicide risk, etc.)
- (c) Physical description, and clothing description
- (d) Possible destination
- (e) Cell phone number

## Public Alerts

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

### 317.3 RESPONSIBILITIES

#### 317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the San Diego Unified School District Police Department should notify a supervisor, as soon as practicable, upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Captain and the SDUSD Communications 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 Captain

### 317.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies, and the wireless industry, to activate urgent bulletins in child abduction cases. It is imperative that San Diego Unified School District Police Department officers and supervisors communicate with the San Diego Police Department in situations where an Amber Alert may be appropriate since the San Diego Police Department will be the primary investigating agency if the person is not located quickly.

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##### 317.4.1 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.

##### 317.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the child:
  - 1. The child's identity, age, and description
  - 2. Photograph, if available
  - 3. The suspect's identity, age, and description, if known
  - 4. Pertinent vehicle description
  - 5. Detail regarding the location of the incident, the direction of travel, potential destinations, if known
  - 6. Name and telephone number of the SDUSD Communications or another authorized individual to handle media liaison
  - 7. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
- (c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS). This will be handled by the San Diego Police Department.
- (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). This will be handled by the San Diego Police Department.
- (f) The following resources should be considered as circumstances dictate:
  - 1. The local FBI office

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2. National Center for Missing and Exploited Children (NCMEC)

#### **317.5 BLUE ALERTS**

Blue Alerts may be issued when an officer is killed, injured, or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

##### 317.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

- (a) A law enforcement officer has been killed, suffered serious bodily injury, or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate the apprehension of the suspect.

##### 317.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
  1. The license number and/or any other available description or photograph of the vehicle
  2. Photograph, description and/or identification of the suspect
  3. The suspect's identity, age, and description, if known
  4. Detail regarding the location of the incident, the direction of travel, potential destinations, if known
  5. Name and telephone number of the SDUSD Communications or another authorized individual to handle media liaison
  6. A telephone number for the public to call with leads or information
- (b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- (c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- (d) The following resources should be considered as circumstances dictate:
  1. Entry into the California Law Enforcement Telecommunication System (CLETS)
  2. The FBI local office

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### **317.6 SILVER ALERTS**

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

#### **317.6.1 CRITERIA FOR SILVER ALERTS**

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- (a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- (b) The department has utilized all available local resources.
- (c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

#### **317.6.2 PROCEDURE FOR SILVER ALERT**

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

### **317.7 MUTUAL AID**

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate 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 Captain or Investigative Unit Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Captain of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.
- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Captain.
- (c) The SDUSD Communications 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 San Diego Unified School District Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department's emergency communications facility

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to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

#### **317.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES**

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

##### **317.8.1 CRITERIA**

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- (a) Evacuation orders (including evacuation routes, shelter information, key information).
- (b) Shelter-in-place guidance due to severe weather.
- (c) Terrorist threats.
- (d) HazMat incidents.

##### **317.8.2 PROCEDURE**

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).



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## Victim and Witness Assistance

### 318.1 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.

### 318.2 POLICY

The San Diego Unified School District Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the San Diego Unified School District Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 318.3 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 San Diego Unified School District Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 318.3.1 SPECIFIC VICTIM LIAISON DUTIES

Generally, it will be the responsibility of the Investigative or Administrative sergeant, or designee, to forward reports as requested. Most requests for reports should be routed to the Records Division. The Records Maintenance and Release Policy in this manual regarding the release of reports shall be followed in all cases (Government Code § 13962(b); 2 CCR 649.35; 2 CCR 649.36).

### 318.4 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 available victim resources.

The following procedure applies to the Victims of Crimes Assistance Program:

- (a) When an officer has contact with a crime victim or a victim's family member during the course of an investigation, and it appears the victim or victim's family member(s) are in need of financial assistance as a result of injuries sustained from a crime, the officer shall provide the victim or victim's family member information on the potential for compensation through the Victims of Crime Program. Officers shall provide the victim or victim's family member with the telephone number of the District Attorney's Victim/Witness Unit, located at the SDPD Headquarters building (link: <https://victims.ca.gov/victims/howtoapply.aspx>).

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- (b) In January 2009, the Victim's Bill of Rights Act 2008 (Marsy's Law) was enacted. Penal Code Section 679.026(c)(1) mandates that all crime victims be provided with an informational card advising them of various rights to which they are entitled. To comply with "Marsy's Law", Officers will provide a Marsy's Law Pamphlet to all crime victims at the time of initial contact and include a sentence at the end of the "Investigation: section of the narrative detailing all persons to whom a Marsy's Law Pamphlet was provided. In the event the officer conducting the initial investigation was not able to provide the card to the victim, the assigned detective or officer shall provide the required brochure to the victim ([See attachment: Marsy Card Eng Spn1.pdf](#)).

#### 318.4.1 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).

#### 318.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

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

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- (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).

#### **318.6 WITNESSES**

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

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

## Hate Crimes

### 319.1 POLICY

It is the policy of the Department to adopt the Commission on Peace Officer Standards and Training (POST) model policy.

See attachment: [Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf](#)

### 319.2 SPECIALIZED SUPPORT AGENCIES

The following agencies may be able to provide additional information or assistance to victims of hate crimes.

City of San Diego Human Relations Commission

1010 Second Ave., Suite 132

San Diego, CA 9210

Phone: 619-236-642

Fax: 619-236-7344

San Diego Unified School District

Youth Advocacy

4100 Normal Street, San Diego, CA 92103

619-725-5595

[youthadvocacy@sandi.net](mailto:youthadvocacy@sandi.net)

Anti-Defamation League

7851 Mission Center Court

San Diego, CA 92108

(619) 293-3770

SD LGBT Community Center

3909 Centre Street

San Diego, CA 92103

[619-692-2077](tel:619-692-2077)

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## Standards of Conduct

### 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the San Diego Unified School District Police Department. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

### 320.2 DEFINITIONS

The term "Officer" shall refer to all sworn officers employed by the San Diego Unified School District Police Department.

The term "Member" shall refer to all employees, dispatchers, interns, and volunteers of the San Diego Unified School District Police Department.

### 320.3 POLICY

The continued employment or appointment of every member of the San Diego Unified School District Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines in this policy, whether on- or off-duty, may be cause for disciplinary action. Members who are inconsistent or in conflict with the mission or values established by the San Diego Unified School District Police Department negatively affects its reputation and that of its employees. Such actions and inaction detract from the agency's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of this department that officers and members conduct themselves in a professional manner consistent with the rules contained in this policy and the San Diego Unified School District's policies and Code of Ethics, which outlines the guiding principles and expected behaviors for all San Diego Unified School District employees.

### 320.4 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable justification. This includes orders relayed from a supervisor by someone in the same or lesser rank.

Members shall not commit any acts, nor fail to commit any acts, which constitute a violation of any of the policies, procedures, rules, regulations, directives or orders of the department or the San Diego Unified School District, whether stated in this Policy Manual or District Classified Employee Regulations.

#### 320.4.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if followed, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with

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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. Members shall promptly obey any lawful orders of supervisors. This includes orders relayed from a supervisor by someone of the same or lesser rank. 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.

Members who are given an otherwise lawful order that they believe to be an improper order or proper order which is in conflict with a previous order, policy, procedure or directive shall respectfully inform the supervisor issuing the improper order of the conflict. If the supervisor issuing the order does not alter or retract it, the order shall stand and be followed. 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. The supervisor shall be responsible for the conflicting order.

Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued. The person countermanding the original order shall notify the person issuing the original order, indicating the action is taken and the reason.

Members shall not obey a directive to commit a criminal act. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. 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.

#### **320.4.2 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 another improper purpose.

#### **320.5 NON-BIAS POLICING**

The department does not tolerate bias policing under any circumstances. Bias policing occurs when law enforcement inappropriately considers factors such as race, religion, national origin,

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gender, lifestyle, sexual orientation or similar personal characteristics in deciding with whom and how to intervene in an enforcement capacity.

Members shall not base any enforcement action, in whole or in part, on race, religion, national origin, gender lifestyle, sexual orientation or similar personal characteristics, except when members are looking for subjects or investigating crimes involving those specific descriptions.

Members shall make every effort to prevent and report instances of discriminatory or bias-based policing practices by fellow members.

#### **320.6 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

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.

Officers on-duty shall, at all times, lawfully protect life and property, detect and take appropriate action against violators of the law, prevent crime, preserve the public peace and enforce the laws of the State of California and the ordinances of the City of San Diego.

#### **320.7 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:

##### **320.7.1 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 district manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

##### **320.7.2 ETHICS**

- (a) Using or disclosing one's status as a member of the San Diego Unified School District Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.

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- (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) Members shall not use their official position, official identification cards or badges for personal gain, obtaining privileges otherwise not available to them except in the performance of duty, avoiding consequences of illegal acts.
- (d) Members are prohibited from using Department stationery, business cards, or any official form of communication to obtain any special considerations or privileges.
- (e) Members shall not solicit or accept from any person, business, or organization any gifts or gratuities for the benefit of the member if it may be reasonably inferred that the person, business, or organization seeks to influence an action of an official nature or seeks to affect the performance or non-performance of any official duty.
- (f) 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).
- (g) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (h) Offer or acceptance of a bribe or gratuity.
- (i) Misappropriation or misuse of public funds, property, personnel or services.
- (j) Any other failure to abide by the standards of ethical conduct.

#### 320.7.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful. Further, members shall not make any arrest which they know is not in accordance with the law and established department procedures.

#### 320.7.4 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 any other sexual contact while on-duty, in uniform or in any District-owned vehicle, building or property.
- (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



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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 the 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.

#### 320.7.5 ATTENDANCE

Members shall report for work at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Off-duty members shall be subject to recall and shall report for duty as directed by any superior. Judicial or other lawfully issued subpoenas shall constitute an order to appear under this section.

Absences from duty without leave for a period of five (5) work days shall be considered job abandonment and may be processed as such. The following may be cause for disciplinary action as well:

- (a) Unexcused or unauthorized absence or tardiness.
- (b) Excessive absenteeism or abuse of leave privileges.
- (c) Failure to report to work or place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.
- (d) Absence without leave or supervisory knowledge/permission from the work assignment or location during a tour of duty.

#### 320.7.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.
  - 1. Members of this department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the San Diego Unified School District Police Department Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving-away or appropriating any San Diego Unified School District Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

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- (e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and nonsubpoenaed records.

#### 320.7.7 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) Failure to submit all necessary reports in a timely manner in accordance with the Report Preparation Policy (323). Submitted reports shall be truthful. No member shall knowingly enter or cause to be entered any inaccurate, false or improper information.
- (d) Removing, concealing or destroying any official report or record, except in accordance with Department procedure at the direction of the Chief of Police or under due process of law.
- (e) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (f) Unauthorized sleeping during on-duty time or assignments.
- (g) Failure to notify the Department within 10 days of any change in residence address, contact telephone numbers or marital status.
- (h) Engaging in activities or personal business which would cause neglect or inattention to duty.

#### 320.7.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or any official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

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- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
  - 3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on--duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on--duty or on department property, except as expressly authorized by State policy, the memorandum of understanding, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by State policy, the memorandum of understanding, or the Chief of Police.
- (i) Any act on or off--duty that brings discredit to this department.

#### 320.7.9 CONDUCT

- (a) Officers shall conduct themselves on duty in such a manner as to reflect most favorably on the Department. Officers shall not conduct themselves in any manner which brings the department into dispute or reflects discredit upon the officer as a member of the department or impairs the operation of the department or officer. Members shall not engage in any conduct which is unbecoming an employee of the department, nor which impairs the operation of the department.
- (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. Any member who is arrested, cited, or comes under investigation for any criminal offense in any jurisdiction, or whose driver's license is suspended or revoked, shall report it to the Chief of Police as soon as possible. Members shall cooperate in any investigation conducted by this or any other authorized agency and shall provide complete and accurate information without being compelled to waive constitutional rights as provided for in the United States Constitution.
- (c) Members are directly accountable for their actions, through their supervisor, to the Chief of Police.
- (d) Members shall accept responsibility for their actions without attempting to conceal, divert or mitigate their true culpability, nor shall they engage in efforts to improperly influence, or interfere with an internal or criminal investigation.

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- (e) Upon the order of a superior, or any officer appointed by the Chief of Police to conduct an internal investigation and in accordance with Constitutional guarantees, members shall truthfully answer all question related to the scope of employment and operations of the Department
- (f) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (g) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (h) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (i) Engaging in horseplay that reasonably could result in injury or property damage.
- (j) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the State.
- (k) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (l) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (m) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (n) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (o) Any 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.
- (p) 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.
- (q) Off-duty officers shall not wear their uniform or purport themselves as police officers while involved in any conduct which may be deemed unbecoming an officer or bring discredit to the Department.
- (r) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

#### 320.7.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid). All members driving while on duty shall possess their valid California Driver's License, and district provided insurance information.

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- (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 workplace, any firearm or any 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.

#### **320.7.11 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. Members shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.
- (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. Members shall not bring into or store alcoholic beverages in any district facility or vehicle, except in the performance of their duties or as authorized by the Chief of Police. Such items shall be processed in accordance with department procedures.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site. Members shall not bring into or store non-prescribed controlled substances, narcotics or hallucinogens in any district facility or vehicle, except in the performance of their duties or as authorized by the Chief of Police. Such items shall be processed in accordance with department procedures.
- (d) Members, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in the level of impairment, intoxication or obnoxious or offensive behavior which discredits the department, or renders them unfit to report for their next regular tour of duty.
- (e) Members shall disclose, prior to reporting for duty, the use of any substance including prescribed medication, that may impair their ability to drive a motor vehicle and/or perform their required duties.

#### **320.8 PERSONAL CONFLICT OF INTEREST**

Members shall not engage in any activity or enterprise for compensation, which is inconsistent, incompatible, or in conflict with his or her duties as a member of the department.

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Members shall not use district time, facilities, equipment, or supplies in a manner for private gain or advantage, which is in conflict with district policy.

Members shall not use confidential information gained through their position as a department employee to advance financial or other private interests of themselves to others.

#### **320.9 PROFESSIONAL CONFLICT OF INTEREST**

Members who, in their official capacity, become involved in any incident or investigation where a potential conflict of interest exists shall immediately inform their supervisor of such involvement. The decision as to whether the member may continue to be involved with the incident or investigation will be at the discretion of the member's supervisor.

#### **320.10 ENDORSEMENTS AND REFERRALS**

Members in an official capacity shall not recommend or suggest in any manner the employment or procurement of a particular brand of product, or private professional, or commercial service (such as an attorney, ambulance service, towing service, bondsman, private investigator firms, etc.)

#### **320.11 ASSOCIATION**

Members shall avoid maintaining associations or dealing with persons whom they know, or should reasonably know, are registered sex offenders, felons, suspected felons, or person under criminal investigation or indictment. Such association is only permissible in the performance of the authorized official duties, or where unavoidable because of other personal relationships.

#### **320.12 VISITING PROHIBITED ESTABLISHMENTS**

Members shall not knowingly visit, enter or frequent a house of prostitution, unlawful gambling house, or establishment maintained for the purpose of conducting illegal activity, except in the performance of their duty or while acting under proper specific orders from their supervisor.

#### **320.13 PUBLIC STATEMENTS AND APPEARANCES**

Members shall not address public gatherings, appear on radio or television, lecture on police or other related subjects, prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information or any other matters of the department while holding themselves out as having an official capacity in such matter without the approval of the Chief of Police.

#### **320.14 POLITICAL ACTIVITY**

Members shall not:

- (a) Use their official capacity to influence, interfere with, or affect the results of an election for political office.
- (b) Use or give the appearance of using their official status at any time or place for the purpose of soliciting contributions or attempting to exert influence in respect to any election for political office. This includes the use of one's title, wearing of the uniform or other apparel or badge, or posing for campaign photographs in uniform.

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- (c) Engage in any political activity during work hours or in any District work area except where permitted by current District Policy.

#### **320.15 PICKETING**

Officers shall not wear a peace officer uniform or carry any firearms or deadly weapons while engaged in picketing or other informational activities, in a public place relating to a concerted refusal to work.

#### **320.16 CONDUCT TOWARDS FELLOW EMPLOYEES**

Members shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their interaction with each other.

#### **320.17 CONDUCT TOWARDS THE PUBLIC**

Members shall conduct themselves toward the public in a civil and professional manner in the spirit of school community oriented policing that will gain public respect and cooperation.

Members shall treat everyone with respect and courtesy, avoiding an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual.

While recognizing the need to demonstrate authority and control, officers shall adhere to this agency's use of force policy and shall observe the civil rights and protect the well-being of those in their charge.

#### **320.18 ARRESTS AND INVESTIGATIONS**

On-duty members shall conduct investigations or other official action only while in the performance of their regular police duties, except when police action is immediately required. Members shall obtain approval for a supervisor prior to conducting any official police business or investigation, which is outside the scope of their regular police duties.

#### **320.19 PAYMENT OF DEBTS**

Members shall not undertake any financial obligation which they know or should know they will be unable to meet, and shall pay all just debts when due. Repeat instances of financial difficulty may be cause for disciplinary action when the employee's job performance is adversely affected or department operations are impaired.

Non-payment of debts in dispute between members and creditors, shall not be the subject of disciplinary action. Financial difficulties stemming from unforeseen medical expense or personal disaster shall not be cause for discipline, provided that a good-faith effort to settle all accounts is undertaken.

#### **320.20 DEPARTMENT REPORTS AND CONFIDENTIAL INFORMATION**

Members shall submit all necessary reports on time and in accordance with established department procedures. Reports submitted by members shall be truthful and no member shall knowingly enter or cause to be entered any inaccurate, false or improper information.

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Members shall not remove or destroy any official report or record of the department except in accordance with department procedure and the direction of the Chief of Police or under due process of law.

Members shall not provide to any person any police document, except as permitted by department policy or as required by law.

#### **320.21 MEDICAL EXAMINATIONS, PHOTOGRAPHS, AND LINEUPS**

Upon the order of the Chief of Police or his designee, and in accordance with Constitutional guarantees, officers shall submit to any psychological, medical, or chemical exam, photographs or lineups that are specifically directed and narrowly related to a particular internal investigation being conducted by the department.



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## Information Technology Use

### 321.1 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.

#### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the San Diego Unified School District Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware and electronic storage devices.

**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.

### 321.2 POLICY

It is the policy of the San Diego Unified School District Police Department that members shall use information technology resources, including computers, software, and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

### 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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However, the Department may not require a member to disclose a personal username or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

#### **321.4 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 not use another person's access passwords, log on information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **321.4.1 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 District-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.

##### **321.4.2 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 legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

##### **321.4.3 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

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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.

#### **321.4.4 OFF-DUTY USE**

Members shall use technology resources provided by the Department for official use only while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. If members of the department must utilize technology resources while "off the clock," it shall be used for official purposes only. This also applies to personally owned devices that are used to access department technology resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

#### **321.5 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, log on 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.

Non-department members participating in a ride-along (or a dispatch sit-along) shall sign a non-disclosure agreement before exposure to department computer systems.

#### **321.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

## Department Use of Social Media

### 322.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see Employee Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 322.1.1 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

### 322.2 POLICY

The San Diego Unified School District Police Department may use social media as a method of effectively informing the public about department services, issues, investigations, and other relevant events.

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

### 322.3 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 the information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 322.4 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.

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Examples of appropriate content include:

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

#### **322.4.1 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 SDUSD Communications or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

#### **322.5 AUTHORIZED DEPARTMENT WEBSITES**

San Diego Unified School District Police Department utilizes three authorized websites in which department information is disseminated They are:

- A. Facebook.com - @SDSchoolPolice
- B. Twitter- @SDSchoolPolice
- C. Instagram - @sdschoolpolice

#### **322.6 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the San Diego Unified School District Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

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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.

#### **322.6.1 PUBLIC POSTING PROHIBITED**

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

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

#### **322.7 MONITORING CONTENT**

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

#### **322.8 RETENTION OF RECORDS**

The Captain should work with the District's Legal Service Office 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.

#### **322.9 TRAINING**

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

## Report Preparation

### 323.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to memorialize facts into a permanent record, document sufficient information to refresh the officer's memory, to provide sufficient information for the coordination of follow-up leads and investigation, and to prove the basis for successful prosecution and court proceedings.

#### 323.1.1 REPORT PREPARATION

All employees will use the department's Report Management System to complete reports.

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 within the allowed time frame 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.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

### 323.2 REQUIRED REPORTING

Cases transferred to the San Diego Police Department (SDPD) for investigations per the MOU between SDPD and the San Diego Unified School District Police Department (SDUSD PD), officers will document their involvement in the appropriate report format.

#### 323.2.1 CRIMINAL ACTIVITY

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. These include:
  - 1. Use of Force Policy
  - 2. Domestic Violence Policy
  - 3. Child Abuse/Sex Crimes Policy
  - 4. Adult Abuse Policy
  - 5. Hate Crimes Policy
  - 6. Suspicious Activity Reporting Policy



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- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch CAD entry).

#### 323.2.2 CRIME REPORTS

The following procedures apply to Crime Reports:

SDUSD Police Event Number shall be obtained from our police communication center.

SDUSD Police Case Number shall be obtained through the Report Management System for any of the following criminal incidents:

- (a) Arson incidents.
- (b) All property crimes unless the theft is less than \$50.00 or the vandalism is less than \$100.00.
- (c) all property crime cases with a suspect in custody, regardless of the dollar amount.
- (d) All cases with serialized property or owner-applied identification. including lost property regardless of the dollar amount.
- (e) All cases of crimes against persons.
- (f) All cases of district employee property loss or damage regardless of the dollar amount.

#### NOTE:

1. For crimes less than \$50.00 or crimes of vandalism less than \$100.00, where a police report is not required, the victim may complete a "District Incident Report". This District Incident Report does not require an Event Number or Case Number and can be filed at School Police Services for insurance purposes only.
2. Investigating officers, who recognize any "series" of crimes that appear to be related, regardless of the dollar amount, should complete an incident report.
3. Only in-progress police investigations involving a crime code (which require an incident number for an immediate citation), or a call to which an officer is already dispatched to, will receive the event number via police radio.
4. If the event number is for an ongoing investigation, administrative investigation, or suspension, officers shall use the email system or telephone to acquire the numbers from school police dispatch.

#### 323.2.3 STUDENT SUSPENSIONS & JUVENILE CONTACT REPORTS

The following procedure applies to incidents involving student suspensions only:

- (a) When obtaining an event number for a suspension only, for which the officer had no involvement in, the suspension code shall be given to dispatch to properly track incidents. A police crime code will not be used for suspension event numbers unless the officer assisted in the investigation that resulted in the suspension. A suspension or 'administratively handled' event number should generally not be requested via police radio (except for a call an officer was already dispatched to). Officers needing event numbers only shall use the telephone or e-mail to avoid using airtime on the radio.

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The following procedure applies to Juvenile Contact Reports (JCR):

- (a) Juvenile Jacket Numbers:
  - 1. Call SDPD Records Division at (619) 531-2155 or (619) 531-2845 and request a juvenile records check (give the current authorization code). Obtain the Juvenile Jacket Number, dates, and types of offenses.
  - 2. Place the Juvenile Jacket Number in the "Background" portion of the narrative. If there is no jacket number, write No Priors in lieu of writing a Juvenile Jacket Number.
  - 3. List the date and offense type for all priors in the "Background" portion of the narrative for the report.
- (b) Note the time and to whom the juvenile was released
- (c) Conduct an ARJIS records check to obtain prior offenses recorded by agencies throughout San Diego County. An SDPD record check will only list offenses within the City of San Diego.

#### 323.2.4 OFFICER'S REPORTS

The following procedures apply to Officer's Reports:

The Officer's Report has several uses associated with police work. Select the proper box and use the proper crime code based on the information below.

- (a) Crime or Arrest/Juvenile Report: An Officer's Report is continued from or related to a crime report regardless of who investigates the crime or prepares the crime report. Enter the corresponding crime and incident number, as well as the victim's name as requested and complete the report in the accepted format.
- (b) Officer's Reports Only: An Officer's Report is a stand-alone report to document an incident that has no relation to any other report (zero tolerance report, documentation only, etc.).
- (c) Other: An Officer's Report is the continued from or related to any other type of report, including Misdemeanor Citations or Traffic Citations, regardless of who completed the citation or report. Enter the corresponding incident number, and include any other information including the citation number in the narrative portion. The Officer **MUST PRINT THE REPORT** and submit the hard copy of the report with the citation
- (d) All information requested on the ARJIS forms that are available or able to be obtained from any victim, witness, or suspect shall be obtained prior to submitting the report.
- (e) Officers shall obtain all property identification information and list the completed information in the appropriate sections. This information shall be obtained prior to submitting the case report. If the information is not available at the time of the initial report, the officer shall wait no less than two days, and re-contact the victim before submitting the report. The officer may still provide a hard copy of the initial report without property numbers to the area sergeant or detective prior to obtaining the necessary property numbers if the crime is of an urgent nature and requires the follow-up investigation to begin prior to receiving numbers.

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- (f) In the case of an in-custody arrest for a property crime involving property numbers or identification, the reporting officer shall obtain all possible information at the time of the report and submit the report. Any numbers absent from the initial report shall be obtained by the officer or detective assigned to the follow-up investigation.

#### 323.2.5 FIELD INTERVIEWS

Documentation of field interviews shall be inputted in the department's Records Management System by the officer. Field Interview Form (ARJIS-1), note pads, or any other documents used by the officer shall be properly disposed of in a secure manner (i.e. shredder) after the information has been transferred to the Records Management System. Any photographs taken by the officer during a field interview shall be uploaded into the department's Records Management System and shall indicate in the narrative that a photograph of the subject is included.

#### 323.2.6 PHOTO LINE UPS

As required by Penal Code 859.7, the following requirement shall be followed when conducting a photo line up:

- (a) Prior to conducting the identification procedure, and as close in time to the incident as possible, the eyewitness shall provide the description of the perpetrator of the offense.
- (b) The officer conducting the identification procedure shall use blind administration or blinded administration during the identification procedure.
- (c) The officer shall state in writing the reason that the presentation of the lineup was not conducted using blind administration, if applicable.
- (d) An eyewitness shall be instructed of the following, prior to any identification procedure:
  1. The perpetrator may or may not be among the persons in the identification procedure.
  2. The eyewitness should not feel compelled to make an identification.
  3. An identification or failure to make an identification will not end the investigation.
- (e) An identification procedure shall be composed so that the fillers generally fit the eyewitness' description of the perpetrator. In the case of a photo lineup, the photograph of the person suspected as the perpetrator should, if practicable, resemble his or her appearance at the time of the offense and not unduly stand out.
- (f) In a photo lineup, writings or information concerning any previous arrest of the person suspected as the perpetrator shall not be visible to the eyewitness.
- (g) Only one suspected perpetrator shall be included in any identification procedure.
- (h) All eyewitnesses shall be separated when viewing an identification procedure.
- (i) Nothing shall be said to the eyewitness that might influence the eyewitness' identification of the person suspected as the perpetrator.
- (j) If the eyewitness identifies a person he or she believes to be the perpetrator, all of the following shall apply:

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1. The officer shall immediately inquire as to the eyewitness' confidence level in the accuracy of the identification and record in writing, verbatim, what the eyewitness says.
  2. Information concerning the identified person shall not be given to the eyewitness prior to obtaining the eyewitness' statement of confidence level and documenting the exact words of the eyewitness.
  3. The officer shall not validate or invalidate the eyewitness' identification.
- (k) An electronic recording shall be made that includes both audio and visual representations of the identification procedures. Whether it is feasible to make a recording with both audio and visual representations shall be determined on a case-by-case basis. When it is not feasible to make a recording with both audio and visual representations, audio recording may be used. When audio recording without video recording is used, the investigator shall state in writing the reason that video recording was not feasible.

For purposes of this section, the following terms have the following meanings:

- (a) "Blind administration" means the administrator of an eyewitness identification procedure does not know the identity of the suspect.
- (b) "Blinded administration" means the administrator of an eyewitness identification procedure may know who the suspect is, but does not know where the suspect, or his or her photo, as applicable, has been placed or positioned in the identification procedure through the use of any of the following:
1. An automated computer program that prevents the administrator from seeing which photos the eyewitness is viewing until after the identification procedure is completed.
  2. The folder shuffle method, which refers to a system for conducting a photo lineup by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.
  3. Any other procedure that achieves neutral administration and prevents the lineup administrator from knowing where the suspect or his or her photo, as applicable, has been placed or positioned in the identification procedure.
- (c) "Eyewitness" means a person whose identification of another person may be relevant in a criminal investigation.
- (d) "Field show up" means a procedure in which a suspect is detained shortly after the commission of a crime and who, based on his or her appearance, his or her distance from the crime scene, or other circumstantial evidence, is suspected of having just committed a crime. In these situations, the victim or an eyewitness is brought to the scene of the detention and is asked if the detainee was the perpetrator.
- (e) "Filler" means either a person or a photograph of a person who is not suspected of an offense and is included in an identification procedure.

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- (f) "Identification procedure" means either a photo lineup or a live lineup.
- (g) "Officer" means the person conducting the identification procedure.
- (h) "Live lineup" means a procedure in which a group of persons, including the person suspected as the perpetrator of an offense and other persons not suspected of the offense, are displayed to an eyewitness for the purpose of determining whether the eyewitness is able to identify the suspect as the perpetrator.
- (i) "Photo lineup" means a procedure in which an array of photographs, including a photograph of the person suspected as the perpetrator of an offense and additional photographs of other persons not suspected of the offense, are displayed to an eyewitness for the purpose of determining whether the eyewitness is able to identify the suspect as the perpetrator.

#### 323.2.7 CHILD ABUSE AND FELONY SEX CRIME CASES

The following procedures apply to suspected Child Abuse or felony Sex Crime cases:

Officers shall inform the appropriate supervisor if the supervisor is not on the scene. The supervisor will contact the SDPD investigations unit (Child Abuse or Sex Crimes Unit depending on the age of the minor), on-duty Sergeant, as soon as possible and inform them of the situation and/or allegations. The supervisor will accept one of three directives:

- (a) Freeze the scene and SDPD will send a detective.
- (b) Freeze the scene and SDPD will send a uniformed officer for the preliminary report. If the officer is requested by the SDPD investigating officer to submit an Officer's Report it shall be done through the Report Management System as soon as practical.
- (c) SDPD directs us to prepare a report as mandated reporters, which must be completed and sent to them.

If the SDPD directive is to assist them in completing the initial Incident Report, Officers shall:

- (a) Obtain all preliminary information from the victim and/or witnesses without questioning the victim specifically about the incident. Officers should not conduct a full question and answer interview with an apparent victim of child abuse or felony sex crime.
- (b) Officers are to photograph the scene and area of injury, even if no injury is seen.
- (c) The officer shall obtain names, dates, times, locations and any details already made available and document the information on the Courtesy Report using crime code "934000 ZZ." For Sex Crimes involving a student on student, or non-custodial adult student relationships (i.e. adults not related to the student or the School district), the appropriate crime code will be cited.
- (d) Officers will add the names of the SDPD Child Abuse or Sex crimes Sergeant contacted and the directive received (i.e. "Sergeant John Doe called SDPD Child Abuse Unit. SDPD Sergeant John Smith directed us to...") Officers will have dispatch add the same information to the incident CAD notes.
- (e) In a situation where the officer determines that no crime has been committed, he/she shall still complete a report. Officers **MUST REMEMBER**, police reports indicating the

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reasons that a crime did not occur are often just as important as the reports confirming the criminal activity.

- (f) The officer shall finish the report before the end of the shift and submit the report for approval by his/her supervisor, who will forward the report to the routing supervisor unless the supervisor approves an extension to the next business day.
- (g) The routing supervisor shall forward the report to the School Police Records Clerk and a copy of the report will be forwarded to the appropriate SDPD investigating unit (Child Abuse or Sex crimes Unit) per current MOU practice.
- (h) In order to assist investigators, as well as the District Attorney and/or City Attorney, officers shall attempt to obtain all forms of contact information, including their email address, of all victims, witnesses or other parties to an investigation.
- (i) If the school administrator has completed a CPS report a copy will be uploaded to the Report Management System. If a CPS report had not been completed then the officer shall complete it via the Report Management System unless requested to complete an online report. If completed online, proof of the report must be uploaded onto the Report Management System.

#### 323.2.8 CHILD WELFARE SERVICES REFERRALS (CWS 11166)

The following procedure applies to Child Welfare Services Referrals:

- (a) It is essential that, even if an officer or other employee determines no evidence and/or statements exist supporting the basis of an allegation(s), the officer/employee still must complete the 11166 reports on the department's report management system and cross reports the incident to the telephone hotline. If the site principal has already submitted a 11166 form a copy of the form must be uploaded to the department's report management system. The School Police Records Clerk shall maintain a file of all 11166 forms completed and filed by the school year.
- (b) Under California law, all police department employees are MANDATED REPORTERS of suspected child abuse. Whenever a School Police employee is notified of an incident of suspected child abuse (sexual, physical, mental, or emotional) the employee is MANDATED to complete the 11166 form on the department's report management system and cross-report the incident to the CWS hotline (858-560-2191) (see policy 315.3 Child Abuse Notification).
- (c) When appropriate, the 11166 may not be the only report filed by an officer. Depending on the circumstances of an incident, additional police reports may be necessary as outlined within this policy.
- (d) Reports are forwarded to SDPD by the routing supervisor for investigation/disposition. See section 323.2.7 for additional information.

#### 323.2.9 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the Use of Force module in the Report Management System:

- (a) Anytime an officer points a firearm at any person

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- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (g) All protective custody detentions
- (h) Suspicious incidents that may place the public or others at risk
- (i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

The department does not evaluate or investigate civil or administrative complaints. Those matters shall follow guidelines outlined in District Policy AP 9430 and refer the complainant to SDUSD Quality Assurance Office.

#### 323.2.10 DEATH CASES

Death investigations require specific investigation methods depending on circumstances. The responding officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. Death cases shall be referred to the San Diego Police Department for investigation per the MOU with SDPD.

The responding officer may be required to document their findings in a report.

#### 323.2.11 INJURY OR DAMAGE BY DISTRICT PERSONNEL

Reports shall be taken if an injury occurs that is a result of an intentional act of a District employee. Additionally, reports shall be taken involving damage to district property and/or equipment.

#### 323.2.12 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall be documented when:

- (a) A report of a drug overdose. A drug overdose is defined as a drug-related overdose that may result in death, disability, or serious injury.
- (b) Attempted suicide as directed in policy
- (c) The injury is major/serious, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

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#### 323.2.13 VICTIMS OF CRIMES ASSISTANCE PROGRAM AND MARCY'S LAW

The following procedure applies to victims of Crimes Assistance Program.

When an officer comes into contact with a crime victim or a victim's family member during the course of an investigation, and it appears the victim or the victim's family member(s) are in need of financial assistance as a result of injuries sustained from a crime, the officer shall:

- (a) Provide the victim or victim's family member information on the potential for compensation through the California Victim Compensation Board (<https://victims.ca.gov>).
- (b) Provide the victim or victim's family member with the telephone number of the District Attorney's Victim/Witness Unit, located at the Family Justice Center.

The following procedure applies to Marcy's Law.

In January 2009, the Victim's Bill of Rights Act 2008 (Marcy's Law) was enacted. Penal Code Section 679.02(c)(1) mandates that all crime victims be provided with an informational card advising them of various rights to which they are entitled. To comply with "Marcy's Law" officers will:

- (a) Provide a Marcy's Law pamphlet to crime victims at the time of the initial contact.
- (b) Include a sentence at the end of the "Investigation" section of the narrative detailing all persons to whom a Marcy's Law pamphlet was provided.
- (c) The assigned detective or officer conducting the follow-up will provide the Marcy's Law Pamphlet to the victim if the initial investigating officer was not able to provide the card to the victim.

#### **323.3 LAW ENFORCEMENT VICTIMS**

The following procedure applies to law enforcement victims:

When a member of the criminal justice system (peace officer, law enforcement officer, an officer of the court, correctional officer or custodial officer), is the victim of a crime, the following procedures should be followed, in addition to the aforementioned.

- (a) The victim (officer) shall not complete his/her own crime report. The crime shall be investigated and reported by a member of the agency having jurisdiction over the investigation of crime, other than the victim officer.
- (b) Victim officers shall not provide personal identifying information that could later become public records, such as their residential address, telephone number or Social Security number. Instead, they shall use the address and telephone number of their assigned duty station for contact purposes. Victim officers should also provide their department identification number in place of a government-issued identification number.
- (c) Reports shall be coded in the department's report management system as Law Enforcement "Officer Assaulted/Killed" Special Studies.



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#### **323.4 CRIMINAL INCIDENTS INVOLVING DISTRICT EMPLOYEE SUSPECT(S)**

The Investigative Sergeant shall inform Human Resources of the criminal allegations and the disposition of the investigation. At the conclusion of the investigation, the complainant will be notified whether or not the subject employee was referred for criminal prosecution. SDUSD PD does not investigate administrative complaints against SDUSD personnel. Therefore, if the complaint is determined to be non-criminal, the complainant will be referred to the district's Quality Assurance Office.

#### **323.5 DOCUMENTATION OF PROPERTY AND EVIDENCE**

The accurate documentation solidifies the "Chain of Custody" as it is presented in court for a successful prosecution. Due to the limited space available at the San Diego Unified School District Police Department Headquarters, and as stated in policy 337, property and evidence should be impounded at San Diego Police Department. The only items may be impounded at SDUSD PD HQ are:

- (a) Evidence needed for an expulsion hearing
- (b) Recovered District Property
- (c) CD or Thumb drives

If cash is seized, found, or taken for safekeeping it shall be impounded as SDUSD PD HQ with the exception of cash taken from an individual booked into County Jail, Juvenile Hall, or commitment to a Mental Health facility. Cash that has been taken from the individual who is being booked into County Jail, Juvenile Hall, or commitment to a Mental Health facility, if not needed for evidentiary purposes, will be impounded with the facility at the time of booking or commitment. Cash needed for evidentiary purposes will be booked at SDUSD PD HQ.

To properly document the impound of property or evidence the following steps shall be taken:

- (a) Complete the information in the Property tab of the Report Management System
- (b) Select "Yes" to the question "Enter into P&E?"
- (c) In the section "Disposition" state where the property was impounded, such as SDUSD PD HQ, SDPD Western, etc.
- (d) In the section "Evidence Tag" list the SDUSD tag number only. If impounded at any SDPD facility, begin with "SDPD" followed by the barcode number.

If the seized property is not contraband or illegal in itself to possess it is considered to be personal property and must be returned to its owner after the case is adjudicated. If the property owners, or the parents of a juvenile property owner, do not want the property returned after adjudication the officer is to document that directive in the "Note" section, located at the bottom of the page.

#### **323.6 CASE ROUTING AND DISPOSITIONS**

The following procedure applies to Case Routing and Dispositions:

- (a) While completing the report in the Report Management System, the officer shall select the appropriate location in the Special Studies section. In-custody reports shall be

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submitted to a supervisor or designee for approval prior to submitting a final copy of the report to the custodial facility or to the Juvenile DA.

- (b) All other reports shall be submitted to the area supervisor. Sergeants writing reports shall submit their report to a Captain for approval.
- (c) The area supervisor shall submit the report to the designated routing supervisor. The routing supervisor shall determine whether or not there is a need for additional follow-up.
- (d) If the case does not require any additional follow-up the routing supervisor shall forward the report to the Records Unit.
- (e) If a follow-up is required, the routing supervisor may assign the appropriate personnel to conduct a further investigation.
- (f) Once the follow up is complete and all leads are exhausted, the officer assigned the follow up shall complete an Investigator's Follow-Up Summary. It shall be submitted to the routing supervisor for approval.
- (g) Officers who arrest a juvenile or adult for a crime shall include in the synopsis the proper disposition of the arrest. The disposition shall include when and where the arrestee was released, and where the case shall be referred (e.g. Juvenile DA, District Attorney, Probation, Burn Institute, Diversion, Teen Court, etc).
- (h) Officers completing a property crime report shall also list the approximate loss and/or damage in the synopsis portion of the narrative.

The following procedures apply to Juvenile Dispositions:

- (a) **REFER COURT/PROBATION:** Used for any citation that may result in a court appearance, or a meeting with Probation Officers (e.g. Traffic, Juvenile DA)
- (b) **DEPT. DIVERSION:** Used for Teen Court or any other non-court diversion program
- (c) **COUNSEL/INFORMAL:** Used if no charges are to be filed and no diversion program was referred or if the juvenile was counseled regarding the violation of law
- (d) **OTHER:** Used for instances when a juvenile has been arrested or legally detained and is not being charged with a crime (e.g. Emergency Screening Unit for 5150 W&I, Polinsky Center, unconditional release after a proper arrest, etc.)

The following procedure applies to Report Routing:

- (a) The supervisor shall read and approve or reject the report. The hard copy of the report shall be submitted to the routing supervisor.
- (b) Approved reports will be disseminated by the routing supervisor placing the proper routing path at the bottom of the front page of the report as follow:
  - 1. **PD:** Copy to be sent to an SDPD specialized unit (i.e. Child Abuse, Sex Crimes, etc.)
  - 2. **DA:** Copy to be sent to the San Diego District Attorney (adult cases)
  - 3. **JDA:** Copy to be sent to the San Diego District Attorney Juvenile Division

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4. CA: Copy to be sent to the City Attorney
  5. DIV: Copy to be sent to Say San Diego, Teen Court or any other diversion program
- (c) Any report being routed to a destination other than the district attorney shall be printed in hard copy and routed accordingly.
- (d) Reports that have a citation, affidavit, or other original court document attached, the officer shall upload a copy into the department's records management system.
- (e) Officers shall submit the original form to the appropriate supervisor. The routing supervisor shall assign the case to a detective or other employee. The assigned detective or employee will then obtain the form from the routing supervisor, print the report and route the completed packet to the proper destination.

#### **323.7 GENERAL POLICY OF EXPEDITIOUS REPORTING/REPORTING TIMELINES**

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.

#### **REPORTING TIMELINES**

The following procedures apply to report timelines:

- (a) In-custody reports (booked into Juvenile Hall/County Jail), shall be submitted by the end of shift (EOS) unless a supervisor authorizes the report to be completed the following business day. All approved reports related to an in-custody individual(s) must be transported or faxed to the appropriate issuing DA in compliance with the current DA issuing guideline.
- (b) Child Abuse and felony Sex Crime reports shall be completed before the end of shift and shall be hand-delivered to the appropriate SDPD investigation unit the same day, via the routing supervisor, in accordance with the agreement between the SDPD Child Abuse & Sex Crimes Units and the SDUSD Police Departments unless a supervisor authorizes an extension. A copy of the report can also be emailed, via an encrypted/secure line, to the appropriate SDPD investigative unit.
- (c) All non-custodial reports and Field Interviews (FI's) shall be completed and submitted to the area sergeant within 5 business days from the time of the completion of the initial investigation.
- (d) If there are special circumstances causing a delay, exceptions shall be approved by a supervisor. Failure to submit completed reports in accordance with timelines and specifications set forth, or continuously delayed submission of reports is a violation of this policy.

#### **323.8 REPORT CORRECTIONS**

Field Sergeants shall review reports for content and accuracy twice a day. If a correction is necessary, the reviewing supervisor should notify the officer of the required corrections and

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provide the timeline necessary to submit a corrected report. Field Officers and Detectives shall review their Report Managing System account for reports requiring corrections as requested by their respective sergeant.

#### **323.9 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.

#### **323.10 RELEASING OF REPORTS**

Prior to 2020, the San Diego Police Department was the legal custodian of records for all police reports generated from our department.

- (a) No department member shall provide copies to the public. Any requests from the public for reports prior to 2020 shall be referred to our records clerk or directly to SDPD Records.
- (b) All requests from district staff for copies of police reports will be referred to our records clerk. The records clerk will determine what information may be released. Only the Chief can approve the release of crime reports to district staff members.
- (c) Direct inquiries to call the SDUSD PD Records clerk at (619) 725-7000 or SDPD Records public information number at (619) 531-2846.
- (d) All requests for information regarding an Internal Investigation information will be referred to the Administrative Sergeant.

For information regarding the release of a report after January 1, 2020, please refer to policy 803.

#### **323.11 RETENTION OF REPORTS**

The following procedures apply to the retention of police reports:

- (a) All crime or arrest/JCR reports assigned an SDPD case number shall be retained by SDPD according to their guidelines. Copies of all reports shall be retained by SDUSD Police for a minimum of two (2) years. Starting July 1, 2014, no hard copies of reports shall be retained by SDUSD Police and shall be solely accessible via NetRMS and SDPD.

#### **323.12 SCHOOL POLICE DESIGNATORS**

The following procedures apply to the school police designators:

- (a) The department designator "SC" shall be used on all Notice to Appear-PD-177(B), Field Interviews and Juvenile Court Citations/Affidavit. It shall be placed in the "division, agency, or command/shift boxes."
- (b) The department designator "E" shall be used on all "Parking Violation" (TP1505) forms. It shall be placed in the "agency" box.
- (c) The department designator "CS" shall be used on all forms submitted at San Diego County Detention Facilities.

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### **323.13 LABELING OF CASE FILES**

Case files shall be label as followed:

- (a) Crime Reports = CR/Crime or ZZ Code/Victim Name
- (b) Arrest Reports = AR/Crime Code/Suspect Name/Disposition (JH, CJ, Div-Diversion, H- Hospital, RP - Release to School, RS - Release to School)
- (c) Officers Report = OR/Crime Code/Victim or Suspect
- (d) Officers Report Only = OR/ZZ Code/reporting party or witness name

## Media Relations

### 324.1 PURPOSE AND SCOPE

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

### 324.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police; however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Captain and designated SDUSD Communications may prepare and release information to the media in accordance with this policy and the applicable law.

#### 324.2.1 MEDIA REQUEST

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

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

### 324.3 MEDIA ACCESS

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

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident but will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department SDUSD Communications or another designated spokesperson.
  2. Whenever the presence of media or other aircraft pose a threat to the public, or officer safety or significantly hampers incident operations, the field supervisor

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should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Captain. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

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

#### **324.3.1 PROVIDING ADVANCE INFORMATION**

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

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

#### **324.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The command staff will obtain needed information on significant law enforcement activities that shall be made available, upon request, to media representatives through the Captain.

Information to be released shall be at the discretion of the Captain and/or the Chief of Police while abiding by applicable laws.

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

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

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

#### **324.4.1 RESTRICTED INFORMATION**

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



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# Subpoenas, Court Appearance, and Expulsion or Other District Hearing

## 325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court, expulsion hearing, or other district hearing.

## 325.2 POLICY

San Diego Unified School District Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances, to include district hearings.

## 325.3 SUBPOENAS

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

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- (a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- (b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

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

An officer may receive a subpoena in the following manner:

- (a) Physical service
- (b) Emailed an electronic subpoena by a School Police clerk
  1. An officer who receives a subpoena via email must follow the instructions provided by the School Police clerk, or other authorized serving department member, most likely a supervisor.

### 325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify agrees to testify, or provides information on behalf of or at the request of any party other than the SDUSD Legal Office or the prosecutor, or district procedure/hearing, shall notify his/her immediate supervisor without delay regarding:

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- (a) Any civil case where the District or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the San Diego Unified School District Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the San Diego Unified School District Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney or district official handling the case/hearing. The Chief of Police should determine if additional legal support is necessary.

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

#### **325.3.2 CIVIL SUBPOENA**

The Department will compensate members who appear in their official capacities on civil matters that originate from official duties, as directed by the current memorandum of understanding or collective bargaining agreement with appropriate union/association.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **325.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment shall not be compensated for their appearance. Arrangements for leave shall be coordinated through a supervisor.

#### **325.4 FAILURE TO APPEAR**

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

#### **325.5 STANDBY**

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

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

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### **325.6 COURTROOM/HEARING 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 department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **325.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member may obtain a copy of relevant reports and become familiar with the content in order to be prepared for court.

### **325.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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## Mutual Aid and Outside Agency Assistance

### 326.1 PURPOSE AND SCOPE

Provide guidance to officers in the request of, or answering the request for, assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, along with the San Diego County Mutual Aid Protocol (through the County Police Chiefs' and Sheriff's Association), when another law enforcement agency requests assistance with an arrest or detention of any person, or for a natural or man-made emergency. This department may also request an outside agency to provide assistance.

Officers work in conjunction with the San Diego Police Department on a regular basis. This policy applies to situations outside of normal patrol and/or campus officer functions. The following examples and are not to be considered all-inclusive:

- Covering a San Diego Police Department officer on a radio call or traffic stop
- Working with Juvenile Services Team officers
- Working with San Diego Police Department officers on district sites

The following are examples of situations specific to this policy, but not limited to:

- Detaining or making an arrest of a student or staff member at the request of an outside agency.
- Assisting with crime scenes of another agency that will result in an officer being out-of-service to this department for an extended period of time.
- Assisting in disaster scenarios (i.e. fires, natural disasters, etc.)

In situations where mutual aid or outside agency assistance is requested or provided outside normal patrol and/or campus officer functions, a sergeant shall be notified.

#### 326.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Captain's office for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. In situations where a request was made to provide transportation of arrestees to other county facilities, a sergeant must provide prior approval

When such assistance is rendered, an event number will be issued to report the action taken by San Diego Unified School District Police Department Personnel. A detention report will be completed on juveniles transported for another agency.

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#### *Mutual Aid and Outside Agency Assistance*

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##### **326.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES**

If assistance is needed from another agency, an officer in need shall first notify a sergeant prior to making the request. Upon sergeant approval, the officer can place the request. The coordinating officer or supervisor should direct assisting personnel to the needed location, the point of contact, date/arrival time, and of any specialized equipment.

The requesting officer should determine if the incident requires a special radio frequency, or may remain on a primary channel. If the officer believes a different frequency is needed, said officer must coordinate with communications in advance. The ability to communicate with outside agencies during mutual aid requests must be considered, and adequate interventions should be made if needed.

The procedures outlined in this policy do not apply to emergency calls for cover or other exigent circumstances.

##### **326.2 ASSISTING OUTSIDE AGENCIES**

Generally, requests for any type of assistance from another agency should be routed to the Captain's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for the approval of individual requests.

When another law enforcement agency requests assistance from this department, the Captain may authorize personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

##### **326.2.1 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 San Diego Unified School District Police Department shall notify his/her supervisor or the Captain and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

## Major Incident Notification

### 327.1 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.

### 327.2 POLICY

The San Diego Unified School District Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 327.3 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 Captain. Officers shall notify a sergeant when incidents occur that could be of interest to the media, the public, or district officials. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive: On campus events with high profile or celebrity attendees

- Racial Incidents/Hate Crimes
- Child Abuse incidents
- Threats to district facilities
- Collisions involving students
- Violent felonies
- Firearms or suspected firearms on campus
- Sexual assaults
- Crimes with district employees as suspects
- Paramedic requests
- Public demonstrations
- Any fire on/related to a district facility, vehicle, or other assets

### 327.4 SUPERVISOR RESPONSIBILITY

The officer is responsible for making the appropriate notifications to a sergeant. The officer shall make reasonable attempts to obtain as much information on the incident as possible before notification. Once the officer notifies a sergeant, the sergeant shall attempt to make the notification to the captain(s) as soon as practicable.

#### 327.4.1 DETECTIVE NOTIFICATION

If the incident requires that a detective or officer respond from home, the immediate supervisor, officer, or detective shall be contacted who will then contact the appropriate officer or detective.

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## *Major Incident Notification*

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### 327.4.2 SDUSD PUBLIC INFORMATION OFFICER

The Captain is responsible for the SDUSD Public Information Officer notification. Notification should be made to the Public Information Officer when it appears the media may have a significant interest in an incident.

## Death Investigation

### 328.1 PURPOSE AND SCOPE

Investigations involving a death include those ranging from natural cause to homicide. A cause of death may not be easily identifiable, often differing greatly from the initially-suspected reason. The thoroughness of death investigations cannot be understated.

### 328.2 INVESTIGATION CONSIDERATIONS

Death investigations require specific 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. Per the MOU between this agency and the San Diego Police Department (SDPD), they shall serve as the primary agency for all death investigations.

#### 328.2.1 CORONER

The body shall not be disturbed or moved from the position or place of death without permission of the coroner unless there is a specific threat to public safety, or absolutely necessary for the preservation of evidence. For example, a decapitated body at the scene of a traffic collision may need to be disturbed/moved to free other trapped victims.

#### 328.2.2 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.

#### 328.2.3 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the SDPD shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

#### 328.2.4 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



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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)).

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## Identity Theft

### 329.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy provides guidelines for the reporting and investigation of such crimes.

### 329.2 JURISDICTIONAL CONSIDERATIONS

In most cases, identity theft will occur in another agency's jurisdiction. If an officer of this department is made aware of an identity theft situation involving anyone within the scope of the San Diego Unified School District, an officer may take a courtesy report, or direct the victim/reporting party to the appropriate agency. If a courtesy report is taken, all documentation shall be forwarded to the appropriate agency for further investigation. School Police will retain a copy for our records.

For cases that occur within the jurisdiction of this department, an officer will complete the preliminary investigation/report as needed.

### 329.3 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.

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- 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.

## De-Escalation

### 334.1 PURPOSE AND SCOPE

Provide philosophical operational considerations for de-escalation.

### 334.2 OVERVIEW

While the San Diego Unified School District Police Department has “police” in our title, our primary mission is to serve as a public safety organization. Whenever possible, we operate under the philosophy of a guardian, rather than as an enforcer.

The use of force is a necessary and essential aspect of policing. California Penal Code Section 835(a)(1) reads, in part:

*That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.*

School Police officers shall make every possible effort to actively disrupt the School-to-Prison Pipeline. Members use a “Trauma Informed Approach” to protect students, working to minimize the need for physical force and arrests as much as possible.

It is essential for officers to remember, not all incidents at school sites present the immediacy faced by municipal agencies. When responding to a dangerous and/or heated situation, our officers' primary mission is to “preserve the peace,” while limiting the risk of physical injury to students, staff, and campus visitors.

Youth are generally developing their communication skills to calmly address difficult situations. School Police officers are encouraged to assist (or allow) youth to distance themselves from uncomfortable situations, as long as there is no obvious threat to the youth's physical safety, or the safety of others.

As detailed later, peace officers can also be the ones to “disengage,” removing themselves from confrontational (but non-violent) situations. For example, an officer could

respond to a high school where a student is threatening school staff. To limit the potential for further escalation, an officer may permit the youth to walk off campus, but would immediately attempt to contact parents/guardians to provide a briefing, and ensure the parent's/guardian's input is considered (e.g., an officer may be unaware the parent might not want the youth to go far because of a mental illness, potential for self-harm, etc.). The parent or guardian may request the officer maintain a safety observation from a distance while they respond to further support their child, and/or transport them from the situation.

Youth often suffer discipline issues at school because of frustration over personal or academic struggles. School Police officers frequently contact youth while navigating extreme difficulties (e.g., unstable home life, substance abuse, victims of child abuse, falling behind academically,

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etc.)—de-escalation can be just as important to a student’s mental and emotional health as their physical safety.

School Police officers must protect every child’s ability to receive a quality public education. Our officers should work to align a struggling youth with proper counseling and educational resources, to introduce them to alternative academic paths and experts, etc., all with the goal of helping students to find the right path for success. Supporting each student as a “whole child” could also be de-escalating potentially dangerous confrontations in the future.

### **334.3 DEPLOYMENT CONSIDERATIONS**

#### **Pre-Engagement Assessment:**

Pre-Engagement assessment involves the process of gathering and assessing information prior to deploying the available personnel, tactics, equipment, and other appropriate and obtainable resources. Discretionary time, reactionary distance, communication, and barriers, can be important contributing factors to enhancing the probability of a peaceful resolution.

Note: The district’s Uniform Discipline Plan contains a matrix for staff, “Police Response to Schools,” providing guidelines and recommendations for the type of incidents for which school sites should request School Police assistance. However, no document could foresee all emergency and non-emergency situations. It is essential that, when in doubt, school staff are encouraged to err on the side of caution and call School Police (or 911).

#### Communication:

Use of communication intended to gain voluntary compliance, such as:

- Use of verbal techniques, such as listening and explaining with equity and dignity, to calm an agitated person while promoting rational decision making
- Avoiding confrontational language, such as taunting or insults, that could escalate an incident
- Considering whether a lack of compliance is a deliberate attempt to resist, or a possible inability to comply based on factors including, but not limited to:
  - Medical Conditions
  - Mental Impairment
  - Developmental Disability
  - Physical Limitation
  - Language Barrier
  - Alcohol or Drug Use
  - Apparent Emotional Crisis

**IMPORTANT:** When addressing persons with one or more of the above conditions, officers should be conscious of giving too many commands, or potentially confusing instructions. Officers must

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attempt to “read” a person’s ability to comprehend the communication being conveyed, and adjust accordingly. A frustration over communication could be the precursor that sparks physical conflict.

Successful communication does NOT mean a person must be willing to engage in conversation with officers. Officers can respectfully convey directives and attempt to gain compliance while reading non-verbal communication signals. Officers could also allow for a person to calm down, promoting a greater feeling of control, rather than risking a perceived or actual “verbal badgering” by officers.

#### Time:

Attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution. Time and scene stabilization assist in transitioning incidents from dynamic to static by limiting access to unsecured areas, and preventing the introduction of uninvolved persons. More time enables the following:

- Avoiding or minimizing physical confrontation, unless absolutely necessary (for example, to protect someone, or stop dangerous behavior)
- Requesting additional resources or officers to assist, such as SDPD PERT, air support, other less-lethal options, negotiators, fire department or medic staging for rapid assistance if needed, etc.

#### Distance:

Maximizing potential to calm or resolve a situation by increasing distance to allow for greater reaction time—this is also referred to as containment. Officers providing distance from a troubled person could foster mutual respect, and help said person feel less pressure or fear.

Sometimes referred to as a “zone of safety,” containment can be the creation and enforcement of boundaries that limit a suspect’s movements to a specific area. Containment areas are defined by where a suspect is allowed to remain without placing officers, the suspect, or the greater public, at unnecessary risk. As circumstances change, these areas can expand or contract as needed.

#### Shielding:

Utilizing cover and concealment for tactical advantage, such as:

- Placing barriers between an uncooperative subject and officers
- Using natural barriers in the immediate environment

#### 334.3.1 DUTY TO INTERCEDE / MANDATED REPORTER

ALL department members have a duty to intercede to prevent the use of excessive force, no matter rank, position, or department seniority. Members also have the obligation to voice opinion, and/or force options, or de-escalation tactics that may not be considered by the primary officer or on-scene supervisor.

Department members also are mandated to report any use of excessive force, or obvious failure to utilize de-escalation techniques, no matter how minor. The above directives are also mandated in Department Policy 300, Use of Force.

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#### **334.4 ADDITIONAL JUVENILE FACTORS / CONSIDERATIONS**

##### 1) Severity of Offense:

Unlike Municipal Law Enforcement, serious crimes committed by youth are relatively minimal. Often times, officers are requested to help calm a situation, or prevent physical injury, while appropriate resources or other school staff can be summoned. Very few offenses committed by youth require a direct and physical police intervention.

As mentioned, while it is impossible to list all situations an officer may be called to support, it is essential for officers to differentiate between an “emergency” (a person’s physical safety is at risk), versus a problem without an immediate threat to the safety of all involved. An emergency often requires immediate action (which could involve physical force), while a problem generally allows for a collaborative and non-physical resolution.

##### 2) Criminalizing “Juvenile Behavior”:

Many school rules or administrative violations have accompanying criminal codes. However, officers should avoid criminalization of youth as much as possible. For the sake of redundancy, this department prioritizes keeping students in school and out of the “the system.”

School Police officers should do everything possible to support staff at the level of student management rather than elevating incidents to criminal behavior.

##### 3) Parental Involvement:

The parent or guardian could be an essential partner in de-escalation. Whenever possible, an officer should ask a youth, “Would you like me to call your parents, and have them come to the school?”; this can often be the first step in calming a situation and gaining trust. Juveniles could feel some relief knowing a parent is being asked to respond to guide them and serve as their advocate.

Contacting parents prior to meeting with a juvenile can be an even greater de-escalation tool (another example of de-escalation prior to the need for actual de-escalation), furthering greater trust with a youth, stressing the officer wants to be transparent while providing additional support for the youth by possibly:

- Collecting information that may be helpful for officers in understanding the student's background, any pertinent information, and their behavior/triggers.
- Building trust with families, guardians, and students. Families would likely appreciate knowing if and when their child may be interacting with School Police.

##### 4) Verbal Defiance:

Students may remain physically cooperative, but refuse to speak with an officer (even answering basic identity questions, home address, phone number, etc.). Officers SHOULD NOT infer that verbal defiance is a threat to physical safety.

Students (and adults) have a right to remain silent regardless of what their reasons may be. Fear, stress, and frustration can make communication more difficult for youth.

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Additionally, some students and/or their families may have made the personal choice to avoid communication with police—School Police should respect the needs of students and their families. Should critically necessary information be needed from a student who has elected to remain silent, School Police should contact the student's family/guardian(s) to assist in communication.

It is essential that officers remember defiance by a youth could also be the result of a youth's prior negative experience with law enforcement. A juvenile may simply not understand the role of the police—often times, it is not a personal statement against the officer.

Some youth may have never had any personal contact with law enforcement, but witnessed unlawful and/or unethical behavior by officers in the media, and be fearful and/or remain quiet as a result—this can be especially concerning for our minority youth.

#### 5) Restorative Justice:

Restorative Justice can be one of the greatest de-escalation tools for educational public safety. Focusing on the primary goal of maintaining physical safety, keeping youth from facing criminal charges, and retaining all youth in school, the scheduling of a Restorative Community Conference at a later date can be extremely productive, once the youth has had an opportunity to calm-down and reflect on the situation. Mentoring a youth towards personal growth and improved behavior may also be better received when the youth is afforded an opportunity for parents/guardian to be present, or other advocates—it is important that youth are and feel supported (not oppressed) for the best chance of success.

#### 6) Handcuffing:

Many physical confrontations between the citizens and law enforcement occur at the moment of handcuffing. A person can feel increased anxiety (even unsafe) having their movement restricted. For a juvenile, being handcuffed can add the mental and emotional trauma of being “treated like a criminal.”

Officers might prevent a situation from escalating by avoiding handcuffing whenever possible; officers should only handcuff when there is an immediate threat of violence. A lawful detention shall not automatically result in the handcuffing of a student, unless the student poses an immediate physical risk to themselves or others (e.g., is striking another student/staff, is attempting to harm themselves or others with weapon/dangerous object, etc.).

However, when handcuffing is absolutely necessary, officers are encouraged to un-handcuff as soon as the juvenile calms down. An officer need not wait until the entire incident is resolved, parents arrive on-scene, documentation is completed, etc., to un-handcuff a youth.

#### 7) Youth “Walk Away”:

As previously mentioned, an officer may allow a youth to walk away as a de-escalation tool. For example, an officer could detain an un-handcuffed youth at a high school for possession of a knife on campus if the weapon has been safely recovered, and there is no immediate threat of violence. If the student were to walk away and off campus, the officer may allow the youth the time to calm down using time and distance. However, the officer must make every attempt to immediately



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contact a parent/guardian, provide a full incident debriefing, and offer the parent additional support as needed per the individual child.

#### 8) Transparency / Clear Communication:

Officers shall be transparent with persons, especially youth. Often times, a juvenile's anxiety (and potential for violence) can be curbed with an officer being clear that the youth is not being taken into custody/jail; or, if a lawful detention is required because of the offense type, the officer could explain the Restorative Process, diversion options, process for removal of offense from any criminal record, etc. Just because a youth commits a crime, there is never a need to "treat them like a criminal."

### **334.5 ADDITIONAL ADULT FACTORS / CONSIDERATIONS**

School Police officers often address situations involving adult suspects and persons with mental illness, especially when protecting students from threats originating outside of campus. De-escalation should be given the same priority when addressing adults during difficult situations; however, some differing operational parameters may exist. Below are additional considerations for adult de-escalation:

#### 1) Adult High School Students:

Many youth turn 18 while attending high school. While this can limit some disposition options for certain criminal violations, officers shall make every effort to de-escalate the same as a juvenile student. Youth at 18 (or older) still require mental and emotional support for personal and educational success.

#### 2) Disengagement (Often Referred to as a Tactical Withdraw):

Disengagement is a tactic designed to avoid potentially violent outcomes. Disengagement may be a viable option for individuals in crisis who pose no additional threats to others, or for resistant-offenders who may later be apprehended under safer conditions. Some disengagement considerations are:

- Does the suspect have access to potential victims?
- Can officers safely evacuate potential victims?
- Is the suspect armed?
- Is the suspect threatening to harm others?
- Is the suspect threatening to harm self?
- Is the suspect wanted for a violent felony, or a property crime?

Anytime officers intend to disengage from an incident, they should attempt to advise involved individuals of the withdrawal from the incident; officers should ensure those persons involved (or who are nearby) have had the opportunity to establish a position of relative safety with respect to the incident, and are aware that officers will no longer be present to protect the safety of the involved persons.

For example, officers may respond to a report of an adult subject with mental illness living in a residence along a school's perimeter, or a transient residing on a brush area on/near a school

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campus. Officers may choose to disengage if the subject does not pose an immediate threat to their safety or that of the public. Officers should make every attempt to brief nearby residents (and/or school staff), attempting to ensure those involved have had the opportunity to establish a position of relative safety with respect to the incident, are aware that officers will no longer be present to protect the safety of the involved persons, and encourage a recall if the situation worsens.

Disengagement is also encouraged when an offender may be openly resistant, but does not pose an immediate safety risk to the public, and may be apprehended later under safer conditions; this is especially useful for non-violent property crimes.

#### **334.6 SUPERVISOR RESPONSIBILITY**

Supervisors are obligated to guide, mentor, and stress to all officers (on an ongoing basis) that de-escalation is one of the highest priorities for this agency. Supervisors should include a de-escalation critique in all critical incident debriefings, and while reviewing reports where force is used.

Supervisors shall also monitor the radio (especially field sergeants) to ensure they are responding to incidents where force may be used, and providing necessary guidance/interventions (to include via radio while en route).

Supervisors also have authority to cease a police response for situations that are not a police matter, and/or do not pose an immediate threat to public safety.

##### **334.6.1 DISPATCH RESPONSIBILITIES**

Police dispatchers are an essential component of any public safety team, with the ability to help de-escalate from the moment of receiving an initial call for service. Dispatchers should:

- Attempt to gain as much information as possible and relay information to responding officers so they may begin planning for the safest possible deployment.
- Dispatchers could view surveillance footage (when available) to confirm real-time information.
- Dispatchers have access to school records, and may contact parents/guardians of students in crisis, even prior to officers arriving.
- As with supervisors, dispatchers may not format a call for service and send officers to situations that are clearly not a police matter, including when there is no threat to public safety.

For example, an elementary school may call requesting an officer because a student has left class and is running throughout campus being defiant—even damaging property. So long as the student does not pose a physical threat (e.g., attempting to stab others with scissors, running off-campus and into traffic, threatening self-harm), an officer should not be sent. However, the dispatcher should do their best to offer guidance (share district protocols and the Uniform Discipline Plan), and encourage staff to recall for assistance if safety circumstances change.

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## Radio Procedures

### 336.1 PURPOSE AND SCOPE

Established a standard for communicating via a department radio. All radio communications are recorded by the San Diego Unified School District Police Department Dispatch. The primary channel monitored is SCHPD D1; other frequencies may be used as needed, but are not always monitored by an active dispatcher.

### 336.2 PROCEDURE

The following radio procedures have been established for the department:

- (a) All radio transmissions are strictly for police business and will adhere to communication procedures. Officers are responsible for monitoring their radio at all times during their shift unless prearranged with dispatch staff and/or a supervisor.
- (b) The Dispatch Center (Station "K") will monitor the School Police primary channel, school emergency 1A, San Diego Mutual Aid 10, San Diego Blue 1, LAWCC, and County Call. A dispatcher may also monitor/utilize other frequencies, as needed.
- (c) All department communications will be directed through the dispatcher unless arrangements have been made for "car-to-car" communication on a non-primary frequency. Officers will carefully word and phrase their communications in a manner conducive to relay or for a redirect.
- (d) Listen carefully before transmitting and keep radio traffic brief. Use the regional radio codes and established unit designators to enhance brevity.
- (e) Officers will advise when they are on a high priority call and not available. Officers will respond to a radio call by advising when en route, on-scene, and when back in service. All calls require a disposition.
- (f) The use of TAC channels will be coordinated by the dispatcher. Field supervisors are responsible for the monitoring and enforcing communications procedures.
- (g) Officers may choose to operate with an allied agency on another frequency (to include another agency's frequency), but must first notify Station K. Officers must advise when they return to our frequency.
- (h) Officers requesting the San Diego Police Department will provide a brief explanation of the situation and where the San Diego Police Department officers are needed. The requesting officer should attempt to stay on-the-air with updates.
- (i) Critical calls may require a patch between SDPD and SDUSDPD communication centers. A Sergeant or above may request a patch. Dispatch will manage the patch as needed.

### 336.3 VEHICLE STOPS

Patrol units making a vehicle stop will provide their location and the vehicle license plate number. Vehicle registration and "DOJ Stop" information will be provided to the officer. The dispatcher will only provide the basic vehicle information and the registered owner's name and city. Other

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information will only be provided upon request, in accordance with directives from the Department of Motor Vehicles, to protect individual privacy.

The dispatcher will use Code 37(V) to alert officers that the vehicle is wanted or reported stolen.

#### **336.4 PROVIDING TRANSPORTATION**

Any officer transporting a juvenile or female adult will provide dispatch with the location, destination, and the beginning and ending odometer readings. Officers will provide dispatch with the destination of where the juvenile is being transported (Juvenile Hall, Polinsky Center, Juvenile CMH, their residence, or other location).

#### **336.5 REQUESTING A RECORDS CHECK**

The following procedures have been established when officers request to conduct a record check on a person:

- (a) Officers will advise if they need LOCAL, NCIC, or both when requesting this information. LOCAL is in-county, NCIC is State and Interstate.
- (b) NCIC is a larger database providing information on DV/TRO, wants, missing persons, and supervised release parolee. NCIC checks require a date of birth (DOB) and delays can be lengthy.
- (c) Code 37(F) felony or Code 37(M) misdemeanor will be used to alert officers of subjects with any wants.
- (d) The dispatcher on duty at the time of the request will confirm that the warrant is active or inactive by phone with the San Diego Sheriff's Department.

#### **336.6 PRESS**

The Department has authorized the City of San Diego, City Shops Communications to program our operational primary channel into the radio equipment of local recognized press agencies or agents.

Whenever possible, and not impacting officer safety, media-sensitive information will be communicated via a TAC frequency or telephone.

#### **336.7 SERVICE CALLS**

The dispatcher will obtain and provide as much information as possible. Additional information will be provided as it becomes available.

#### **336.8 DISPATCH SERVICES**

Use of dispatch to forwarding personal calls/messages should be held to a minimum.

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## Impound of Property and Evidence

### 337.1 PURPOSE AND SCOPE

This policy provides guidelines on the property procedures for the impounding and disposal of property. The proper processing of impounded evidence or property is critical to the investigative function of the San Diego Unified School District Police Department (SDUSDPD). Following established procedures will maintain an appropriate chain of custody, maintain the integrity of evidence collected, and safeguard against charges of impropriety in the handling of evidence and property.

### 337.2 PROCEDURES

Officers will adhere to the following procedures for impounding items:

- (a) Personnel will impound all items of evidentiary nature or items determined to be of some value by the end of the workday.
- (b) Cash will only be impounded at SDUSDPD.
- (c) Only small items such as compact discs (CD), digital versatile disc/digital video disc (DVD), memory sticks, papers, and items needed for expulsion hearings and other district-related meetings and hearings may be impounded in the SDUSDPD property room. Any other property not practical or too large to be impounded at SDUSDPD property room will be impounded at a San Diego Police Department (SDPD) substation or SDPD headquarters (HQ).
- (d) If any property is impounded at the SDPD substations or HQ, officers will follow the guidelines set forth in SDPD's procedures. These procedures are posted in evidence rooms at SDPD substations and SDPD HQ.
- (e) Found property should be impounded only if it is of some value or if it is identifiable (i.e., wallet with identification inside, items with serial numbers). Officers are to check the ARJIS and SUN victim file concerning the identifiable property to determine if it has been reported lost or stolen and if the owner can be identified.
- (f) A lost and found location should be established at schools, preferably not in the school police office, for items such as backpacks, books, etc.
- (g) Officers will not retain items confiscated from students at their respective school sites. All items must be impounded in accordance with department procedures or they will be returned to the student or parent.
- (h) Confiscated items, that in themselves are not illegal to possess outside of a school (i.e., locking blade knives), that are deemed personal property are subject to being returned to their rightful owner upon adjudication of their case. Officers are to inquire from the owner of the property, or parents of the subject if they are a minor, if they want their property returned. If the owner desires to have the item destroyed, the officer shall list that information on the property tag slip in the "Remarks" section.
- (i) Marijuana can be impounded at SDPD substations or SDPD HQ. All other narcotics will be impounded at SDPD HQ per SDPD procedures. All impounds will be completed before the end of the workday without exception.

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- (j) Edible marijuana products can be impounded at SDPD substations or SDPD HQ for testing purposes. The officer or investigator shall fill out a "HOLD FOR TESTING" form to ensure the edible is tested for a controlled substance. Officers do not need to impound found edible/perishable marijuana items. Officers are to photograph and document edible/perishable marijuana items and dispose of them.
- (k) Firecrackers and other explosive and flammable materials will be photographed if they contain evidentiary value, then the item will be taken to the San Diego Fire Department (SDFD) for disposal (or SDFD will pick-up the item, depending on safety concerns).
- (l) Cans and bottles containing alcohol-related to a case will be photographed and then disposed of accordingly.

#### **337.3 SPECIALIZED IMPOUNDS (FIREARMS)**

The following are procedures involving the impounding of firearms:

- (a) All firearms that come into the possession of department employees in the course of his/her duties must be impounded at SDPD HQ before the end of their shift, without exception.
- (b) In all cases involving the impound of firearms, no property other than that associated with the firearm (ammunition, holsters, etc.) is to be listed on the property tag. Gunshot residue kits (GSR) shall not be impounded with firearms but should be impounded on a separate property tag.
- (c) Unless necessary for the investigation or prosecution of the case, all firearms are to be unloaded before they are impounded at the SDPD HQ property room.
- (d) When it is necessary to impound a LOADED FIREARM, it must be impounded in the SDPD Watch Commander's Office. The firearm will be stored in a metal locker for that purpose. Mark plainly on the tag, the wrapping, and the impound log, "LOADED WEAPON"; and any other special handling instructions such as "HOLD FOR PRINTS."
- (e) Control of all impounded firearms is the responsibility of the SDPD Gun Control Desk (619-531-2774 or 619-531-2808, MS 729).

#### **337.4 MONEY AND JEWELRY**

The following procedures involve the impounding of money and jewelry:

- (a) All cash must be impounded at SDUSDPD property room
- (b) Money must be itemized by denomination. Cash must be impounded on a separate tag from all other items.
- (c) Cash in excess of \$500.00 is impounded the SDUSDPD property room, the property room manager must be notified as soon as practicable via email or in person.
- (d) A second officer or supervisor must confirm the quantity and denomination being impounded and sign as a witness on the envelope.
- (e) The property must then be sealed and impounded as described in Section 337.6 of this policy.

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- (f) The property room manager shall unseal the envelope and confirm the denominations and quantity upon receipt and have a witness confirm the denominations and quantity prior to storing the envelope in a secure, locked location within the property room.
- (g) Ninety days following the impound date, monies that have not been claimed, cases adjudicated with the stipulation that monies not be returned, or funds obtained from sales of a control substance will be forwarded to the SDUSDPD equipment and training fund.

#### **337.5 BICYCLES**

The following procedures involve impounds of bicycles:

- (a) All bicycles are to be impounded at SDPD HQ.
- (b) Bicycles are to be listed on a separate property tag from other property.
- (c) A complete description is required, including make, model, serial number, license number, and any other identifying characteristics.
- (d) The Bike Desk in the SDPD property room maintains records of all bicycle licenses sold in San Diego, cross-referenced by license number, frame number, and registered owner's name. The Bike Desk is open Monday-Friday, 0730-1700 hours and may be contacted at (619) 531-2774 for information on suspected stolen bicycles.

#### **337.6 PACKAGING**

A property tag shall be completed for all items impounded. The property tag form shall be thoroughly completed, leaving only the gray, shaded areas blank. Cash, jewelry, and watches of value shall be placed on separate property tag forms as instructed in section 337.4 of this policy. Upon thoroughly completing the forms, the impound processing instructions are as follows:

- (a) Complete the property tag label and use it to seal the envelope or bag.
- (b) Complete the property impound log.
- (c) Remove the white, yellow, and pink copy from the property tag book, leaving the green copy in the book.
- (d) The white copy shall be attached to the original crime, arrest, or officer report.
- (e) The yellow copy shall be securely attached to the exterior portion of the property bag or envelope. If an envelope or bag is not used, attach it to the property itself. To avoid damaging the evidence, "Scotch" or packing tape should be used to secure the yellow copy. Avoid using blue or masking tape to secure the yellow copy as they tend to peel off over time.
- (f) The pink copy shall be attached to the property bag or envelope with a paperclip.
- (g) Items thin enough to slide through the CD slot should be used, otherwise, place items in an evidence bin and secure the locking mechanism.

Officers should consider the following when packaging and handling items to be impounded:

- (a) Suitable containers should be used for transporting and impounding articles. Paper bags, manila envelopes, and boxes are appropriate for most items. Plastic bags should

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not be used for bloody or wet articles or anything suspected to contain bodily fluids. All sharp objects shall be covered to avoid accidental injuries. The smallest possible container should be used to save storage space.

- (b) When handling items of an evidentiary nature, extreme care should be exercised not to contaminate or destroy evidence.
- (c) Evidence that is held for prints should be clearly marked with a "HOLD FOR PRINTS" notice and the appropriate box checked on the property tag form.

#### **337.7 DISCS/FLASH DRIVES/STORAGE MEDIA**

Compact Discs (CD), Digital Video Discs (DVD), Storage Media/Memory Sticks are tools utilized to hold a high-volume of materials but are also fragile items that must be handled delicately. To ensure that the evidence placed onto these items are properly protected, the processing instructions are as follows:

- (a) Compact discs will be impounded in an envelope into the slotted locker.
- (b) The yellow property tag will be taped onto the envelope and the pink property tag will be paper-clipped to the envelope.
- (c) The property envelopes will have the property tag labels completed and used to seal the envelope.

CDs and DVDsshall have the following information written on them:

- (a) Incident Number
- (b) Case Number
- (c) Location of incident
- (d) Crime type
- (e) Date of incident
- (f) Name and identification number of the SDUSDPD employee who collected the information saved on the disc.



## Off-Duty Law Enforcement Actions

### 341.1 PURPOSE AND SCOPE

In 2007, the San Diego County Police Chiefs and Sheriff's Association released a county-wide policy to address the expected conduct of off-duty officers who choose to intervene in a law enforcement event. The decision to become involved in a law enforcement action when off-duty can place an,an officer as well as others, at great risk, and must be done with careful consideration. This policy is intended to provide guidelines for officers of the San Diego Unified School District Police Department with respect to taking law enforcement action while off-duty.

### 341.2 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 danger. 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 significant property damage requires immediate action, officers should first consider reporting and monitoring the activity, only taking direct action as a last resort.

### 341.3 FIREARMS

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

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

### 341.4 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 the totality of the situation, taking 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 other police officers.

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#### *Off-Duty Law Enforcement Actions*

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- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

#### **341.4.1 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:

- (a) Verbally identify him/herself as a police officer
- (b) Present their badge or police issued identification card
- (c) Identify agency of employment
- (d) Clearly, communicate the intent to stop the individual and the reasons for stopping or detaining him/her
- (e) Take action within the guidelines of the department's policies, rules, and regulations that apply to on-duty officers

#### **341.4.2 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.

#### **341.4.3 NON-SWORN CIVILIAN 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.

#### **341.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgment by the non-uniformed officer in case he/she needs to maintain an undercover capability.

#### **341.5 ASSISTING OTHER CALIFORNIA LAW ENFORCEMENT AGENCIES**

While off-duty, officers may encounter scenarios involving other law enforcement agencies. The below is a list of considerations for off-duty involvement:

- (a) Off-duty officers may help other officers who are in need of immediate assistance.

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#### *Off-Duty Law Enforcement Actions*

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- (b) Off-duty officers may assist with preventing the commission of a crime, or escape of a perpetrator.
- (c) When assisting other agencies, all previously mentioned factors should be considered.

#### **341.6 ASSISTING OUTSIDE THE STATE OF CALIFORNIA**

While outside the State of California, officers should take into account the following factors before taking action in an incident:

- (a) Off-duty police officers do not have police powers outside the State of California.
- (b) Off-duty police officers do retain the Constitutional rights of a private person's power of arrest.
- (c) Powers of arrest are limited to those rights and obligations of private citizens residing within that state.

#### **341.7 REPORTING**

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the duty/on-call supervisor to advise them of the incident as soon as practicable. The duty/on-call supervisor will notify the appropriate management team member.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Truancy and Daytime Loitering Laws

### 342.1 PURPOSE AND SCOPE

To establish procedures for the enforcement of the Truancy and Daytime Loitering Laws.

### 342.2 BACKGROUND

A. Juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities. They tend to be victimized by older perpetrators of crimes and they also tend to participate in gang and narcotics activities. Our goal is to reduce juvenile crime and keep our young people in school and maintain a safe learning environment.

B. A peace officer may assume temporary custody, during school hours, of any minor subject to compulsory full-time education, who is found away from his or her home and if he or she is absent from school without a valid excuse(48264 Education Code). A peace officer may arrest any juvenile subject to compulsory education or compulsory alternative education, who are found loitering, wandering or standing idle in any public or unsupervised place between the hours of 8:30 a.m. and 1:30 p.m. on any day when school is in session for that juvenile or any day when that juvenile would otherwise be required to attend a regular compulsory education school. (58.05(b)(1) or (2) S.D.M.C.)

C. Any parent of any juvenile who knowingly permits or by insufficient control allows the juvenile to be in violation of 58.05(b)(1) or (2), and who has been previously warned as defined by Section 58.06(d)(1) S.D.M.C. may be cited and released for 58.05(b)(3) S.D.M.C. This is an infraction. Subsequently, violations constitute a misdemeanor.

### 342.3 DEFINITIONS

A. **JUVENILE:** A person under eighteen (18) years of age.

B. **PARENT:** A person who is the natural, adoptive or foster parent of a juvenile. This includes a court appointed guardian or other person eighteen (18) years of age or older authorized by the parent, by a court order or by court appointed guardian to have care and custody of the person.

C. **PUBLIC PLACE:** Any place to which the public or substantial group of the public has access and includes, but is not limited to, streets, highways and the common area of schools, hospitals, office buildings, transport facilities, shopping centers and malls.

D. **LOITERING:** To delay, linger or idle about any public place without lawful business for being present.

E. **EMERGENCY:** Includes, but not limited to fire, natural disaster, automobile accident or a requirement for immediate medical care for another person.

### 342.4 EXCEPTIONS

A. Juveniles are not subject to truancy enforcement or daytime loitering when:

1. Accompanied by his or her parent or other adult having care or custody of the juvenile.

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2. On an emergency errand directed by a parent.
3. Going to or directly coming from their place of school approved employment or medical appointment.
4. Having permission to leave the school campus for a school sponsored activity or has in his/her possession a valid, school issued off campus pass or permit.
5. Going or coming from a compulsory alternative education program activity.
6. Going or returning from without detour or stop, an official school, religious, government sponsored or other recreational activity supervised by adults and sponsored by the City of San Diego or other civic organization.
7. Court approved emancipated minors or any student eighteen (18) years of older.

#### **342.5 PROCEDURES**

Although the Education Code and the San Diego Municipal Code provide officers with the authority to detain or arrest juveniles who appear to be subject to compulsory or alternative forms of education, officers must use care and caution during enforcement. These laws are tools to keep young people in school and should not be used arbitrarily.

Officers must apply the same standards of reasonable suspicion for detaining juveniles as for adults. A truancy violation alone is insufficient to justify a detention for the purpose of interviewing the juvenile about some other incident, unless supporting facts are known. **In re Tony C., Cal 3d 888(1978).**

##### **A. Truancy**

Officers who assume temporary custody of juveniles for truancy will:

1. Return the juvenile to school or home, if a parent or guardian is available.
2. Complete a Field Interview form using Section 48264 E.C. Officers should write in the narrative portion, where and to whom the juvenile was released

Example: "Truant from San Diego H.S., returned and released to V.P.Smith".

3. Leave the hard copy of the F.I. form at the school with the juvenile and submit the original and yellow copy for the entry into ARJIS.

Truancy is a school issue handled appropriately by the SDUSD. Exceptional cases can be brought before Probation and the Juvenile Court.

#### **342.6 DAYTIME LOITERING**

Officers who arrest juveniles for daytime loitering will:

1. Confirm the juvenile meets the requirements as outlined in Section III, C and is not exempt as defined in Section V, A 1-7. This can be accomplished by radio with the SDUSD dispatcher or by telephone contact with appropriate school.

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2. Return the juvenile to school or home, if parent or guardian is available.
3. Complete a Juvenile Contact Report charging the appropriate section and a Affidavit. Or a Juvenile Diversion contract.
4. Release the juvenile to the school of attendance or legal guardian.

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## Tarasoff Decision Warnings

### 343.1 PURPOSE AND SCOPE

To establish guidelines for police response to reports of dangerous persons and the notification of potential victims (Tarasoff Decision).

### 343.2 SECTION TITLE

In 1976, the California Supreme Court ruled that psychotherapists had a duty to warn potential victims of serious threats of violence by one of their patients (Tarasoff v. Regents of the University of California). The court believed that a psychotherapist incurred an obligation to prevent any physical harm to another person. In most cases, the appropriate "Reasonable care" would be to warn the intended victim and/or advise the police.

In 2004, the Appellate Court of the State of California, 4th District, ruled that when communication of serious threats of grave bodily injury is conveyed to the psychotherapist by a member of a patient's immediate family (or for reporting purposes, from any third party to the therapist), and is shared for the purpose of facilitating and furthering the patient's treatment, the therapist must take steps to warn the potential victim and law enforcement agency, Ewing v. Northridge Medical Center, 120 Cal. App. 4th 1289 (2004).

### 343.3 PROCEDURES

- (a) When notified by such threats, department personnel will verify the identity of the reporting party and complete a Tarasoff Questionnaire form. The form will then be provided to a police supervisor who will evaluate the potential for danger and ensure that a CAD (Computer Aided Dispatch) entry is created in dispatch.
  - (a) If the threat involves any employee or student of the San Diego Unified School District (SDUSD) and appears to be credible, an officer will be dispatched to investigate the incident and a field supervisor will be notified.
  - (b) If the school site has ended classes for the day, it will be up to the discretion of the supervisor whether or not to assign an officer or give the call to the San Diego Police Department (SDPD).
  - (c) In the event the victim is not an employee, parent, or student of the SDUSD and the victim is in danger of immediate physical harm, SDPD will be notified and requested to handle.
  - (d) The information concerning the possible victim and the suspect, including the suspect's last known address, will be entered into the CAD system.
  - (e) A copy of the Tarasoff Questionnaire form and a copy of all reports regarding the incident will be maintained in a file marked "Tarasoff Warnings" at the SDUSD Police Department, Office of the Chief of Police.
  - (f) Action should be taken by assigned sworn and/or non-sworn personnel to assure the safety of the victim and to locate the suspect.

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- (g) The victim should be given information about the threat of violence and the identification of an adult suspect. If the threat is deemed imminent and could result in injury or death to the victim, the officer may notify the victim of a juvenile suspect's identity. Information about a juvenile suspect shall be limited to name, date of birth and name of school only (*ref Welfare and Institutions Code 828.1(a)*).
- (h) In cases involving victims who are minors, the victim's parents shall be notified about all potential threats of violence. The identity of a juvenile suspect may be given if the threat is deemed credible and imminent. Information about a juvenile suspect shall be limited to name, date of birth and address only (*ref Welfare and Institutions Code 828.1(a)*).
- (i) Officers shall provide the victim with a Marsy's Law handout, if necessary, and assist in educating the victim on options available, including but not limited to, how to obtain a restraining order.
- (j) In situations where the threats appear to be credible and imminent, the investigating officer will exhaust all means to locate the suspect.
- (k) A Tarasoff warning alone is not probable cause to detain a suspect absent any additional factors. Officers shall use due regard to determine if the Tarasoff warning contains enough verifiable information to warrant a legal detention of a suspect. Minimally, officers shall contact the suspect, advise the reason for the contact, and conduct a Field Interview (FI).
- (l) If there is sufficient evidence to support a criminal charge, or the officer determined the person is a danger to themselves or others as defined by Welfare and Institutions Code 5150, the officer shall detain the suspect in accordance with state law.
- (m) The investigating officer is responsible for submitting any and all related reports detailing any action they take.



## Priority Call System

### 344.1 PURPOSE AND SCOPE

To establish a procedure and uniformity in dispatching calls to officers.

### 344.2 PROCEDURES

- A. Calls for Service
  - 1. Calls will be logged in the CAD system upon receipt and distributed by priority and time of receipt to available units as enumerated in the Communications Center Standard Operating Procedures.
  - 2. Priorities may be adjusted based on the circumstances, such as suspects detained, parents waiting, or an escalation in violent behavior, etc.
- B. Priority Call System
  - 1. The order of dispatching calls for service is as follows:
    - 2. Campus Officer (if assigned)
    - 3. Area Patrol
    - 4. San Diego Police
    - 5. Other available Area Patrol (with area supervisor's approval)
    - 6. Detective (with area supervisor approval)
- C. Calls for service when no School Police units are on duty will be directed to the San Diego Police Department.
- D. During normal School Police hours of operation, San Diego Police will not be requested for priority three and four calls unless authorized by a supervisor.
- E. If a responding SDUSD Police officer has an extended ETA to a high priority call, mutual aid may be requested from the San Diego Police Department.

### 344.3 CALL BACK

Reporting parties will be advised of any delay in service of over thirty minutes.

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## Critical Incident Debriefings

### 347.1 POLICY

The San Diego Unified School District is dedicated to creating a debriefing culture; everyone plays an active role in improving capabilities and officer safety. By openly discussing what we do right, what we do wrong and what we need to do to improve, we can help avoid making the same mistakes over and over again that result in so many of our brothers and sisters getting injured or killed.

### 347.2 PURPOSE

[To establish guidelines and standards for debriefing critical incidents.](#)

### 347.3 SCOPE

This procedure applies to all members of the San Diego Unified School District Police Department.

### 347.4 DEFINED

A critical incident is defined as a violent or disruptive occurrence that emergency responders are called to protect, secure and provide assistance.

Supervisors are encouraged to pay close attention to employees, as incidents of a seemingly "minor" nature could trigger stress (physical, mental, and/or emotional), causing a member to experience trauma, to include PTSD. Non-supervisors are also encouraged to monitor co-workers, advising a supervisor if a Critical Incident Debriefing might be needed for any incident, no matter the inferred severity. The health and well-being of all members is an essential function of each employee.

[Examples of more common critical incidents are as follows \(this list is not to be considered all inclusive\):](#)

- [Active shooter](#)
- Traffic collision
- [Person with a weapon](#)
- [Large altercations](#)
- [Lost/missing child or adult](#)
- [Barricaded suspect](#)
- [Student protests](#)
- Riots

### 347.5 BACKGROUND

[Critical incidents often call for numerous officers, outside agencies, fire departments and medics. Critical incidents can require complex resolutions. During the course of an incident, personnel](#)

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#### *Critical Incident Debriefings*

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[involved may develop questions about how the incident was resolved and may identify areas of discussion. Conducting debriefs after the conclusion of critical incidents provides an opportunity for questions to be answered and fosters discussions leading to improved decision making processes.](#)

#### **347.6 PROCEDURES**

The SDUSD Police Department shall make debriefs a priority after all critical incidents. Officers may not be readily available once the incident concludes due to the following incident related assignments:

- (a) Transporting and processing a suspect(s)
- (b) Collecting evidence
- (c) Gathering witness and victim statements
- (d) Reunification of students to parents
- (e) Crowd control
- (f) Traffic control
- (g) Any collateral duties assigned by a supervisor

Debriefs should be conducted as soon as possible, but no longer than 72- hours after the incident. Debriefs will be conducted at the discretion of the School Police Incident Commander supervising the critical incident.

#### **347.7 DEBRIEF TEMPLATE**

The San Diego Unified School District Police Department has provided the following template to assist in conducting a uniformed and informative debrief. [See attachment: 01-27-21 After Action Debrief Template.pdf](#)

## Community Relations

### 348.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy
- Limited English Proficiency Services Policy
- Communications with Persons with Disabilities Policy
- Chaplains Policy
- Patrol Function Policy
- Suspicious Activity Reporting Policy

### 348.2 POLICY

It is the policy of the San Diego Unified School District Police Department to promote positive relationships between members of the community; treating all community members and students with dignity and respect is the foundation of department operations.

### 348.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances permit:

- (a) Engage in casual and consensual contact with residents that live in the neighborhood of the school.
- (b) Become reasonably familiar with the businesses and community groups in their assigned areas.
- (c) Work with community members.

### 348.4 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The San Diego Unified School District Police Department is involved with numerous community and school-based programs and events that should be coordinated by the assigned Campus Police Officer, or assisting patrol officer. Sworn officers are encouraged to coordinate with local businesses, community groups and residents to develop and promote the program(s). San Diego School Police Services are involved in the following, but not limited to:

[\(a\) Mid City C.A.N. \(Community Advocacy Network\)](#)

[\(b\) True Blue Buddies](#)

[\(c\) P.I.Y. \(Police Interacting with Youth\)](#)

[\(d\) Shop with a Cop](#)

[\(e\) Kiwanis Christmas](#)

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[\(f\) Toys for Tots](#)

[\(g\) Teddy Bear Drive](#)

[\(h\) Knox Elementary MLK March](#)

[\(i\) Read Across America](#)

[\(j\) Chavez Elementary Cesar Chavez March](#)

[\(k\) Cultural Diversity Programs \(campus program\)](#)

[\(j\) Restorative Justice/ Restorative Practices](#)

[\(l\) Safe Passages](#)

[\(m\) Cluster meetings](#)

[\(j\) Coffee with a Cop meetings](#)

[San Diego Unified School District Police Department is also involved in collecting food for underprivileged students/families and student/family education of various topics.](#)

### **348.5 INFORMATION SHARING**

Department members may share information (excluding information related to ongoing investigations) with the public upon request, Social Media, and department website. Public information requests will be reviewed by Legal before release.

### **348.6 LAW ENFORCEMENT OPERATIONS EDUCATION**

Community education about department operations may include:

[A. Ride-Alongs](#)

[B. Department website and social media](#)

C. Classroom instruction

[D. Internship](#)

[E. Formal requests](#)

### **348.7 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relation activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize safety.

Department members in charge of community relation events should ensure participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member is under 18.

Community members are subject to a criminal history check before approval for participation in certain activities, such as a ride-along.

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### **348.8 TRANSPARENCY**

A community member, parent or student may request statistics, police reports, school safety plans (available online via the district website). The public shall be made aware that some information is private to protect all parties. Information will be reviewed and released in compliance with the law and district procedures, to include a review by district Legal when appropriate for a public records request.

## **Chapter 4 - Patrol Operations**

## Bias-Based Policing

### 401.1 POLICY

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

### 401.2 PURPOSE

This policy provides guidance to department members that affirms the San Diego Unified School District Police Department's commitment to policing that is fair and objective.

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

### 401.3 SCOPE

This policy applies to all members of the San Diego Unified School District Police Department.

### 401.4 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

### 401.5 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

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

#### 401.5.1 CALIFORNIA RELIGIOUS FREEDOM ACT

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

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

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



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

#### **401.6 MEMBER RESPONSIBILITIES**

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

##### **401.6.1 REASON FOR CONTACT**

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

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

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

##### **401.6.2 REPORTING OF STOPS**

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the San Diego Unified School District Police Department is the primary agency, the San Diego Unified School District Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

#### **401.7 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with an officer and his/her supervisor in a timely manner
  1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

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

#### **401.8 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Unit.

- (a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- (b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

#### **401.9 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Administrative Sergeant 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 Department Program Analyst for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Unit Policy.

Supervisors should ensure that data stop reports are provided to the Department Program Analyst for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

## Ride-Alongs

### 404.1 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.

#### 404.1.1 ELIGIBILITY

The San Diego Unified School District Police Department Ride-Along Program is offered to residents, and those employed within the San Diego Unified School District. Every attempt will be made to accommodate interested persons, however, any applicant may be disqualified without cause.

Because of our specialized mission of protecting schools, students age 15 and older may participate in the Ride-Along with parent approval (and signature on the waiver form), and approval by a Captain.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

#### 404.1.2 AVAILABILITY

The Ride Along Program is available during any scheduled working shift. A supervisor has the discretion to deny a Ride Along.

### 404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by a sergeant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number.

The sergeant will schedule a date, based on availability, at least one week after the date of application.

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.

#### 404.2.1 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: Chaplains, police applicants, and all others with approval of the Captain.

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No more than one ride-along will be allowed in the officer's vehicle at a given time, except during an emergency situation.

#### 404.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed. Sandals, tank tops, shorts and ripped or torn blue jeans are not permitted. The Captain or field supervisor may refuse a ride along to anyone not properly dressed. The decision that a ride along is not suitably dressed and is not permitted to continue the ride along, is at the discretion of the captain or field supervisor. The information regarding the attire can be relayed to the captain or field supervisor by the member who was assigned to take the individual on the ride along, for a decision to be made.

#### 404.2.3 PEACE OFFICER RIDE-ALONGS

In the event an off-duty sworn officer of this department participates in a ride-along with a different agency, 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.

Off-duty sworn officers of other departments may participate in ride-alongs. That officer shall be considered off-duty, unless circumstances necessitate the officers elevating their status to on-duty. The officer should follow their department's Off-Duty Intervention Policy with regards to elevating their status, if the situation warrants it. The officer may be asked to write a report if the situation warrants it. The officer may carry a weapon in accordance with their department's policy. If the officer is dressed in civilian attire, then they should ensure their weapon is either completely concealed or is worn with visible department-issued badge visible and their credentials on their person.

#### 404.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the San Diego Unified School District Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.). The Ride Along form and CLETS check shall be retained in the Communications Center for one year. Then they may be destroyed per current document destruction practices.

#### **404.3 OFFICER'S RESPONSIBILITY**

The officer shall advise the dispatcher that a ride-along is present in the vehicle when 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. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the ride-along. The ride-along may be continued or terminated at this time.

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#### **404.4 CONTROL OF RIDE-ALONG**

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

- (a) The ride-along will follow the directions of the officer
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

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## Immigration Violations

### 413.1 PURPOSE AND SCOPE

This policy provides guidelines to members of the San Diego Unified School District Police Department relating to immigration, and interacting with federal immigration officials.

### 413.2 POLICY

The San Diego Unified School District supports the civil right of every student to a free public education and is committed to serving all children.

*Plyler v. Doe* (457 U.S. 202, 1982), the U.S. Supreme Court ruled that undocumented students have a constitutional right to a free public education. Federal law prohibits the District from discriminating against undocumented students, requesting information regarding a student's immigration status, or requiring proof of legal status as a condition of enrollment. Schools also may not adopt policies or practices that discourage participation by undocumented students, their families, or lead to the exclusion of students based on their or their parents' or guardians' actual or perceived citizenship or immigration status.

Since 2011, the Department of Homeland Security has considered schools "off limits" for immigration enforcement and the District will continue to press them to maintain that policy. In the event a representative from the U.S. Department of Immigration and Customs Enforcement ("ICE") appears at a District campus, they should be referred to School Police. The District believes that the presence of ICE is likely to lead to a disruption of the educational setting and will not permit immigration raids or other activities on campus that disturb the school setting.

The District is also committed to maintaining the confidentiality rights of students under the Family Educational Rights & Protection Act ("FERPA"). This law prohibits the release of student records without parental consent, including information which might indicate immigration status, unless mandated by law.

### 413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure in 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 without regard to race, ethnicity, or national origin in any way that would violate the United States or California Constitutions.

### 413.4 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)

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(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

#### **413.5 FEDERAL REQUESTS FOR ASSISTANCE**

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq).

#### **413.6 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

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

##### **413.6.1 NOTICE TO INDIVIDUALS**

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

If the San Diego Unified School District Police Department provides ICE with a 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).

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##### 413.6.2 IMMIGRATION DETAINER

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

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

- (a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- (b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in state prison.
- (c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (d) The individual is a current registrant on the California Sex and Arson Registry.
- (e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

##### 413.6.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the San Diego Unified School District Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

##### 413.6.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- (a) The transfer is authorized by a judicial warrant or judicial probable cause determination.
- (b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- (c) The individual is a current registrant on the California Sex and Arson Registry.
- (d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

##### 413.6.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigative Unit supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the



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offense that allowed for the transfer is collected and provided to the Records Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the [Records Bureau] Policy).

#### **413.7 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigative Unit supervisor assigned to oversee the handling of any related case. The Investigative Unit supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

##### **413.7.1 TIME FRAMES FOR COMPLETION**

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

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##### 413.7.2 REPORTING TO LEGISLATURE

The Investigative Unit 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).

##### 413.7.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

#### **413.8 TRAINING**

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

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

## Portable Audio/Video Recorders

### 421.1 POLICY

The San Diego Unified School District Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 421.2 PURPOSE

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 other equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any San Diego Unified School District Police Department facility (or any other law enforcement facility), authorized undercover operations, wiretaps or "eavesdropping" (concealed listening devices).

### 421.3 SCOPE

This procedure applies to all sworn members of the San Diego Unified School District Police Department.

### 421.4 DEFINITIONS

- (a) Audio Recording Device – An electronic device, used to record audio without the means of recording video.
- (b) Video Recording Device – An electronic device, used to record video.
- (c) Portable Audio/Video Recorder - A "Body Worn Camera" (BWC) issued by the department to record both video and audio.
- (d) Members – Any officer, supervisor, or manager utilizing an Audio or Video Recording Device.
- (e) Supervisor – The immediate supervisor of the member utilizing an Audio or Video Recording Device.
- (f) Metadata – Case numbers, Incident numbers, and other descriptors used to identify digital evidence.

### 421.5 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 the ownership of the device, shall remain the property of the Department. Members shall have no expectation of privacy or ownership-interest in the content of these recordings.

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#### **421.6 MEMBER RESPONSIBILITIES**

Prior to going into service, each uniformed member will 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.

All members issued a portable recorder are required to wear and use their portable recorder while working in any uniformed assignment. This applies to overtime assignments as well as special events. 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 if there is a reasonable expectation of an enforcement action and upon approval of his/her supervisor.

When using a portable recorder, the assigned member shall record his/her name, SDUSD 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 shall 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.

Members shall enter meta-data and upload recordings of in-custody cases by the end of their shift except under unusual circumstances approved by a supervisor.

Members shall enter meta-data and upload all recordings on their device by the end of shift on their last workday for the week. No recordings shall be left on the devices over a member's days off except under unusual circumstances approved by a supervisor.

#### **421.6.1 SUPERVISOR RESPONSIBILITIES**

Supervisors should take custody of a portable audio/video recording device 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).

#### **421.7 ACTIVATION OF THE PORTABLE RECORDER**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder shall be activated, but is not limited to being activated, in the following situations:

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- (a) Enforcement and investigative contacts including stops and field interview (FI) situations.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance, and crime interdiction stops.
- (c) Self-initiated activity of which a member would normally notify Dispatch.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise merit 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. The recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media.

#### **421.7.1 CESSATION OF RECORDING**

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician unless there is explicit consent from all parties to the conversation (Penal Code § 636).

#### **421.7.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### **421.7.3 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.

#### **421.8 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

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Members are generally prohibited from using personally-owned recording devices while on-duty. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should 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.

#### **421.8.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM**

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders, is prohibited (Penal Code § 832.19).

#### **421.9 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members shall tag or mark these in accordance with the procedure and document the existence of the recording in any related case or incident report.

A member should tag or mark recordings when the member reasonably believes the recordings have the following special circumstances:

- (a) The recording contains evidence relevant to a potential criminal, civil or administrative matter.
- (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.

#### **421.9.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records and evidence retention schedule outlined in Lexipol policy #804.

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- (a) Incident involving use of force by an officer.
- (b) Officer-involved shootings.
- (c) Incidents that lead to the detention or arrest of an individual.
- (d) Recordings relevant to a formal or informal complaint against an officer or the San Diego Unified School District Police Department.

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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 recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

#### **421.10 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less-detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

## **Chapter 5 - Traffic Operations**



## Traffic Collision Reporting

### 501.1 POLICY

The San Diego Unified School District Police Department does not prepare traffic collision reports or conduct traffic collision investigations. In situations where a collision investigation or collision report is necessary, the San Diego Police Department should be called to conduct the collision investigation, according to the Memorandum of Understanding between the San Diego Unified School District Police Department and the San Diego Police Department.

### 501.2 PURPOSE

This policy should serve to clarify the role of the San Diego Unified School District Police Department. When members of this department encounter a collision, they will notify the appropriate agency and shall standby to preserve the peace as needed.

### 501.3 SCOPE

This policy applies to all members of the San Diego Unified School District Police Department.

### 501.4 COLLISION SCENES

There are instances where San Diego Unified School District Police officers may become involved in traffic collision incidents. Officers should request the assistance of the San Diego Police Department or the specific law enforcement agency of jurisdiction via communications. Officers should first determine if medical assistance will be needed and request medical assistance through communications if assistance is needed. Officers can assist the parties involved in the collision with their exchange of required information and with conducting traffic control, if necessary. Officers should assist the San Diego Police Department or other law enforcement agency as requested. If officers are assisting at a collision scene and the San Diego Police Department or other agency has yet to arrive, officers should determine if there is any evidence that needs to be preserved, and if able, the officer should make attempts to preserve the evidence until the agency of jurisdiction arrives.

### 501.5 DEPARTMENT EMPLOYEE INVOLVED COLLISIONS ON DUTY

San Diego Unified School District Police Department employees who become involved in a collision while in the course of their duties shall determine if medical assistance is necessary as soon as possible, if the employee is able. If medical assistance is needed for the employee or other involved party, the officer should make the request via communications, if able. Employees shall notify their immediate supervisor of the collision as soon as possible. A supervisor shall respond whenever possible.

For collisions involving department vehicles with injuries, the appropriate jurisdiction shall be contacted for a collision investigation.

If no injuries occur, but the incident involves another vehicle, the above policy applies for a collision investigation.

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If the department vehicle is damaged in a single-vehicle collision (e.g. the driver strikes a metal light pole, etc.) and there is no property damage to the object struck by our vehicle, a supervisor has the discretion to not have the appropriate agency respond for an investigation.

However, at minimal, the involved officer will complete an officer's report and adequately photograph the scene and all damage, along with obtaining any witness statement. The supervisor may also assign these duties to another School Police officer.

#### **501.6 COLLISION INVESTIGATIONS NEAR SCHOOL CAMPUSES AND DISTRICT SITES**

In the event a collision occurs near a school or other district site and a request from the San Diego Police Department has been made for our assistance, officers should comply with the request. Officers can assist with traffic control, scene management, etc. Officers should not be completing traffic collision reports. If the San Diego Police Department requests an officer complete an "Officer's Statement" documenting the officer's involvement, officers should comply and complete the report in a timely manner.

#### **501.7 TOWING VEHICLES AT COLLISION SCENES**

See Policy 502 - Vehicle Towing and Release for further details.

## Traffic and Parking Citations

### 503.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic and parking citations, and the procedure for dismissal, correction, and voiding of traffic and parking citations.

### 503.2 RESPONSIBILITIES

Records Unit shall be responsible for the supply and accounting of all traffic citations issued to this department.

To ensure accountability of the citation books, employees shall check out traffic and parking citation books, noting their name, identification number, and the citation number series in the log book located in the report writing room. These logs will be maintained for five years, after which time, they will be destroyed through a district-approved paper destruction service.

Officers will notify their immediate supervisor as soon as practicable of any lost citations. An ARJIS 9 will be completed by the officer, which details the circumstances regarding the lost citations.

### 503.3 CITATION ISSUANCE

State law provides that any person who commits either an infraction or misdemeanor may be released with a written citation unless certain conditions apply (California Penal Code §853.5, 853.8, et seq.).

Individuals who commit infractions or other minor violations may be warned or cited and released. Issuing citations are the accepted practice for most traffic infractions and misdemeanors, including pedestrian traffic violations. Juveniles may be issued citations for traffic infractions and most misdemeanors. However, citations will not be issued to juveniles for non-traffic related misdemeanors; those offenses should be documented on a Juvenile Contact Report (312--Juvenile Procedures).

The following shall be considered/applied when deciding to issue a citation:

- (a) California Penal Code §853.6 and Vehicle Code §40500 require persons receiving a citation provide a valid address. If no address is available, then a physical arrest may be considered.
- (b) Officers shall make every attempt to validate a person's true identity. If positive identification of an individual is not absolute, then officers shall mark "No Valid ID" in the space provided on a citation for a driver's license or social security number. Further comments with regard to identity may be made on the back of the citation.
- (c) Citations issued outside the City of San Diego must be issued to appear within the jurisdiction of the offense. Officers shall mark the "other" box, writing in the appropriate city and court address of jurisdiction.
- (d) Officers shall submit only one document for all charges arising out of a single event. For example, officers shall not book suspects and also issue them a citation. All criminal charges should be included in one document (Arrest/Juvenile

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#### *Traffic and Parking Citations*

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- Contact Report). When a situation arises where there are a combined infraction and misdemeanor charges, the appearance will be set for misdemeanor arraignment.
- (e) Arrests for false information for traffic-related offenses shall be charged as Vehicle Code §31.
  - (f) When more than four violations are charged, a supplemental form (PD-989TR) must be used. The individual receiving the citation should sign the supplemental form. If it is impractical to complete the supplemental form at the time of issuance, then write "Mailed to Defendant" on the signature line and mail a copy to the violator.
  - (g) All pertinent boxes on the citation form must be addressed/completed. Incomplete citations may be considered invalid and may deprive the defendant of a right to arraignment by mail.
  - (h) A supervisor will be called to the scene if a violator refuses to sign a citation. The supervisor will make attempts to clarify the violation or concerns the violator may have. Explain that signing is not an admission of guilt, but a promise to appear. If a violator still refuses to sign, the supervisor may consider a physical arrest.
  - (i) In the event a physical arrest is made for a citation, the violator must be taken directly to a magistrate. During regular business hours, the arrestee will be transported to either Traffic or Superior Court. During non-business hours, the arrestee shall be booked into jail.
  - (j) Officer notes regarding the violation incident shall be placed on the back of the copy of the form. For juvenile offenders, the notes will go on the white court copy. For adults, use the back side of the pink department copy.
  - (k) Citations will be written using "ballpoint" pens. No pencils or felt-tipped pens shall be used.
  - (l) Issued citations shall be submitted to the supervisor by the end of the shift for processing.
  - (m) Parking and standing regulations shall not apply to emergency vehicles responding to an emergency as long as the operator does not disregard the safety of others (81.06 SDMC). Police vehicles not involved in an emergency are required to obey all traffic regulations (81.05 SDMC).

#### **503.4 EXCEPTIONS TO CITATIONS**

An individual should not be released with a citation (traffic or non-traffic) when any of the following conditions apply (California Penal Code §853.6(i)(1)):

- (a) The individual is intoxicated or requires medical attention and is otherwise unable to care for their safety or the safety of others.
- (b) The individual is arrested for any offense listed in Vehicle Code §40302-40303.
- (c) The individual has one or more outstanding warrants within the county. If the individual meets this criterion, the responding officer will call the jail/juvenile hall to see if the offense is bookable. For booking, the warrant should be a felony, or a no-bail misdemeanor.

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- (d) The individual could not provide satisfactory evidence of identification.
- (e) The prosecution of the offense would be jeopardized by the immediate release of the individual arrested.
- (f) The individual was subject to California Penal Code §1270.1.
- (g) The individual refuses to sign the citation or there is a belief the individual will not appear at the time and place specified on the citation.
- (h) The individual demands to be taken to a magistrate forthwith.
- (i) The individual would likely re-offend or the safety of others and property would likely be endangered by releasing the person.

#### **503.5 CONSIDERATIONS**

Officers may take these instances into consideration when issuing citations:

- (a) When an individual's fingerprints or photograph is needed, they may be obtained prior to issuing a citation.
- (b) If an individual is physically arrested, state law requires the arresting agency to keep a record documenting the reason for not releasing that individual via citation. Therefore, the arresting officer must check the appropriate reason for not releasing a subject on the back of the original copy of the report.
- (c) Individuals may be detained until a background check and citation are completed.
- (d) Individuals issued citations pursuant to Penal Code §853.6 are deemed under arrest for the purposes of Miranda.

#### **503.6 TRAFFIC WARNINGS**

Verbal or written warnings are an effective tool for traffic infractions with a minimum public safety risk. When issuing a written or verbal warning, officers shall:

- (a) Issue warnings for law violations which are the result of confusion or lack of knowledge of the area, providing the violation did not immediately endanger others.
- (b) Issue warnings for violations of local ordinances, which may not necessarily be clearly posted.
- (c) Not issue warnings for equipment, parking and driver's license or registration violations.
- (d) Submit all written warnings by the end of shift to their supervisor.

#### **503.7 DISMISSAL OF TRAFFIC CITATIONS**

- (a) Occasions may arise when emergencies occur or errors are made, making it necessary to void or dismiss a citation. California Vehicle Code §40202 and §40500 make it illegal for any person to alter, conceal, modify, nullify, destroy or cause to be altered, concealed, modified, nullified, or destroyed the "face side of the remaining original or any copy of a citation that was retained by the officer for any reason, before it is filed" with the magistrate, prosecutor, or processing agency. Disposing of citations in any manner other than provided by law is a misdemeanor.

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- (b) The officer requesting the voiding or dismissal of any type of citation must complete a Citation Void/Dismissal Request form (PD-484). Do not write on the citation. The reason for the void or dismissal of the citation must be thoroughly explained on the form.
- (c) Requests for dismissal for non-felony traffic violations shall be initiated and processed pursuant to California Vehicle Code §40500(d).
- (d) Police officers shall not become involved in the review of a traffic citation (parking or moving violations) when the cited person is a relative or personal friend. If a relative or friend approaches a police officer with a complaint about the citation, they will be referred to the appropriate supervisor for the review of the citation.
- (e) Citations may be dismissed under the following circumstances:
  - 1. The issuing officer is pre-empted by a priority radio call.
  - 2. An arrest was made in lieu of the citation (violation shall be referred to in the report).
  - 3. The officer was mistaken in fact or law (incorrect violation, no violation, private property).
  - 4. A writing error was made or the form mutilated.
  - 5. Medical emergencies, subject to verification.
  - 6. The cited vehicle is exempt from compliance pursuant to California Vehicle Code §21055 (i.e. emergency vehicles responding to an emergency) or §22512 (utility vehicle at the job site).
  - 7. The markings or signs were inadequate (paint faded, sign missing, etc.).
- (f) Requests for the dismissal of moving citations must be reviewed by a supervisor and submitted on SDPD form PD-484 via the chain of command. All copies of the citation must accompany the dismissal/void form. Approved requests will be forwarded to the Chief's office for final review. Dismissal requests not in compliance with department procedures shall be returned to the appropriate supervisor.
- (g) Approved citation dismissal requests will be forwarded to the San Diego Police Department Records Division.
- (h) Damaged citations shall be dismissed pursuant to this section.

#### **503.8 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 and the Citation Void/Dismissal form shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Administrative Sergeant for records processing.

#### **503.9 CORRECTION OF TRAFFIC CITATIONS**

When a traffic citation is issued and in need of correction the issuing officer may issue a Notice of Correction (PD-177) for any registration and/or license violation, and/or mechanical or equipment

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violation. The arrest or issuance of a citation to a driver of a vehicle is prohibited unless the offense is clearly the driver's responsibility (Vehicle Code §40001 & §40002).

#### **503.10 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies 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 then be filed with Records Unit.

Upon separation from employment with this department, any employees issued traffic citation books shall return any unused citations to their supervisor.

The San Diego Police Department Records Division shall maintain a file of voided and dismissed citations for two years. Voided citations marked "Hold for Evidence" are also retained in this file. Citation Void/Dismissal Request forms received by the Records Division must be complete and have the proper approval or they will be returned to the respective supervisor.

#### **503.11 DISMISSAL OF PARKING CITATIONS**

California Vehicle Code §40202 permits issuing officers or agencies to dismiss parking citations in the interest of justice. Others may initiate the dismissal, however, clear justification must exist for the dismissal. The issuing officer is not responsible for justifying the dismissal or completing the form when others initiate the process. Under no circumstances will an officer's personal relationship with any public official or other law enforcement officer/agency constitute grounds for dismissal.

- (a) Officers desiring to dismiss a parking citation will complete a Citation Void/Dismissal Request form (PD-484). The completed request form shall be attached to the parking citation.
  - 1. The reason for the dismissal must include specific justification.
  - 2. A computer printout of the vehicle's registration information must be attached to all parking citation dismissal requests.
  - 3. The forms shall be reviewed and approved by the supervisor.
  - 4. The dismissal forms shall be routed to the Chief's office for final approval.
  - 5. Approved dismissal forms will be sent to SDPD Records Division, who will forward it to the City Treasurer's Office, Parking Citation Section.
- (b) Dismissal requests for disabled persons, stolen vehicles, or mechanically disabled vehicles (requires repair receipts) must be referred to the City Treasurer's Office, Parking Citation Section, 1222 First Avenue MS-206, San Diego, CA 92101.
- (c) Parking citations for California Vehicle Code §5204(a)-no valid license plate tab displayed, may be signed off by law enforcement agencies. Police officers shall verify the current registration. Officers shall sign and date the citation, including their identification number and agency in the remarks section. Officers shall then return the parking citation to the citizen. It is the citizen's responsibility to contact or return the citation to the San Diego City's Parking Citation Section.

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#### **503.12 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

##### 503.12.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

- (a) Administrative reviews are conducted by a patrol sergeant who will review written/documentary data. Requests for administrative reviews are available at the front desk of the San Diego Unified School District Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

##### 503.12.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via a timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

##### 503.12.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).



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- (c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

#### **503.13 JUVENILE CITATIONS**

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residence, and the type of offense should be considered before issuing the juvenile a citation.

## **Chapter 6 - Investigation Operations**

## **Eyewitness Identification and Photo Line-ups**

### **604.1 POLICY**

The San Diego Unified School District Police Department will strive to use eyewitness identification techniques, specifically photo line-ups, when appropriate. This will enhance the investigative process and should emphasize identifying persons responsible for a crime and exonerating the innocent.

### **604.2 PURPOSE:**

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

### **604.3 SCOPE:**

This procedure applies to all sworn members of the San Diego Unified School District Police Department.

### **604.4 DEFINITIONS**

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification / Curbside**- A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### **604.5 INTERPRETIVE SERVICES**

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### **604.6 EYEWITNESS IDENTIFICATION PROCESS AND FORM**

The Investigative Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

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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.
- (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.
- (l) Photo Line-up Identification forms are on the M: drive / identification line-up/photo admonishment
- (m) [See attachment: 01-15-21 Photo Admonishment.pdf](#)

The process and related forms should be reviewed at least annually and modified when necessary.

#### **604.7 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:

- 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.

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Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

#### **604.8 DOCUMENTATION**

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

##### **604.8.1 DOCUMENTATION RELATED TO RECORDINGS**

The handling member shall document the reason that a video recording or any other recording of identification was not obtained (Penal Code § 859.7).

##### **604.8.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION**

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

#### **604.9 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

##### **604.9.1 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

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#### *Eyewitness Identification and Photo Line-ups*

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concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

#### **604.10 FIELD / CURBSIDE IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when an 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:
  - (a) The length of time the witness observed the suspect.
  - (b) The distance between the witness and the suspect.
  - (c) Whether the witness could view the suspect's face.
  - (d) The quality of the lighting when the suspect was observed by the witness.
  - (e) Whether there were distracting noises or activity during the observation.
  - (f) Any other circumstances affecting the witness's opportunity to observe the suspect.
  - (g) 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.
- (i) Field / Curbside Identification forms are on the M: drive / identification line-up/curbside admonishment

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## *Eyewitness Identification and Photo Line-ups*

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- (j) [See attachment: 01-15-21 Curbside Admonishment.pdf](#)

## Chapter 7 - Equipment



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## Department Owned and Personal Property

### 700.1 POLICY

It is the policy of the San Diego Unified School District Police Department, that all employees will take proper care of the district property.

### 700.2 SCOPE

This policy applies to all members of the San Diego Unified School District Police Department.

### 700.3 PURPOSE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.4 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 a 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.

### 700.5 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement of damage or loss of personal property must be made on the proper form. The form is available through the District's Risk Management Department (<https://www.sandi.net/staff/risk-management/forms>) This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

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##### **700.5.1 REPORTING REQUIREMENT**

Employees may be asked to complete a written report detailing the damage or loss to department property. This report should be completed and submitted within the established report writing guidelines. Verbal communication with a supervisor should occur prior to completing the written report.

##### **700.6 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 within the time frame directed by the supervisor to whom the verbal report is made.

##### **700.6.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to real or personal property belonging to them, it shall be the District 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 if necessary.

These written reports shall promptly be forwarded to the appropriate Captain.

## Vehicle Use

### 703.1 POLICY

The San Diego Unified School District Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

### 703.2 PURPOSE

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 State of San Diego Unified School District to provide assigned take-home vehicles.

### 703.3 SCOPE

This policy applies to all members of the San Diego Unified School District Police Department.

### 703.4 USE OF VEHICLES

Department vehicles may be assigned to individuals at the discretion of the Chief of Police or designee. Vehicles may be assigned for on-duty and/or take-home use and may be changed/rotated at any time. Permission to take home a vehicle may be withdrawn at any time. Employees who are authorized to take district vehicles home, or use a district-owned vehicle outside working hours, must be employees subject to a callback. Generally, employees who are in a field training program will not be authorized to take home a vehicle until the last day of the training program. Changes or modifications to vehicle assignment, including the use of such vehicles, is not a condition of employment and may be modified as necessary to meet department needs. Employees must adhere to the following guidelines:

- (a) Employees assigned take-home district-owned vehicles, or employees who are allowed to check-out a district-owned vehicle, must provide off-street residential parking and:
  1. Use the vehicle to travel to and from their workplace.
  2. Ensure the vehicle is kept clean and secured.
  3. Take reasonable care of the vehicle and make every effort to maintain the condition of the vehicle.
  4. Upon request, employees must ensure the vehicle is delivered to Transportation for routine services and other maintenance.
  5. Conduct legitimate police-related business which occurs outside regular working hours, including but not limited to, attendance at special meetings or events, as well as callbacks to duty.

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6. Use the vehicle for personal business within San Diego County, if on-call. Employees who are not on-call or employees driving marked patrol vehicles, may not utilize the district vehicle for personal business.
  - (b) All employees authorized to use a district-owned vehicle shall monitor the police radio when driving, and shall take appropriate action on district-related matters which come to their attention, either through the police radio or personal observation. All non-district related business should be referred to the appropriate law enforcement agency.
  - (c) District-owned vehicles are to be left at the Education Center or other department-approved parking location during vacations, or other periods of leave for more than five consecutive workdays. During Fall, Winter, and Spring Breaks, district vehicles may be retained by the assigned employee unless directed otherwise by a supervisor.

#### 703.4.1 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.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### 703.4.2 VEHICLE CONDITION REPORTS

A Vehicle Condition Report is a logbook that is maintained in each district vehicle. An officer shall use that to document their vehicle inspections. The same book will be used to report a service needed for the vehicle. The officer will record the necessary service item in the logbook. Upon taking the vehicle to District Shops, the officer shall leave the yellow "LOG COPY" in the logbook, submit the blue "SHOP COPY" with the lead mechanic, and the white "DEPARTMENT COPY" shall be submitted to the SDUSDPD Fleet Manager.

#### 703.4.3 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.

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Members shall ensure all weapons are secured while the vehicle is unattended.

#### 703.4.4 KEYS

Members approved to operate marked patrol vehicles should be issued keys as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly documented on an A9 report, then forwarded to the administrative sergeant through the member's chain of command.

#### 703.4.5 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than State personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

#### 703.4.6 ALCOHOL AND DRUGS

Employees authorized to use a district vehicle are prohibited from using the vehicle at any time when their driving ability has been impaired through the ingestion of illegal drugs, marijuana, prescribed over the counter medicine, or alcoholic beverages. Members may not violate state law regarding vehicle operation while intoxicated.

#### 703.4.7 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### 703.4.8 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the SDUSDPD Administrative Sergeant.

#### 703.4.9 CIVILIAN/NON-SWORN MEMBER USE

Generally, non-sworn employees will not operate a marked emergency vehicle, unless a situation exists that requires a marked vehicle be moved and sworn personnel are not available. Non-sworn employees will not operate marked emergency vehicles without sworn or supervisory approval. Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before operating the vehicle. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

### 703.5 VEHICLE FUEL AND WASH

The San Diego Unified School District Police Department has issued members of this department, low level procurement cards, to specifically purchase off property fuel and car washes. This is in

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accordance with San Diego Unified School District Administrative Regulations, AR 3300(k) - AR 3300(o), section C. 1-8, dated December 6, 2020.

To be fiscally responsible department members should adhere to the following guidelines:

- (a) Department vehicles shall be fueled and washed during your normal work hours, Monday - Friday.
- (b) Department vehicles shall be refueled at the pumps located in the district transportation center (aka shops).
- (c) When assigned a special event requiring you to purchase fuel outside of your normal work hours, you should utilize your department issued procurement card (p-card) to complete the transaction.
- (d) Please continue to utilize your department issued "P-card" for department vehicle washes, completed at an offsite location as appropriate.

#### **703.6 CALL-BACK AND STANDBY DUTY**

All sworn officers and command staff are subject to call-back/first-up during non-working hours and twenty-four (24) hours a day during weekends and holidays. If/when a sworn officer or command staff personnel responding to an "on-call" notification, they shall respond within one hour from the time they receive the call-for-service from the duty supervisor or dispatch.

#### **703.7 UNMARKED VEHICLES**

Some unmarked vehicles are CODE 3 equipped (lights and siren). Drivers of unmarked vehicles will refrain from using the CODE 3 equipment unless responding to an emergency or ordered to by a sworn supervisor.

#### **703.8 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Captain. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

#### **703.9 PERSONALLY OWNED VEHICLE LIABILITY**

Personnel using their personal vehicle will comply with Administrative Procedure 7180, regarding liability. Personnel will maintain a current driver's license and insurance on their own vehicles. Personnel will also maintain proper placards and registration on their personal vehicles. Personnel responding to a school site for any reason while using their personal vehicle shall obey all applicable laws and are not permitted for any reason to respond as an emergency vehicle. Personnel that is involved in a traffic collision/accident using their personal vehicle while

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conducting official police business will report the accident to their supervisor. The insurance liability shall be covered by the San Diego Unified School District pursuant to the current collective bargaining agreement between the district and the applicable bargaining unit.

#### **703.10 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 district 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 Captain within five working days explaining the circumstances.
- (c) High Occupancy Vehicle (HOV) and/or Express lanes are specially designated highway lanes that offer a new and faster commute option for highway drivers. For solo drivers who cannot use the HOV lane (also called a "carpool lane"), express lanes give the option to pay a per-use toll to use the lane. Express lanes are free to carpools, motorcycles, vanpools and other eligible vehicles during the designated hours of operation provided the correct toll tag setting is used. Outside the hours of operation, the express lanes are free and open to regular traffic.
- (d) Department members shall be held responsible for all fees incurred while traveling on either Toll Roads, HOV or Express Lanes.

#### **703.11 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.

## Cash Handling: Security and Management

### 704.1 POLICY

It is the policy of the San Diego Unified School District Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure public trust.

### 704.2 SCOPE

This policy applies to all members of the San Diego Unified School District Police Department.

### 704.3 PURPOSE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

### 704.4 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

### 704.5 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

### 704.6 PETTY CASH AUDITS

The fund manager shall perform an audit as needed. This may be pre-scheduled or random. The audit requires that the fund manager, and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.



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#### *Cash Handling: Security and Management*

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A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the State.

#### **704.7 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Investigative Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

#### **704.8 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in possession of cash that is not their property, or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

## Personal Protective Equipment

### 705.1 POLICY

The San Diego Unified School District Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

### 705.2 SCOPE

This policy applies to all members of the San Diego Unified School District Police Department.

### 705.3 PURPOSE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department, as well as the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease; those issues are addressed in the Body Armor and Communicable Diseases policies.

#### 705.3.1 DEFINITIONS

Definitions related to this policy include:

**Personal Protective Equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

### 705.4 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for the proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

### 705.5 HEARING PROTECTION

Department Issued hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

### 705.6 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

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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.

#### **705.7 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 the chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement, or as deemed necessary.

#### **705.8 RESPIRATORY PROTECTION**

The Administration Captain 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) Select appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

##### **705.8.1 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.

Staff may also don protective equipment without a supervisor's authorization, based on one's training, experience, and apparent hazard levels. Employees should always err on the side of caution when considering the use of protective equipment.

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Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

#### 705.8.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 705.8.3 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, dust, 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 an 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:

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- (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.

#### **705.8.4 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.

#### **705.8.5 RESPIRATOR FIT TESTING**

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

#### **705.8.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health-care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

#### **705.9 RECORDS**

The Training Manager is responsible for maintaining records of all:

- (a) PPE training.

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- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
  - 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

#### **705.10 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).

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## Identification

### 706.1 PURPOSE AND SCOPE

To establish procedures for the care and distribution of department badges and identification cards.

### 706.2 BACKGROUND

Department badges and identification cards are issued and maintained under the authority granted by the California Education Code and Penal Code. The department administrative sergeant is responsible for maintaining an accurate and updated inventory of all department issued badges and identification cards. The department issued badge or identification card is the property of the San Diego Unified School District Police Department (SDUSDPD). Any exceptions to this procedure must be approved by the Chief of Police.

### 706.3 BADGES FOR ACTIVE EMPLOYEES

Badges for sworn officers are a silver-tone shield with gold-tone banner reflecting the officer's rank and assigned badge number. Campus police officers and patrol officers shall have the same banner of "Police Officer" affixed to the badge.

Dispatcher badges will be a silver-tone shield with gold-tone banner reflecting the classification and the assigned badge number.

### 706.4 BADGE DISTRIBUTION

Sworn personnel will be assigned one (1) breast badge and one (1) flat badge by the Chief of Police; Dispatchers shall be assigned one breast badge.

Promoted personnel authorized to display a breast badge will surrender their old breast badge at the time of their promotion and be issued a new breast badge to reflect their new classification. Promoted sworn personnel will receive a new flat badge reflecting their new title.

Sworn personnel and Dispatchers must meet one of the following qualifications in order to receive a retirement badge from the department:

Service retirement or honorable resignation and ten (10) years of continuous service from the date of hire with the department.

- (a) Service retirement or honorable resignation and ten (10) years of continuous combined (reciprocity) law enforcement service.
- (b) A recognized and approved medical retirement by PERS and five (5) years continuous service.
- (c) The Chief of Police can authorize a retirement badge for an employee who has had honorable service and is deferring their retirement.

Personnel who meet one of the above requirements will exchange their breast badge and have one of the following options:

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- (a) Surrender the flat badge and the department will refurbish it and insert a "retired" panel.
- (b) If one does not own a flat badge, the department will purchase one indicating "retired".

#### **706.5 IDENTIFICATION CARD DISTRIBUTION**

Every member of the department will be issued an identification card indicating their title and are required to carry it on their person during the hours of employment.

Sworn personnel identification cards must be in compliance with the requirement set forth by the Law Enforcement Officer Safety Act, also known as HR 218 and State law. Valid identification must be possessed when carrying a firearm.

##### Active Personnel Identification Cards:

Any full-time paid sworn officer of this department who was authorized to carry a firearm during the course and scope of their employment shall be issued an identification card with a "CCW APPROVED" endorsement pursuant to Penal Code 12027(a)(1)(A). The back of active personnel identification card shall state:

- *"The bearer of this card is an ACTIVE duly sworn peace officer of the State of California authorized by Penal Code 830(b), Education Code 38000, et seq Pursuant to Chapter 44, Title 18, US Code section 926B, the bearer is "CCW APPROVED-ALL 50 STATES." This card is subject to revocation by the Chief of Police at any time and this CCW authorization and identification card expire one (1) year from issuance."*

For California Only endorsements, the back of the retired sworn officer identification card shall state:

- *The bearer of this card is an HONORABLY RETIRED sworn peace officer of the State of California authorized by Penal Code 830.2(b), Education Code 38000, et seq. Pursuant to California Penal Code section 12027(a)(1)(D), the bearer is CCW APPROVED CALIFORNIA ONLY." This card is subject to revocation and identification card expires three (3) years from the date of issuance.*

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

No CCW approved endorsement shall be issued to any officer retiring because of a psychiatric disability.

#### **706.6 MAINTAINING A CCW ENDORSEMENT**

In order to maintain a "CCW APPROVED" endorsement on an identification card, the retired officer shall:

- (a) Qualify according to Federal or California endorsement with the authorized firearm at a firearms range, supervised by a certified firearms instructor, using a course of fire approved by this department.
- (b) Remain compliant with all department policies and procedures, as well as compliant with all Federal, State and local laws pertaining to CCW APPROVED authorization.



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- (c) Be fingerprinted and cleared by both State and National databases. Fingerprinting shall be conducted near the date when the current identification card is due to expire.
- (d) No more than thirty (30) days shall separate the qualification shoot and date of fingerprinting.

#### **706.7 RE-ISSUING OF ID CARD FOR RETIRED PERSONNEL RESIDING OUT-OF-STATE**

Retired sworn personnel who reside out of county may obtain a renewed ID card through the following process:

- (a) Demonstrate firearms proficiency by completing a qualification shoot at an outside agency.
  - 1. Qualification shoot must meet or exceed the standards adhered to by this Department.
  - 2. Proof of completion of a qualification shoot, on original letterhead, submitted via US mail to the department Rangemaster.
- (b) Applicants shall clear fingerprint screening (DOB, FBI, CACI, Firearms) prior to receiving a new card.
  - 1. Hard cards may be mailed to the department's Livescan Unit for Processing.
  - 2. Livescan may be done as long as applicant ensures the returns are sent to the department's Livescan Unit.
- (c) Return expired ID cards to School Police Services via US mail.
- (d) If the applicant resides out of California, then HR 218 endorsement will be applied.
- (e) Applicants who reside in California must inform the Rangemaster if they are seeking an HR 218 endorsement, otherwise, a three year California CCW will be issued.

Upon completion of the listed procedure, a current ID card, using a photo on file, will be mailed to the applicant at a provided address.

#### **706.8 IDENTIFICATION CARDS**

The identification card issued to any qualified and honorably retired officer shall be in the following format, per Penal Code 12027(a)(1)(D):

- (a) It shall be on a 2x3 inch card
- (b) Bear the photograph of the retiree
- (c) Include the retiree's name, and date of birth
- (d) Include the date the retiree retired
- (e) Include the name and address of the agency from which the retiree retired
- (f) Include the endorsement "CCW APPROVED"
- (g) Include the date the endorsement is to be renewed.

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##### **706.9 DENIAL OR REVOCATION OF CCW ENDORSEMENT**

The CCW endorsement of any officer retired from this department may be denied or revoked only upon a showing of good cause. Good cause, if challenged, shall be determined pursuant to California law.

##### **706.10 REPLACEMENT OF LOST OR STOLEN IDENTIFICATION**

In the event that a department-issued badge or identification card is lost or stolen, the employee or retiree will report within 24 hours the incident to a department supervisor. The employee or retiree will be directed to complete a statement of fact(s) surrounding the lost or stolen badge or identification card. The supervisor will complete and submit an ARJIS Crime Report outlining the details surrounding the loss. A replacement card will be issued as soon as possible.

Employees found to be negligent by nature of a supervisor's investigation may be subject to disciplinary action.

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## Military Equipment

### 707.1 POLICY

It is the policy of the San Diego Unified School District Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### 707.2 SCOPE

This policy applies to all members of the San Diego Unified School District Police Department.

### 707.3 PURPOSE

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).

#### 707.3.1 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.

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#### *Military Equipment*

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- 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.

#### **707.4 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 San Diego Unified School District Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  1. Publicizing the details of the meeting.
  2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) 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.

#### **707.5 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department:

(See attachment A for the San Diego Unified School District Police Department military equipment list)

#### **707.6 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

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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.
- (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.

#### **707.7 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.

#### **707.8 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.

#### **707.9 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 9 - Custody**

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## Transportation of Individuals

### 901.1 PURPOSE

To establish procedures for the transportation of individuals using department vehicles and personal vehicles.

### 901.2 BACKGROUND

Individuals being transported may pose a significant risk of transporting officers or themselves. In order to maintain officer safety and protect the individual from harm, officers must use additional caution when transporting individuals to mental health or custodial facility. Officers using unmarked department vehicles must also consider various risks when transporting due to the lack of a safety barrier between the front and rear seating areas.

### 901.3 DEFINITIONS

**Officer** - All sworn and non-sworn officers employed by the department.

**Personal vehicle** - Any non-district owned, non-department owned or operated, or non-police vehicle.

**Caged Unit** - Police vehicles with a secured rear seating area. This includes vehicles properly marked and identified as a police vehicle and unmarked department vehicles having a secured rear seating area. Personal vehicles are never considered caged vehicles.

**Unmarked department vehicle** - Vehicles not readily identifiable as police vehicles, personal vehicles, or a marked vehicle without a secured rear seating area.

### 901.4 PROCEDURES

All passengers must be secured in safety belts in designated passenger seats. For all juvenile transports, officers shall give mileage at the beginning and end of each passenger transport and receive the time of the departures and arrival from dispatch. This mileage requirement shall exclude transporting district personnel who are not in custody.

- (a) Transporting any person to any mental health facility or custodial facility.
  1. Any transport of any individual to a mental health facility for a voluntary or involuntary committal may be completed by a single officer.
  2. The sergeant may authorize a single-officer transport based on the totality of the circumstances of the in-custody individual including, but not limited to, the following:
    - A. the experience of the transporting officer
    - B. the cooperativeness of the detained individual
  3. The sergeant and officer should consider the safety of themselves and the individual being transported when deciding if a second officer is necessary for the transport.

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4. With two sworn officers, it is at the discretion of the transporting officer to determine if the second officer will ride inside their police vehicle or follow in their own vehicle. When both officers are in the same vehicle, the officers shall be seated in the front seats of the vehicle. The passenger officer is responsible for observing the individual being transported.
  5. The individual being transported shall be handcuffed with their hands securely behind their back, and shall be thoroughly searched prior to being placed in the vehicle. The individual shall be seated in the appropriate seat in the rear of the vehicle. When two officers are completing the transport in one vehicle, the individual will be placed directly behind the driver, allowing the passenger officer the ability to observe the individual. When the only officer inside the vehicle is the driver, the individual will be placed in the rear seat on the passenger side of the vehicle, allowing the driving officer the ability to observe the individual.
  6. Any transport to a mental health facility requires supervisor notification.
  7. A caged unit should be used to transport any individual to mental health or custodial facility. If a caged unit is not available, officers may use an unmarked department vehicle with supervisor approval.
  8. Officers will use the police entrance to all mental health facilities and escort the individual into the facility. The officer shall release the individual to the care of the mental health facility staff regardless of the nature of the transport (voluntary or involuntary).
  9. In the event the individual is not accepted into the mental health facility, the transporting officer shall notify a supervisor. The officer shall then attempt to locate the parent/guardian of the individual if they are a juvenile, or release the individual to their place of detention if the individual is an adult. If unable to release a juvenile to a parent/guardian, the officer shall contact an emergency contact or relative to whom they may release the individual.
  10. If the call originated from a campus with a campus officer, the campus officer shall assist with the transport if they do not have their own caged unit, unless otherwise approved by a supervisor. If the call originated from a campus without a campus officer, the responding officer or detective unit shall be one of the designated sworn officers for the transport, unless otherwise approved by a supervisor.
  11. All transports to a mental health facility should be done in the most expeditious manner possible.
- (b) Transporting using unmarked department vehicles.
1. A marked unit is the preferred method of transportation, however, an unmarked department vehicle may be utilized with the following provisions:
    - A. When transporting an in-custody adult or juvenile, two sworn officers shall conduct the transport.
    - B. One sworn officer shall sit in the rear of the vehicle, keeping their firearm concealed and secured, or away from the in-custody person.



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- C. The in-custody person shall be handcuffed with their hands securely behind their back. The in-custody person shall be seated in the rear of the vehicle to allow for maximum observation by both officers.
- (c) Transporting a person to a place other than to a mental health or custodial facility, or transporting minor(s) for a status offense.
- 1. A marked unit is the preferred method of transportation for an in-custody person or suspect and, as noted earlier, shall be searched and handcuffed prior to transportation.
  - 2. Non-custodial transports or transports that are custodial but for status offenses:
    - A. If the juvenile is not considered a danger to themselves or others, an officer may transport the juvenile without a second officer in an unmarked department vehicle.
    - B. If the juvenile is not considered a danger to themselves or others, an officer may transport without the use of handcuffs or restraints, but shall still search the juvenile for weapons or contraband prior to transport.
    - C. Transporting non-department personnel (not in custody)
      - i. A caged unit may be utilized for transporting all minors or adults not in custody and not covered under one of the above sections.
      - ii. When a caged unit is not utilized, an unmarked district vehicle may be utilized with the following provision:
        - I. When transporting adults or minors, not considered a suspect or a danger, an officer may transport without a second officer. An officer shall use their discretion to determine whether or not the transported person constitutes a danger to themselves or others.
- (d) Transporting work-related non-department personnel in personal vehicles
- 1. No officer shall use any personal vehicle for the use of transporting any non-department personnel for work-related issues.
  - 2. See Administrative Procedures 7180 regarding the use of personal vehicles and district/personal liability coverage.

## **Chapter 10 - Personnel**

## Promotion Procedures

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications, along with formal processes, for promotion within the ranks of the San Diego Unified School District Police Department.

#### Promotion

##### A. Promotion

Promotion from one district recognized classification into another district classification of higher level and higher compensation pursuant to a competitive process.

##### B. Promotional/Open

Promotional/Open is a process by which an individual who is not currently employed by the district may be eligible to apply for a position, along with current qualified district employees; qualified current district employees will be certified first.

### 1002.2 PROCEDURES

#### A. Announcement

When a department vacancy occurs, the responsibility for the recruitment process rests with the Human Resources Services Department. School Police Services Department will contact Human Resources and request they formally post a job announcement. When the announcement is posted either internally or externally by Human Resources, a formal department announcement from School Police Services shall also be distributed via email to eligible department personnel. The announcement will include direction to refer to the job announcement posted on the district website for specific job description and application process.

#### B. Eligibility

The desired eligibility requirement for promotion to Campus Police Officer may come from the eligible classification of Police Officer II or outside agency equivalent experience. The minimum service in the eligible classification is one year of continuous California POST law enforcement experience.

The desired eligibility requirement for promotion to Detective will come from the eligible classification of either Police Officer II or Campus Police Officer. The minimum service in any of the eligible classifications combined is five years of continuous California POST law enforcement experience, as well as possession of an Intermediate POST certificate or higher.

The desired eligibility requirement for promotion to School Police Sergeant will come from the eligible classification of Police Officer II, Campus Police Officer or Detective. The minimum service in any of the eligible classifications combined is five years and AA degree or seven years of continuous POST law enforcement experience, as well as possession of an Intermediate POST certificate or higher.

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The eligibility requirement for the promotion of School Police Captain will come from the eligible classification of School Police Sergeant or outside agency equivalent experience. The minimum service in the eligible classification is three years and an AA degree or eight years of continuous POST law enforcement experience, and three years of supervisory experience.

The time of service in the eligible classification shall be computed from the date of appointment within the eligible classification to the closing date (application deadline) indicated on the announcement.

#### **C. Application Period**

The announcement and the application period shall be no less than ten (10) working days and no more than thirty (30) calendar days. The application itself shall be submitted to Human Resources pursuant to their procedures.

Following the closure of the application period, all applications shall be reviewed by Human Resources personnel. Candidates must complete and submit an application form and all required documents by the filing deadline. Furthermore, candidates who fail to submit either an application or some requested component document as described with the announcement shall be disqualified.

#### **1002.3 ASSESSMENT PROCESS**

A. The assessment process for each rank is comprised of four components as follows:

1. Education
2. Written test
3. Structured interview
4. Accomplishment review

The composite score is the sum of the points obtained by an individual candidate in each component. The maximum composite score is 100 points.

The Promotion to Rank scoring scale for the positions of Campus Police Officer, Detective, School Police Sergeant, and School Police Captain is as follows

1. Education - 5 points
2. Written test/Accomplishment Review - 45 points
3. Standard interview - 50 points

#### **B. Education**

Applicants will earn credit for education as follows

1. Associates Degree - 2 points
2. Bachelor's Degree - 3 points
3. Post Graduate Degree - 5 points

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No points will be awarded for a degree unless it has been obtained from an accredited institution

#### C. Written Test (Detective)

The written test consists of multiple-choice questions that measure general aptitudes needed to be a Detective. The test may also include questions from the most current material contained within the department's policy manual, as well as from portions of the department's mission, goals, responsibilities, and objectives. All applicants for the relevant classification will be administered the written test at the same time and date. An applicant may be permitted to take the written examination at an alternate date/time if exigent circumstances dictate a reasonable need to accommodate a candidate. The Chief of Police and one representative from Human Resources will determine if the request for an alternate test date/time is exigent and necessary. Approval or denial of such request by the Chief of Police and Human Resources is final.

Applicants must score higher than 75% (passing score) on the written examination to be eligible to continue in the remainder of the assessment process. Candidates will be notified of the passing score as soon as possible after the administration of the written test. Any candidate may call Human Resources for counseling or questions about the process.

#### D. Structured Interview

A structured interview may consist of one or more questions. A portion or all of the structured interview process may be conducted by a panel interview.

An interview panel for the promotion to either Campus Police Officer or Detective will be chosen by the Chief of Police. Reasonable efforts will be made to ensure gender and race diversity of the panel.

An interview panel for the promotion of School Police Sergeant or School Police Captain will be chosen by the Chief of Police. The panel will consist of no less than three members of which two members will be from outside the department and have law enforcement or public safety management experience. Also present will be a non-scoring representative from the Human Resources Division as an observer.

Any review or appeal regarding the structured interview process will follow the current district policy and procedure.

#### E. Accomplishment Review (School Police Detective, School Police Sergeant, and School Police Captain)

An accomplishment/review involves a systematic approach to evaluating a candidate's professional history and accomplishments. Candidates must complete a questionnaire which will have specific dimensions of accomplishments for specific time frames. This questionnaire will further ask supplemental information, including but not limited to, all law enforcement assignments, other expertise obtained such as FTO, Training Coordinator, Background Investigator, etc., education and job-related training and commendations.

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The accomplishments review process by the outside law enforcement managers is not subject to appeal; however, may be reviewed by an applicant following the completion of the promotion process by scheduling an appointment with the Human Resources Department within thirty (30) calendar days following the selection process.

#### F. Selection Process

The Human Resources Department will create a certification of eligibility list and provide each candidate with a written notification advising them if they were determined to be "qualified" or "not qualified".

The Human Resources Department will then provide a copy of the qualified certified list to the Chief of Police as soon as reasonably possible. The Chief of Police is then responsible for interviewing and selecting those individuals to be prompted.

## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the San Diego Unified School District Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1010.2 POLICY

The San Diego Unified School District Police Department (Department) takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

- (a) Complaints will be investigated by supervisory personnel.
  1. The supervisor will complete a "Complaint Control Form" to document complaints sufficiently serious to warrant an investigation
  2. The complainant may be furnished with a copy of the completed form.
  3. The complaint will be forwarded to the appropriate captain for review and assignment.
- (b) Investigations will be completed within sixty (60) calendar days from receipt of the signed letter. Extension requests must be approved by the Chief of Police.
- (c) A letter of explanation will be mailed to the complainant(s) with a copy of their complaint form. They are instructed to review their complaint, sign the letter and return it to continue the complaint process.
- (d) If a signed letter is not returned to the San Diego Unified School District Police Department within fifteen (15) calendar days from the date of the letter, the CCF will be filed chronologically in the Internal Affairs Office as "Hold Pending." The file will

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be destroyed after two years in accordance with California Government Code Section 10242.5. Such documents will be filed by the complainant's name and not filed or cross-filed using the Department member's identity.

- (e) A signed letter will not be required for internal investigations or for citizen complaints that include an allegation of criminal conduct.
- (f) The Chief of Police, or their designee, may, at their discretion, assign a complaint for an investigation, in the absence of a signed letter.
- (g) Investigations will be detailed and prompt. The complainant and witnesses will be interviewed. Witness reports will be obtained when necessary. All recognized investigative methods for determining facts surrounding the complaint will be used.
- (h) Subject officers identified at the commencement of the investigation will be notified of the complaint. This notification will serve as notice that an investigation has begun and an interview will be scheduled. Subject officers are entitled to representation per 3303(h) of the Government Code. Interviews will normally be scheduled no sooner than three (3) working days from the date of interview notification or when the subject officer waives the three day time period.
- (i) A witness employee subject to an interview is entitled to a representative only if he or she reasonably believes the investigation may lead to disciplinary action. Discipline is defined as a reprimand, suspension, demotion, or dismissal and voluntary resignation in lieu of discipline. Should, for any reason, the focus of an investigation shift during an interview and change the status of an employee who is without representation, the interview will be stopped and the employee will be afforded all the rights due to a subject employee. All investigative interviews shall be recorded. If a recording is made of the interview, the employee shall be provided a copy of the recording. If the employee being interviewed chooses, he/she shall have the right to bring his or her own recording device and record any and all aspects of the interview.

#### 1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Captain is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

**Incomplete/Hold Pending** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after a diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:



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- (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.
- (f) Complaints may be filed with the District as outlined in District Administrative Procedure 9430. Upon receipt of the complaint, the Department will follow this procedure for complaint investigation.

#### **1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

This policy shall provide information on the availability and acceptance of complaint forms from the public and the availability of these policies upon request.

##### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be provided to the public upon request and be accessible through the department website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

##### 1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

##### 1010.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

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##### **1010.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented in a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

##### **1010.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

###### **1010.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the administrative sergeant, unless the administrative sergeant is the complainant. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint. The Chief of Police may designate an outside agency to conduct an investigation.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Captain of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Captain or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within twenty-four ( 24) hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Captain.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Captain and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Department and the Captain for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

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- (f) Forwarding unresolved personnel complaints to the Captain, 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:
  - (a) Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  - (b) When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303) and bargaining unit members of the San Diego School Police Officers Association (POA) and the Administrators Association of San Diego City Schools (AASD):

- (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 San Diego Unified School District Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to an interview, a member shall be informed of the nature of the investigation, the name, rank, and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member

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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 an interview that could result in disciplinary action have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
  - (j) All members shall provide complete and truthful responses to questions posed during interviews.
  - (k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

#### 1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**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.

**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.

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**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

#### 1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

The assigned investigator or supervisor shall ensure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)). If disciplinary action is recommended, the specifics of that action will not be released to the complainant.

At the conclusion of the investigation, the subject employee will review the findings with their supervisor. The supervisor will have the employee read and sign the investigation. If the disposition of the complaint is not sustained, exonerated or unfounded, the signed investigation will be filed for a period of at least five (5) years pursuant to Section 832.5(b) P.C.

All complaint investigations will be maintained in locked file cabinets in the department's administrative offices.

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##### 1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

##### **1010.7 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining needed department equipment or reports.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

##### 1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- (a) Pursuant to a state law or proper legal process
- (b) Information exists that tends to indicate a conflict of interest with official duties
- (c) If the employee is assigned to or being considered for a special assignment with potential for bribes or other improper inducements

##### **1010.8 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons, and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift and will report as ordered.

##### **1010.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

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A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The San Diego Unified School District Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

##### 1010.10.1 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 Captain for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
  2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

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##### 1010.10.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

##### 1010.10.3 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

#### **1010.11 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 the 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 a 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.

#### **1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

#### **1010.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.



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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).

#### **1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

#### **1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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## Overtime Compensation Requests

### 1019.1 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 applicable Collective Bargaining Agreement (CBA), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an Overtime Request Form as required after overtime is worked.

#### 1019.1.1 DEFINITIONS

- A. **Overtime:** Time worked by an employee which falls outside of their regularly scheduled workday.
- B. **Workday:** Any day an employee is scheduled to work their regular shift.
- C. **Max Daily Hours:** No employee shall work more than 16 hours within a 24 hour period without prior approval from a supervisor. A supervisor may only grant this exception under extreme circumstances which typically involves an emergency situation.
- D. **Call-out:** When an employee is directed to return to work outside of their normal workday without prior notification.
- E. **CBA:** Collective Bargaining Agreement between the San Diego Unified School District (District) and its police employee associations (OTBS, SDSPOA, and AASD)
- F. **Travel Time:** Defined by the POA and the District as a maximum of thirty (30) minutes to the required assignment.
- G. **Emergency:** Any unforeseen situation impacting the general day-to-day instructional programs and/or various operations of the District. Examples may include mutual aid requests from other law enforcement and/or governmental and non-governmental agencies (e.g., American Red Cross, demonstrations, accidents of significant proportions or any other event requiring significant personnel).
- H. **Mutual Aid:** A process allowing resources to be shared regionally in response to an emergency response situation to protect lives and safeguard property.
- I. **Budget Number:** The District accounting number that in this specific reference may be used to indicate the funding source for a particular overtime assignment.
- J. **Paid Overtime:** Overtime for which an employee chooses to be paid.
- K. **Comp Time:** Overtime for which an employee chooses to be compensated in time off.
- L. **Extended Shift:** A shift where an employee is approved to work beyond their normal shift.
- M. **School Event or Dance:** A school or District-sponsored function other than athletics. A school event or dance is a voluntary (non-emergency) assignment unless ordered by the department to meet District needs.

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- N. **Athletics:** A school or District-sponsored or sanctioned team/individual athletic event. Athletic events are voluntary (non-emergency) assignments unless ordered by the department to meet District needs.
- O. **Fire Watch:** Refers to the coverage of a site(s) when the intrusion and/or fire alarms are not functioning properly. Fire Watch is a voluntary (non-emergency) assignment unless ordered by the department to meet District needs.
- P. **Security Detail:** Deployment of personnel to provide specific coverage to a site(s) due to various security issues where additional asset protection is required. Security details are voluntary (non-emergency) assignments unless ordered by the department to meet District needs.
- Q. **Education Code Section 38005:** California Education Code requires any school district to first offer any security operation to their in-house staff responsible for these duties before they contract with an outside source. The section reads:

*"The governing board of any school district may contract with a private licensed security agency to ensure the safety of school district personnel and pupils and the security of real and personal property of the school district when the personnel normally required to provide such service fail to do so because of an emergency including, but not limited to, war, epidemic, fire, flood or work stoppage; or when such emergency necessitates additional security services. This section shall apply only if the governing board by majority vote makes a specific finding that an emergency exists and that this finding is included in the board minutes."*

It is not necessary to determine whether the described high cost of police services constitutes an emergency because, assuming an emergency existed, the remaining requirements of Section 38005 have not been met. It cannot be said that the district police officers failed to provide services due to emergency (there has been no failure in the rendering of services), or an emergency necessitates additional security personnel (the district has sufficient personnel to provide the services at issue.)

#### 1019.1.2 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time for the department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime pay.

All employees are obligated to comply with provisions of all department policies, as well as District policies and procedures, designed to ensure compliance with FLSA.

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No work may be done outside the employee's scheduled work hours unless approved in advance by his/her immediate supervisor. Exceptions may be made due to unexpected or short notice court appearances and emergency situations.

Employees shall not perform department duties outside of his/her scheduled work hours without approval. All overtime forms must be submitted for supervisor approval within 24 business hours of the overtime assignment.

All supervisors shall monitor the activities of their subordinates who are eligible to receive overtime compensation to ensure those employees are not working unapproved or uncompensated overtime. Employees eligible to receive overtime compensation must report such work consistent with established District and department policies and procedures.

Any conduct which inhibits by action, statement, or other means any employee's legitimate submission of overtime compensation, which is lawfully earned, is deemed to be misconduct and may result in disciplinary action.

Overtime: All overtime activities are at the discretion of the Chief of Police, as the department head, as empowered by the superintendent.

Scheduled Overtime: Overtime which is pre-assigned in which the employee and the department have at least twenty-four (24) hours notice include:

- (a) Football: The School Police Operations Captain or their designee shall be responsible for assigning school police personnel to all athletics events. Athletic overtime shall not exceed four (4) hours per event, including travel time, without further supervisory approval. The assignment of personnel to these events remain at the discretion of the Chief of Police. However, as a general guideline, the following assignments may be made as funding permits:
  1. Friday/Saturday Boys Varsity: A usual deployment is two officers; however a minimum of one officer may work each varsity game (this does not include preseason and/or tournament games) in exceptional circumstances. More than two officers may be assigned to a game based on the need for increased safety and security. Additional personnel will be at the discretion of the Operations Captain or designee. In most cases, the home school site will be required to fund additional officers.
  2. Out of District Friday/Saturday Varsity: A minimum of one officer may work each out of district varsity game; however, a second officer may be scheduled based on the need for increased safety and/or security needs.
  3. Out of County Varsity: These games will be staffed by one officer if the event is within two (2) hours of driving distance from the SDUSDPD headquarters. Exceptions may be permitted by the Operations Captain if the school site chooses to fund the officer(s) and only if staffing permits.
  4. Playoff Varsity Games: A minimum of two officers shall work each playoff varsity game. Additional personnel is at the discretion of the Operations Captain or

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designee. In most cases, the home school site will be required to fund additional officers.

5. Freshman Games: No department personnel will generally be authorized to work freshman games. Exceptions may be permitted by the Operations Captain if the school site chooses to fund the officer(s) and only if staffing permits.

(b) Basketball:

1. Friday/Saturday Boys Varsity: A usual deployment is two officers; however a minimum of one officer may work each varsity game (this does not include preseason and/or tournament games) in exceptional circumstances. More than two officers may be assigned to a signal game based on the need for increased safety and security. Additional personnel is at the discretion of the Operations Captain or designee. In most cases, the home school site will be required to fund additional officers.
2. Weekday Boys Varsity: Weekday away games shall not be covered unless exigent safety concerns exist. Exceptions may be permitted by the Operations Captain if the school site chooses to fund the officer(s) and only if staffing permits.
3. Out of District Friday/Saturday Boys Varsity: A minimum of one officer may work each out of district varsity game; however, a second officer may be scheduled based on the need for increased safety and/or security needs.
4. Out of County Boys Varsity: These games are generally not staffed. Exceptions may be permitted by the Operations Captain if the school site chooses to fund the officer(s) and only if staffing permits.
5. Junior Varsity: No department personnel will generally be authorized to work these games. Exceptions may be permitted by the Operations Captain if the school site chooses to fund the officer(s) and only if staffing permits.
6. Playoff Boys/Girls Varsity: A minimum of two officers may work playoff varsity games. Additional personnel is at the discretion of the Operations Captain or designee. In most cases, the home school site will be required to fund additional officers.

(c) Other Athletics:

1. Department personnel are not funded for any other school athletic event. If a site desires personnel for particular events (e.g., track meet, baseball game, soccer game, etc.) they must provide the funding and be pre-approved by the Operations Captain if staffing permits. These are voluntary (non-emergency) assignments unless ordered by the department to meet District needs.

(d) School Dances: The Operations Captain or designee shall be responsible for assigning school police personnel to all dance events. Dance overtime shall not exceed six (6) hours per event without prior supervisory approval. The assignment of personnel to these events remains at the discretion of the Chief of Police. However, as a general guideline, the following assignments may be made as funding permits:

1. A minimum of one police officer will be assigned to the following school dances:

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- A. High School Homecoming
  - B. Winter Formal/ASB Formal
  - C. Spring Formal
  - D. Senior Prom
  - E. All other high school and middle school dances must be funded by individual school sites with prior approval of the Operations Captain and only if staffing permits.
- (e) Open House/Parent Night
- 1. Personnel may work two open houses per school year (one in the Fall and one in the Spring). Each event shall not exceed four (4) hours of overtime unless approved by a supervisor. These are voluntary (non-emergency) assignments unless ordered by the department to meet district needs.
- (f) Prime Time (Six to Six) and Extended Day Programs:
- 1. Some sites have various extended day programs. If a school site or private contract agency wants to fund department personnel to provide security, the currently assigned on-site officer will have the first right of refusal. In the event the officer does not want the overtime, or the site does not have an assigned officer, the Operations Captain or designee will assign appropriate coverage only if staffing permits. These are voluntary (non-emergency) assignments unless ordered by the department to meet District needs.
- (g) Communications Center:
- 1. The Communications Center (Dispatch) is a 24/7, 365 day per year operation. During staffing shortages due to various reasons, overtime assignments may be offered. In most cases, these are voluntary (non-emergency) assignments unless ordered by the department to meet District needs. Regardless, overtime assignments will be offered in an equitable manner, using a seniority-based rotation system.
- (h) Unscheduled Overtime:
- 1. This is overtime occurring as a result of unforeseen and/or emergency circumstances. All unscheduled overtime must first be approved by a school police supervisor. The length and duration of any overtime assignment in the category shall be determined by the Operations Captain or designee. Any of the following situations may result in unscheduled, emergency overtime:
    - A. Ensuring minimum deployment of personnel to provide service
    - B. Response to an emergency request for mutual aid
    - C. "Call out" for an after-hours incident that cannot wait to be addressed until the next business day
    - D. Fire Watch and/or patrols due to malfunctioning intrusion/fire alarms in order to meet an immediate District need

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- E. Any other unforeseen emergency situation
  - (i) Miscellaneous:
    1. Personnel called out to work a minimum of eight (8) hours of overtime between the hours of 2300 and 0700, may have the option of getting paid overtime and working their normal assigned shift (not to exceed sixteen (16) hours on the job) or getting overtime pay and taking compensation/vacation time off for their regular assigned shift or not get paid overtime for their shift and make the eight (8) hours from the call-out their regular shift.
    2. For the purpose of mileage reimbursement, overtime assignments which are voluntary (non-emergency) assignments, mileage reimbursement is prohibited.
    3. For the purpose of overtime assignments that are required (non-voluntary), mileage reimbursement is authorized one-way (to the overtime event only) if required to change work locations. If the employee has already left their normal work assignment, mileage should be calculated from their home to the overtime assignment. If the employee is leaving from their normal work assignment, mileage should be calculated from their normal work location to the overtime assignment.
    4. Probationary employees may be eligible for overtime if they have successfully completed their required field or dispatch training. Probationary employees still in training are prohibited from voluntary overtime. However, if assigned by the department for overtime, the employee will work with a certified trainer in a training capacity.

#### **1019.2 REQUEST FOR OVERTIME COMPENSATION**

Employees shall submit all overtime compensation requests to their immediate supervisors within twenty-four (24) business hours of the overtime shift for verification and forwarding to the captain.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

##### **1019.2.1 EMPLOYEES RESPONSIBILITY**

Employees shall complete the requests in a timely manner after working the overtime and turn them into their immediate supervisor.

##### **1019.2.2 SUPERVISORS RESPONSIBILITY**

The supervisor shall verify that the overtime was worked before approving the request.

After the overtime has been verified and approved, the overtime payment request form is forwarded to the employee's Captain for final approval. The supervisors shall make every effort to forward all approved overtime to the captain within forty-eight (48) business hours.

#### **1019.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to record the actual time worked in an overtime status. In the case of a minimum call back, the officer shall record the actual time worked. A notation shall be made in the comments section on the Overtime Request Form that the overtime is subject to call-back pay.

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##### 1019.3.1 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>
0 to 6 minutes	0
7 to 22 minutes	.25
23 to 36 minutes	.50
37 to 52 minutes	.75
53 to 66 minutes	1 hour



## Outside Employment

### 1020.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall submit a Request for Approval of Outside Employment or Enterprise form. Written approval shall be at the discretion of the Chief of Police/designee, and/or the employee's immediate supervisor in accordance with the provisions of this policy.

#### 1020.1.1 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.

### 1020.2 OBTAINING APPROVAL

In order to obtain approval for outside employment, the employee must be performing their current duties satisfactorily. Employees who are on probation must demonstrate satisfactory performance in all required job functions prior to any approval for outside employment.

Employees meeting these requirements who wish to seek outside employment must complete an [Outside Employment Request Form](#) which shall be submitted to the employee's immediate supervisor. Requests must be submitted and approved prior to the employee beginning their outside employment. All requests are subject to department approval.

If approved, the employee will be notified in writing within (10) working days of the request by a supervisor, barring any unforeseen circumstances. Personnel must renew their request at the beginning of each fiscal year (July 1).

Personnel may not use any department-issued equipment for outside employment unless approved by a supervisor.

Full-time officers on light duty or injured status may not engage in outside employment unless authorized by a supervisor. Officers on an extended leave of absence will need to adhere to this policy. Officers on unpaid administrative leave may seek outside employment, however, they will still need to seek authorization pursuant to this policy prior to employment.

Any employee seeking approval of outside employment, whose request has been denied due to a conflict of interest shall be entitled to a copy of such denial within 10 working days of that notification. Examples of conflicts include but are not limited to:

- (a) Employment that renders an officer unavailable during an emergency.
- (b) Employment that physically or mentally exhausts an officer to the point that their performance may be affected.
- (c) Employment that interferes with an employee's regular work schedule.

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- (d) Employment that is in conflict with the mission of this department.

#### 1020.2.1 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 (10) working days of the date of denial.

The appeals process will be handled expediently within ten (10) working days barring any unforeseen circumstances. The Chief of Police or designee's decision shall be final.

#### 1020.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

- (a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline.
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full-time duties until the employee has returned to a full duty status.

#### 1020.3 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.

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- (d) Involves time demands that would render the performance of the employee's duties for this department less efficient.

#### **1020.4 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. Employees are also prohibited from utilizing sick leave time to engage in outside employment.

#### **1020.5 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.

#### **1020.6 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 District's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the San Diego Unified School District Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

## Personal Appearance Standards

### 1022.1 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.

### 1022.2 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 an exception.

#### 1022.2.1 HAIR

Hairstyles of all members shall be neat in appearance.

##### Male Personnel

Male members shall wear their hair in a neat and styled fashion as to prevent the hair from covering the face or ears. "Afro" type hairstyles shall be neat and trimmed and well-groomed, not to exceed 3" in length. The hair shall not extend more than one-half inch below the collar of a shirt when the head is held upright. Wigs or hairpieces must conform to the same standards. Extreme hairstyles or hair treatments/colors are prohibited.

##### Female Personnel

While wearing the Class A, B, or C uniform, the hair shall be worn in a neat style. The length of hair shall not extend more than one inch below the collar of a long-sleeved shirt when the head is held upright. If the hair is longer than described, it shall be worn up in a neat fashion and securely fastened. "Afro" type hairstyles shall be neat, trimmed and well-groomed, not to exceed 3" in length. Wigs or hairpieces must conform to the same standards. Extreme hairstyles or hair treatments/colors are prohibited.

#### 1022.2.2 MUSTACHES

Mustaches shall be kept neatly trimmed and well-groomed. They shall not extend more than one-half inch below the corners of the mouth. They shall not be waxed.

#### 1022.2.3 SIDEBURNS

Sideburns shall be trimmed so that they do not extend beyond the bottom of the earlobe and do not flare more than a one-half inch wider at the bottom of the sideburns unless they are joined to a full facial beard. There must be a distinct separation between the mustache and sideburns.

#### 1022.2.4 BEARDS AND GOATEES

Uniformed and non-uniformed sworn personnel are not authorized to wear beards and goatees. Non-sworn professional staff may wear a beard or goatee that is no longer than one-quarter inch,

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and must have clearly defined neck and cheek lines; beards and goatees are to be neatly trimmed and maintained.

#### 1022.2.5 FINGERNAILS

##### Female Personnel

Fingernails shall be professional in color/tone and length. They shall be no more than one-quarter inch past the fingertip. Fingernail jewelry and multicolor nails (with the exception of a French manicure) are not permitted.

#### 1022.2.6 JEWELRY AND ACCESSORIES

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 worn by officers, if worn around the neck, shall not be visible above the shirt collar. Visible jewelry, other than those items listed in Policy 1023 Section 1023.2 (j), will not be worn with the uniform unless specifically authorized by the Chief of Police or his/her authorized designee.

#### 1022.2.7 MAKE-UP

The use of makeup shall be conservative.

#### 1022.3 TATTOOS

While on duty or representing the department in any official capacity, tattoos that extend below the elbow must be covered by a long-sleeved shirt; these tattoos also shall not be offensive or contrary to the department mission and values. Wedding ring tattoos are permitted but must be conservative in nature.

All department employees (no matter position, rank or assignment) are prohibited from having any visible tattoo upon the neck, face or head.

All department employees shall cover all brandings, scarifications, and piercings.

#### 1022.4 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.

#### 1022.5 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

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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.

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## Uniform Regulations

### 1023.1 PURPOSE AND SCOPE

The uniform policy of the San Diego Unified School District Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms.

The San Diego Unified School District Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee groups' collective bargaining agreement.

### 1023.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) Supervisors may perform periodic inspections of their personnel to ensure conformance with these regulations.
- (e) Civilian attire 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, 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.
- (i) Mirrored sunglasses will not be worn with any department uniform.
- (j) Visible jewelry, other than those items listed below, will not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
  - 1. Wristwatch
  - 2. Wedding ring(s), class ring, or other rings of tasteful design. A maximum of two rings/set may be worn on each hand
  - 3. Identification, religious or medical alert bracelet

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##### 1023.2.1 DEPARTMENT ISSUED IDENTIFICATION

The department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department-issued identification card at all times while on duty or when carrying a concealed weapon.

- (a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department-issued identification in a courteous manner to any person upon request and as soon as practical.
- (b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Captain.

##### 1023.3 UNIFORM CLASSES

The San Diego Unified School District Police Department has established four (4) uniform classifications for this Policy.

- (a) Class A Uniform (Dress Uniform)
- (b) Class B Uniform
- (c) Class C Uniform
- (d) Class D Uniform

In all uniform classes, where black basketweave is indicated, the duty equipment shall have hidden or black snaps. Generally, the snaps should be hidden and black snaps utilized when a particular piece of equipment is not available with hidden snaps. Belt buckles may be black plastic, hidden, or black metal.

##### 1023.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. Officers must remember they are not equipped with all necessary safety equipment when wearing the Class A Uniform. The Class A uniform is required for all sworn and non-sworn personnel.

Class A uniform shall consist of only the following items (no exceptions or variations may be granted without the permission of the Chief of Police):

- (a) Dark blue poly-wool blend/wool long-sleeved uniform shirt, pressed and well maintained with military creases. Dark blue poly-wool pants, pressed and well maintained with creases. Service recognition hash marks on the lower left sleeve, each indicating 5 years of total law enforcement service. However, once an officer becomes sworn, he/she shall not wear hash marks reflecting non-sworn and/or volunteer reserve time in law enforcement.
- (b) Body armor shall be worn under the uniform shirt in the course of daily duties. Body armor shall be optional when attending non-enforcement events (e.g., ceremonies, training, and/or conferences). Other exceptions may be granted by the Chief of Police at his/her discretion.



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- (c) Dark blue "Smokey" hat may be worn (optional) with Class A, along with the approved hat badge.
- (d) Black utility boot or shoe, including those with cloth side panels. Shoes must be smooth leather or corfram uppers and have a high gloss shine. Black socks shall be worn with all low cut boots or shoes.
- (e) Department- approved badge.
- (f) Dark blue full-length necktie.
- (g) Gold-toned tie bar-polished metal.
- (h) Name plate-polished metal (gold for sworn). Nameplate shall consist of first and last name or first initial and last name. No nicknames permitted.
- (i) Black basketweave duty belt with approved Class A equipment listed below.
- (j) Two writing utensils (gold or black).
- (k) No commemorative pins allowed for special events in Class A. Unlimited medals awarded to an officer by the department shall be allowed.

#### Class A Uniform Duty Belt Specifications

##### Sworn Personnel

- (a) Black basketweave duty belt
- (b) Firearm and holster
- (c) Ammunition and case
- (d) Handcuffs and handcuff case ( one at most)
- (e) Keys and holder (optional)
- (f) Keepers as needed

#### 1023.3.2 CLASS B UNIFORM

The Class B and Class C Uniforms are the standard daily uniforms for sworn personnel serving in the position of Police Officer I, Police Officer II, Campus Police Officer, and Police Sergeant working under Field Operations. This is also an optional uniform for Detective or Command Staff.

The Class B uniform shall consist of only the following items (no exceptions or variations may be granted without the permission of the Chief of Police):

- (a) Dark blue poly-wool long or short-sleeved uniform shirt and poly-wool blend or wool pants, clean, pressed and well maintained with military creases. Service recognition hash marks, each indicating 5 years of sworn or non-sworn law enforcement service, may be added to the lower-left sleeve of a long-sleeved uniform shirt. Officers shall not wear marks reflecting non-sworn and/or volunteer reserve time in law enforcement.
- (b) Black crew neck undershirt shall be worn under the uniform shirt if no dark blue full necktie is worn.

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- (c) Body armor shall be worn under the uniform shirt in the course of daily duties. Body armor is optional for command staff, or staff working administrative assignments. Other exceptions may only be granted by the Chief of Police.
- (d) Black utility boot or shoe, including those with cloth side panels. Shoes must be smooth leather or corfram uppers and able to receive a high gloss shine. Black socks shall be worn with all low cut boots or shoes.
- (e) Black basketweave duty belt with approved Class B equipment listed below.
- (f) Department-approved badge.
- (g) Gold-toned name plate-polished metal. Nameplate shall consist of first and last name or first initial and last name. No nicknames permitted.
- (h) Two gold-toned or black writing utensils
- (i) Maximum of two (2) commemorative pins allowed for special events as approved by the Chief of Police.

An optional Class B uniform shirt combination is authorized to be worn on duty.

- (a) Poly wool blend polo-shirt (top portion resembles a standard police uniform top, while the bottom portion consists of a dry-fit material).
- (b) Outer body armor vest carrier to be worn over the polo shirt. The vest carrier resembles the standard police shirt.

The officer shall follow the same Class B uniform guidelines listed above.

The Operations Support Captain maintains the list of authorized uniform vendors who carry these uniform styles. The Class B external vest/shirt combination is an optional uniform. Therefore, officers desiring to wear this uniform style will do so at their own expense.

#### Class B Uniform Duty Belt Specifications

##### Sworn Personnel

- (a) Black basketweave duty belt
- (b) Firearm and holster (department-approved level I, II or III. No level zero)
- (c) Ammunition and case
- (d) Handcuffs and handcuff case (minimum of one, maximum of two)
- (e) Radio and radio holder
- (f) Impact weapon and holder
- (g) Pepper spray and holder
- (h) Flashlight ring (optional)
- (i) Compact Belt flashlight (optional)
- (j) Keys and holder
- (k) Keepers as needed

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- (l) Taser with approved holster (on duty belt or drop holster)
- (m) Latex glove basket weave holder (optional)

#### 1023.3.3 CLASS C UNIFORM

The class C Uniform (along with the Class B Uniform) is the standard daily uniform for the sworn personnel serving in the position of Police Officer I, Police Officer II, Campus Police Officer, and Police Sergeant working under Field Operations. This is also an optional uniform for Detective or Command Staff.

The Class C uniform shall consist of only the following items. No exceptions or variations may be granted without the permission of the Chief of Police:

- (a) Cotton and/or synthetic utility uniform, long or short-sleeved dark blue uniform shirt and matching pants. The uniform must be clean, pressed and well maintained with military creases. The utility uniform pants shall have cargo pockets on each thigh. The Field Operations Captain will maintain a list of brands and styles authorized to be worn as the utility uniform. It is incumbent upon each officer to check with the Field Operations Captain to ensure they are purchasing approved utility uniforms.
- (b) Service Recognition hash marks, each indicating 5 years of sworn service, shall be added to the lower-left sleeve of a long-sleeved uniform shirt. However, once an officer becomes sworn, he/she shall not wear hash marks reflecting non-sworn and/or volunteer reserve time in law enforcement.
- (c) Black crew neck undershirt shall be worn under the uniform shirt. A necktie is not authorized with this utility uniform.
- (d) Black mock turtleneck or full turtleneck may be worn only under the long sleeve uniform shirt. No embroidered lettering permitted.
- (e) Body armor shall be worn under the uniform shirt in the course of daily duties. Exceptions may only be granted by the Chief of Police.
- (f) Black utility boot or shoe, including those with cloth side panels. Shoes must be smooth leather uppers and able to receive a high gloss shine. Black socks shall be worn with all low cut boots or shoes.
- (g) Black basketweave duty belt with approved Class C equipment listed below.
- (h) Department-approved badge.
- (i) Gold-toned name plate-polished metal. Nameplate shall consist of first and last name or first initial and last name. No nicknames permitted.
- (j) Two gold-toned or black writing utensils.
- (k) Maximum of two (2) commemorative pins allowed for special events as approved by the Chief of Police.

Class C Duty Belt Specifications - Specifications as outlined for the Class B Uniform.

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##### 1023.3.4 CLASS D UNIFORM

The Class D uniform is the standard daily uniform for personnel serving in the position of Detective, Administrative/Investigative Sergeant, Operations Support Captain, and Chief of Police. However, these positions may wear the Class A, B, or C Uniform as needed.

The Class D uniform shall consist of only the following items (no exceptions or variations may be granted without the permission of the Chief of Police):

- (a) Professional and conservative business attire, long-sleeved button-down collared dress shirt neatly tucked-in, and necktie are worn or readily available. Females may wear business-appropriate tops/blouses.
- (b) A sport coat or suit jacket may be worn or shall be readily available. Officers have the discretion of displaying their badge on a lanyard around the neck or fixed to their belt directly in front of the firearm. When necessary, the employee's police identification card shall also be worn on a lanyard around the neck to increase visibility to the public.
- (c) Body armor may be worn concealed under the Class D Uniform.
- (d) Dress shoes made of leather or similar materials in either a lace-up or slip-on style. Leather and/or suede shoes appropriate to casual attire may be worn with prior supervisor approval. Heels shall not be over three inches in height.

##### 1023.3.5 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as detectives, canine team, range master, or detach officers. Officers and other specialized assignments.

Polo shirts may be authorized for wear by these special assignments. The shirts shall be embroidered with the SDUSDPD badge on the left breast area, and rank or assignment denoted under the badge. Polo shirt colors for special assignments are authorized as follows:

Red polo shirt authorized for Range Master/Firearms personnel

Dark gray polo shirt authorized for Less Lethal training personnel

Dark blue polo shirt authorized for Canine Handler

##### 1023.3.6 FOUL WEATHER GEAR

The department shall issue to all personnel rain gear which shall consist of a hooded high visibility rain jacket and pants. The Operations Support Captain shall maintain a list of approved vendors for this gear.

##### 1023.3.7 COMMUNICATIONS PERSONNEL

Personnel assigned to work within the Communications Division (communications supervisor, lead dispatcher, dispatchers and temporarily assigned personnel) shall dress appropriately for a professional setting. Some examples of clothing that would not be appropriate include exercise pants or pants of similar material (i.e., spandex, leggings), shorts, cut-off shirt, or tops exposing cleavage or the waistline, thong sandals or any clothing that is dirty, faded, torn, or provocative.

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Communications personnel are also permitted to wear a department-approved polo shirt, or button-up long sleeve, 3/4 sleeve, or short sleeve. The shirt may have the department badge embroidered on it and under the badge, the appropriate job title (i.e., Communications Supervisor, Lead Police Dispatcher, Police Dispatcher). All department-issued shirts shall be clean and well maintained; they must be black or dark blue in color.

#### 1023.3.8 PROFESSIONAL STAFF

Personnel assigned to work within Police Services, required to work with the public, including classifications such as School Police Clerk, Safe Schools Crime Analyst, Confidential Secretary, etc. and light-duty personnel shall dress appropriately for a professional setting. Some examples of clothing that would not be appropriate for staff to wear in a professional setting include denim, t-shirts, sweat suits or similar material (i.e., spandex, leggings), shorts, cut off shirts or tops exposing cleavage or the waistline, athletic shoes or thong sandals and clothing that is faded, torn, dirty or provocative.

#### 1023.3.9 COURT ATTIRE

Members involved in cases before a court shall wear a Class B, C or D uniform. For Class D, a necktie and coat are mandatory for male personnel.

#### 1023.3.10 STREET ATTIRE

Personnel may wear "Street Attire" (jeans, T-shirts, long/short sleeve un-tucked button-up shirts, tennis shoes, etc.), for the duration of special details with prior supervisor approval.

#### 1023.3.11 EXCEPTIONS

Any exceptions to the specified uniforms for special detail must be approved by the Chief of Police.

### 1023.4 INSIGNIA AND PATCHES

- (a) Shoulder Patches - The authorized shoulder patch supplied by the department shall be machine- stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
- (b) Service stripes, stars, etc. - Service stripes and other indicators for the 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.
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

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- (f) Flag Pin - A flag pin may be worn, centered above the nameplate.
- (g) Badge - The department- issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- (h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

#### **1023.4.1 COMMEMORATIVE BADGE**

The 9/11 Commemorative Badge is authorized for officers to wear on-duty each year during the month of September.

#### **1023.4.2 MOURNING BADGE**

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty, upon order of the Chief of Police or designee. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

#### **1023.5 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, San Diego Unified School District Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the San Diego Unified School District Police Department to do any of the following (Government Code §§ 3206 and 3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

#### **1023.6 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT**

The following optional equipment is approved by the Chief of Police:

- (a) An audio recording device, if carried on the belt, inside a black basketweave carrier.
- (b) Utility knife, if carried on the belt, inside a black basketweave carrier.

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- (c) Personal cell phones, if carried, must be inside of a black clip/carrier.
- (d) Black nylon gear instead of basketweave for investigative personnel while serving warrants and/or working on select tactical operation, with prior supervisor approval.
- (e) Black cowhide or synthetic leather patrol jacket, nylon "chill-chaser", or dark blue 'command' knit sweater, with nameplate and badge holes with department patch on each shoulder (Class B or C uniforms only).
- (f) Department approved baseball-style cap, wool. The ball cap may only be worn when exposed to long periods of sunlight or inclement weather and may not be worn in police vehicles unless there is ongoing inclement weather.
- (g) Black leather, full finger gloves (no fingerless gloves) purchased by the officer. Gloves will only be worn as cold weather uniform item by officers wearing a jacket, sweater or long-sleeved shirt. Latex gloves purchased by the department are to be used for officer's protection during pat-downs and searches. Latex gloves issued by the department or leather gloves purchased by the officer may be worn during pat-down searches but must be removed when the suspect is secure.
- (h) Sunglasses purchased by officers will be made of a non-mirrored lens type only. Frames must be of one dark neutral color, silver or gold. Neck or restraining cord will be plain black in color when worn by uniformed personnel.

#### 1023.6.1 REPLACEMENT OF DEPARTMENT ISSUED EQUIPMENT

Equipment issued to an officer by the department shall be replaced or repaired when the equipment has become non-functioning, hazardous, or damaged beyond the ability to safely repair the item. The decision to either repair or replace such items rests solely with the department; however, the financial responsibility rests solely with the officer except where otherwise agreed to by contract with an employee's bargaining unit.

Uniforms issued to an officer by the department shall be replaced or repaired when the uniform is damaged and does not present a professional appearance. The damage shall be visible or must affect the performance of the uniform. Uniforms requiring replacement or repair shall be the financial responsibility of the officer except where otherwise agreed to by contract with an employee's bargaining unit.

Any additional uniforms, uniform adjustments or alterations, or any additional equipment shall be the responsibility of the officer.

If there is any doubt as to whether a particular item meets department specifications, or if a member wishes to recommend any modifications or additions to uniform apparel or equipment, they must first obtain approval of the Chief of Police or his/her designee via the chain of command.

Personnel shall not wear combinations of uniform and civilian attire, except to cover up the uniform while traveling to and from work, or as directed in accomplishing work assignments. Discretion is required to avoid an unkempt, out-of-uniform appearance in view of the public.

On-duty personnel shall be in complete uniform unless assigned to plainclothes duty or specifically directed otherwise by their supervisor.

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All exceptions shall be granted by the Chief of Police or his/her designee.

#### 1023.6.2 UNIFORM MAINTENANCE

All personnel has a duty to care for issued equipment. Uniformed personnel receive an annual uniform clothing allowance and are expected to wear clean and well-maintained uniforms.

#### 1023.6.3 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the San Diego Unified School District Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the San Diego Unified School District Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

#### **1023.7 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

San Diego Unified School District Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

San Diego Unified School District Police Department employees may not use or carry any safety item, tool or other pieces of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.



## Special Assignment Rotation

### 1029.1 PURPOSE AND SCOPE

To establish a procedure for rotation of specific department assignments and to term limitations. Incumbents currently serving in the below assignments, who have already worked five (5) years or more upon policy implementation, will be rotated to another approved assignment within their classification effective the first day of the new school year.

Within certain job classifications, there are special assignments made by the Chief of Police. Individuals who serve in such assignments may or may not be entitled to additional compensation, as compensation is a negotiated item between the classification bargaining unit and the district. Regardless, assignments and reassignments are at the discretion of the department head (Chief of Police), subject to any stipulations found within the Collective Bargaining Agreement (CBA) between the San Diego Unified School District (District) and said bargaining unit.

Specific department assignments are desirable and are often sought-after positions. These assignments enhance and expand an employee's skills and offer the additional experience to further their career. Therefore, a rotation system is established to increase access to specific department assignments for the betterment of personnel and the department.

The following specific department assignments will be subject to the procedure:

- (a) Weapons Instructor - Firearms
- (b) Less Lethal Defensive Tactics Instructor- Less Lethal Weapons (Taser)
- (c) Tactical Combat Casualty Care (TCCC) Trainer
- (d) K9 Handler - Based on the service life of the dog (5-7 years)
- (e) Administrative Sergeant
- (f) Investigative Sergeant
- (g) Others, as selected by Chief of Police or designee

### 1029.2 TERM LIMITATION

The term of service for all assignments listed in this order shall be five years.

- (a) A one-year extension can be requested by the incumbent
  1. Requests for extension should be made in writing and addressed to the Chief of Police via the chain of command. Request for extension should outline the reason(s) for the request, including the anticipated benefit to the incumbent and the department.

The extension request will be reviewed. The granting or denial of the extension will be made by the Chief of Police. All assignments or reassignments are subject to any notification requirements set forth in any CBA between the incumbent's bargaining unit and the District.

# San Diego Unified School District Police Department

## Policy Manual

### Policy Manual

#### *Special Assignment Rotation*

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#### **1029.3 SELECTION PROCESS**

(a) Weapons Firearms Instructor

1. Interested personnel must have a minimum of three years of continuous service as a sworn officer to be eligible.
2. Vacancies in this assignment will be announced via department-wide communication.
3. Vacancies will be announced no less than ten (10) working days prior to the closing of the application period.
4. Interested personnel will submit a detailed resume and memorandum expressing their desire to be considered for the position to their supervisor.
5. Qualified candidates will be interviewed by the Operations Support captain and the administrative sergeant or designee(s).
6. The final assignment decision will be made by the Chief of Police.

(b) Less Lethal Defensive Tactics Instructor - Less Lethal Weapon(s) Taser

1. Interested personnel must have a minimum of three years of continuous service as a sworn officer to be eligible.
2. Vacancies in this assignment will be announced via department-wide communication.
3. Vacancies will be announced no less than ten (10) working days prior to the closing of the application period.
4. Interested personnel will submit a detailed resume and memorandum expressing their desire to be considered for the position to their supervisor.
5. Qualified candidates will be interviewed by the Operations Support captain and administrative sergeant.
6. The final assignment decision will be made by the Chief of Police.

(c) TCCC Instructor

1. Interested personnel must have a minimum of three years of continuous service as a sworn officer to be eligible.
2. Vacancies in this assignment will be announced via department-wide communication.
3. Vacancies will be announced no less than ten (10) working days prior to the closing of the application period.
4. Interested personnel will submit a detailed resume and memorandum expressing their desire to be considered for the position to their supervisor.
5. Qualified candidates will be interviewed by the Operations Support captain and administrative sergeant or designee(s).
6. The final assignment will be made by the Chief of Police.

# San Diego Unified School District Police Department

## Policy Manual

### Policy Manual

#### *Special Assignment Rotation*

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(d) K-9 Handler

1. Interested personnel must have a minimum of three years of continuous service as a police officer to be eligible.
2. Vacancies in this assignment will be announced via department-wide communication.
3. Vacancies will be announced no less than ten (10) working days prior to the closing of the application period.
4. Interested personnel will submit a detailed resume and memorandum expressing their desire to be considered for the position to their supervisor.
5. Candidates may undergo a further selection process as detailed in the K9 Handler Policy 309.
6. Qualified candidates will be interviewed by the Operations Support captain and administrative sergeant or designee(s).
7. The final assignment decision will be made by the Chief of Police.

(e) Administrative Sergeant and Investigative Sergeant

1. Interested personnel should have a minimum of three years of continuous service as a police sergeant to be eligible.
2. Vacancies in this assignment will be announced via department-wide communication, announced no less than ten (10) days prior to the closing of the application period.
3. Interested personnel will submit a detailed resume and memorandum expressing their desire to be considered for the position to their supervisor.
4. Qualified candidates will be interviewed by the Operations Support captain and Chief of Police designee(s).
5. The final assignment decision will be made by the Chief of Police.

Though it is desirable that the sergeant assignments have three years of supervisory experience, it is not a firm requirement. Occasionally, circumstances occur in which candidates do not have the minimum continuous service time. In this instance, the Chief shall select the individual he/she deems most qualified for the position, based on the resume, memorandum, performance evaluation review, and interview. In the event there are no applicants for an opening in an assignment, an appointment may be made by the Chief of Police.

Terms will officially begin the first day of the new school year.

Incumbents starting their assignment term during the school year will end their assignment at the end of the school year following the 5-year mark.

Incumbents who do not perform satisfactorily in these assignments may be rotated back to an assignment within their classification.

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## Stand-By and Call-Back

### 1030.1 PURPOSE AND SCOPE

To provide general guidelines and procedures for employees placed on "stand-by" and/or who are required to return to duty by means of "call-back" after ending their shift.

There are occasions when personnel, who have been released from work and have left the work premises, are called back to duty from home or any other non-work location. Supervisors who are assigned the duty of being on stand-by and subject to being called back are often referred to as the "duty-supervisor". However, all department personnel are subject to emergency call-back as defined within the contracts between the San Diego Unified School District (District) and the San Diego Schools Police Officers Association (POA) or the Administrators Association San Diego City Schools ( AASD).

### 1030.2 DEFINITIONS

**Call-Back:** When an employee who has been released from work and has left the work premises is required to return to duty. A call-back will most often occur after normal business hours, weekends or holidays. General call-back criteria include, but are not limited to, a request or need to deploy personnel to an immediate situation requiring specific school police services. Examples could include facilitating after hours, weekend, or holiday entry, investigating a potential crime series, special events requiring police security, and after-hours weekend or holiday incident or facilitating security following a serious incident.

**Stand-By:** When an employee is officially designated by management to remain available to return to work, at any time during specific hours outside normal working hours, and at which time the employee must remain where such employee can be contacted by phone and is ready, fit, and able for immediate return to work to perform essential service.

**Stand-By shifts and staffing:** Weekdays from Monday 12:00 a.m. (midnight) - Friday 12:00 a.m. (midnight) or weekends from Saturday 12:01 a.m. - Sunday 11:59 p.m. Weekdays stand-by shifts will consist of a captain. Weekday stand-by shifts will consist of the Field captain, Operations captain, and the Chief of Police. Weekend stand-by shifts will consist of one sergeant, identified on the stand-by roster. Shifts and staffing may be changed or modified at any time by the Chief of Police or his/her designee.

**Telephone calls:** Occasional telephone inquiries of personnel who are either subject to call-back or stand-by while away from work, which becomes lengthy and/or detailed regarding a specific work-related matter.

### 1030.3 PROCEDURES

(a) Call-Back Duty

- (a) A call-back or stand-by duty roster will be maintained by the Operations Captain or his/her designee. This roster will be updated quarterly and will be posted

# San Diego Unified School District Police Department

## Policy Manual

### Policy Manual

#### *Stand-By and Call-Back*

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- in the "Redbook" and emailed to affected supervisors, managers, and the communications supervisor.
- (b) Duty personnel is generally prohibited from splitting any portion of their duty assignment and are expected to fulfill all shifts assigned. Only under unforeseen, spontaneous emergency situations may shift-assignment be split between personnel. In such rare cases, the Duty sergeant shall contact the Operations Captain and inform the Operations Captain of who will cover their "duty." The duty sergeant will update the "Redbook" and notify the Communications Center.
  - (c) Stand-by duty employees will work their normal shifts and will be available for call back during the period assigned.
  - (d) Senior management will carry their department provided cell phone at all times when away from their home telephone as well as their personal cell phone. All other employees are required to be available at the contact phone numbers that they provided to the department. It is the employee's responsibility to keep the department updated when they change any of their contact numbers.
  - (e) In most cases, notification of a call-back will come from a department supervisor or designee.
  - (f) Only a duty supervisor or higher-ranking personnel are authorized to call-back personnel.
- (b) Stand-By Duty
- (a) The stand-by duty will typically last a minimum of two consecutive days.
  - (b) Employees assigned stand-by duty may not work overtime assignments without finding a replacement for the duty and making the necessary notifications outlined in this procedure.
  - (c) Stand-by duty employees should also remain fully capable of responding within one hour or less after being contacted and alert the Operations captain or his/her designee of any situation where they are or will not be able to respond.
  - (d) Employees on standby duty may not leave the county without finding a replacement and making the necessary notifications to supervisory personnel.
  - (e) Department vehicles are not to leave the county unless an exception is made by the Chief of Police.
  - (f) When attempting to contact standby duty employees, if they do not answer their telephone/cell phone, a message shall be left.
  - (g) Stand-by duty employees have a maximum of fifteen (15) minutes from the time the message is left to return the call. Failure to respond within thirty (30) minutes will cause other employees to be called and may subject the stand-by duty person to discipline.

#### **1030.4 COMPENSATION**

Employees who are authorized to be on stand-by and/or subject to the duty call-back will be compensated pursuant to the current collective bargaining agreement. All compensation requests

# San Diego Unified School District Police Department

## Policy Manual

### Policy Manual

#### *Stand-By and Call-Back*

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shall be made on a department-approved overtime slip by marking the box titled "on-call duty". Overtime slips shall be submitted within 48 business hours of the conclusion of your tour of duty.

#### **1030.5 AUTOMATIC STAND-BY OR CALL-BACK**

All employees will be on automatic standby and subject to call-back during a state of emergency or civil defense disaster as declared by the President of the United States, Governor of the State of California, the Mayor of the City of San Diego, or the district superintendent. In the event of a large-scale disaster or emergency affecting the city or county, it is very probable that telephone communications will be disrupted or overloaded and normal call back procedures will be infeasible. When phone communications are disrupted, local radio stations should be monitored for emergency communications as well as department issued police radio.

It is possible sig-alert bulletins may be used to communicate messages to responding employees. Civilian employees of the San Diego Unified School District Police Department are considered "disaster service workers," as defined in the California Labor Code, and are required to report for assignments in the event of an emergency.

# San Diego Unified School District Police Department Policy Manual

Policy Manual

## **Attachments**

## **Marsy Card Eng Spn1.pdf**



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## Case Information

Officer: \_\_\_\_\_

Telephone: \_\_\_\_\_

SDUSD Inc#: \_\_\_\_\_

SDPD Case#: -----

On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims' Bill of Rights and resources. Crime victims may obtain additional information regarding Marsy's Law and local Victim Witness Assistance Center information by contacting the Attorney General's Victim Services Unit at 1-877-433-9069.

A 'victim' is defined under the California Constitution as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best

### **SAN DIEGO UNIFIED SCHOOL DISTRICT POLICE DEPARTMENT**

4100 Normal Street  
San Diego, CA 92113

Police Dispatch: 619-291-7678

Business office: 619-725-7000

Fax: 619-725-7169



## **San Diego Unified School District Police Department**

## **The Victims' Bill of Rights Act of 2008**

## **Marsy's Card**

Providing victims with rights to justice and  
due process



# Victim's Bill of Rights

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**I. Fairness and Respect:** To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

**2. Protection from the Defendant:** To be reasonably protected from the defendant and persons acting on behalf of the defendant.

**3. Victim Safety Considerations in Setting Bail and Release Conditions:** To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.

**4. The Prevention of the Disclosure of Confidential Information:** To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

**5. Refusal to be Interviewed by the Defense:** To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

**6. Conference with the Prosecution and Notice of Pretrial Disposition:** To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

**7. Notice of and Presence at Public Proceedings:** To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

**8. Appearance at Court Proceedings and Expression of Views:** To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue

**9. Speedy Trial and Prompt Conclusion of the Case:** To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

**10. Provision of Information to the Probation Department:** To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

**II. Receipt of Pre-Sentence Report:** To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

**12. Information About Conviction, Sentence, Incarceration, Release, and Escape:** To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.

## **13. Restitution:**

A It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

**14. The Prompt Return of Property:** To the prompt return of property when no longer needed as evidence.

**IS. Notice of Parole Procedures and Release on Parole:** To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.

**16. Safety of Victim and Public are Factors in Parole Release:** To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

**17. Information About These 16 Rights:** To be informed of the rights enumerated in paragraphs (I) through (16).

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## Informacion del Reporte

Oficial: \_\_\_\_\_

Telefono: \_\_\_\_\_

SDUSD Inc#: \_\_\_\_\_

SDPD Caso #: \_\_\_\_\_

El 4 de noviembre 2008, la poblacion del estado de California aprovo la Proposicion 9, la ley de "Derechos Civiles a Victimas 2008": Ley de Marsy. Esta medida enmenda la constitucion de California para proveer derechos adicionales a victimas de crimen. Esta tarjeta contiene secciones especificas y fuentes de informacion sobre los bienes que contiene dicha ley. Victimas de crimen pueden obtener informacion adicional sobre la ley de Marsy al centro local de Asistencia para Victimas y Testigos. Se puede comunicar a la Oficina del Procurador General de California, Oficina de Servicios a Victimas a 1-877-433-9069

La victima se define bajo la Constitucion de California como "una persona que ha sufrido directamente o amenaza fisica, psicologica o sufrido perdidas monetarias como resultado de la comision de un delito o acto de delincuencia. La palabra "victima" par igual incluye la esposa(o) de la persona, padres, parientes o guardian e incluye representantes legales de victimas fallecidas, menores o personas fiscamente o psicologicamente incapacitadas. La palabra "victima" no incluye a la persona en custodia par el delito, el acusado o a quien el tribunal encuentre que no esta actuando a favor de los intereses del menor. (Cal. Canst., art. I, tomo 28(e).

## **SAN DIEGO UNIFIED SCHOOL DISTRICT POLICE DEPARTMENT**

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Police Despacho: 619-291-7678  
Oficina de Negocios: 619-725-7000  
Fax: 619-725-7169



San Diego Unified  
School District  
Police Department

## **2008 Ley de Derechos Civiles deVictimas**

## **Informacion de la Ley de Marcy**

Para proveer a victimas sus derechos a  
justicia y procedimientos legales



# Derechos Civiles de Victimas Ley de Marsy

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1. Justicia y respeto: De ser tratado con justicia y respeto en su intimidad y dignidad y de ser libre de intimidación, acoso y maltrato durante el proceso completo de justicia penal o del proceso de justicia penal a menores.

2. Protección contra el acusado: De ser razonablemente protegido contra el acusado y de personas actuando en nombre del acusado.

3. Consideración a la seguridad (bien estar) de la víctima cuando afijando la fianza y las condiciones de libertad condicional: De tomar en consideración la seguridad (bien estar) de la víctima y de su familia cuando afijando fianza y regalas asociadas a libertad condicional para el acusado.

4. La prevención de divulgación de información confidencial: De prevenir la revelación de información o registros confidenciales al acusado, su abogado, o cualquier otra persona actuando en nombre del acusado, que podrían ser empleados para localizar o acosar la víctima o su familia o revelación de comunicativos confidenciales efectuados en el transcurso de tratamientos médicos o tratamientos psicológicos, o los cuales se consideren privilegiados y confidenciales ante la ley.

5. Denegación de ser entrevistado por el defensor: De negar ser entrevistado, declaración bajo jurada, o por petición legal del acusado con su abogado o cualquier otra persona actuando en nombre del acusado y de afijar condiciones razonables sobre la manera y forma de realización de cualquier entrevista con el consentimiento de la víctima.

6. Notificación de disposición a juicio y conferencia con el fiscal: Ante petición de la víctima, de ser notificado razonablemente de y de consultar razonablemente con la fiscalía, sobre cuestiones de arresto del acusado, si es que son conocidos por el fiscal, los cargos, la determinación sobre la extraditara del acusado y ante petición de la víctima, de ser notificado de e informado de antemano sobre resoluciones y disposición del caso, anteriores al juicio.

7. Notificación de citación a procedimientos públicos: De ser notificado razonablemente de todos los procedimientos públicos, incluyendo procedimientos de delincuencia, ante petición de la víctima a los cuales el acusado y el fiscal son autorizados a estar presente y de todos los procedimientos ante-convicción y libertad condicional y de estar presente a todos tales procedimientos.

8. Presencia al tribunal y presentación de su declaración: De tener el derecho a presentar su caso, con permiso de la fiscalía en todo procedimiento legal, incluyendo procedimientos de delincuencia relacionados a decisiones posteriores a el arresto, declaraciones, sentencia, decisiones posteriores de convicción o cualquier procedimiento en el cual se encuentran en balance los derechos de la víctima.

9. Juicio rápido y conclusión del caso inmediato: A un juicio rápido y conclusión final inmediata del caso y cualquier procedimiento posterior relacionado al fallo.

10. Proveer información al departamento de libertad condicional: De proveer información al departamento de libertad condicional que realiza la investigación previa a sentencia sobre el impacto que el delito tuvo sobre la víctima y la familia de la víctima y cualquier otras recomendaciones de sentencia antes de sentenciar el acusado.

11. Acusar recibo de reporte pre-sentencia: De recibir ante petición de la víctima, el reporte previo a la sentencia al momento que se le sea disponible al acusado, menos aquellas porciones del reporte que se consideren confidenciales ante la ley.

12. Información sobre convicciones, sentencias, arrestos, libertad o intentos de fugas: De ser informado ante petición de la víctima, de la convicción, sentencia, lugar y hora de encarcelamiento, o de cualquier otra disposición del acusado, la fecha prevista de emisión a libertad y el lugar de libertad o intentos de fuga.

13. Restitución: A. Es la inequívoca intención de la población del estado de California que toda persona que sufra pérdidas como resultado de actividades criminales, se le otorgue el derecho de buscar y obtener restitución de parte de las personas culpables de haber causado las sufridas pérdidas.

B. Restitución será ordenada en todo caso por parte del convicto malhechor, irrespectable a la disposición o sentencia impuesta, en la cual la víctima sufrió pérdidas.

C. Todos pagos monetarios, sueldos, y propiedad colectada de cualquier persona que se le ordeno hacer restitución será primeramente aplicadas a las sumas ordenadas como restitución a la víctima.

14. Entrega inmediata de propiedad: A la entrega inmediata de propiedad cuando ya no se necesita como evidencia.

15. Notificación de procedimientos de libertad condicional y emisión a libertad condicional: De ser informado de todos los procedimientos, de participar con el proceso de libertad condicional, de proveer información que las autoridades consideren antes de conceder libertad condicional al acusado y de ser notificado de la libertad condicional o cualquier otra forma de libertad del acusado.

16. Seguridad (bien estar) de víctima y el público en general son factores de consideración para la emisión a libertad condicional del acusado: De tomar en consideración antes de permitir libertad condicional o decisiones posteriores al fallo, la seguridad (bien estar) de la víctima, la familia de la víctima y el público en general.

17. Información sobre estos 16 derechos: De ser informado de los derechos enumerados en los párrafos (1) a (16).

## **306.7.3 Use of Firearms Vehicle Pursuits Lexipol.pdf**

Vehicle Pursuits 306.7.3 Use of Firearms - An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

**01-27-21 After Action Debrief Template.pdf**

San Diego Unified School District  
Police Department  
After Action Debrief / Template

Introduction to After Action Debrief and ground rules.

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Start with a short background on what was known at the beginning of the incident.

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What happened?

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What was supposed to have happened?

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What was done well?

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How can we sustain that level of service?

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What was not done well?

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How can we improve?

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Discussion of key issues:  
Administrative / Policy

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Communication / Intelligence

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Training Tactics, Techniques and Procedures

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Equipment

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Safety

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Summary of Incident:

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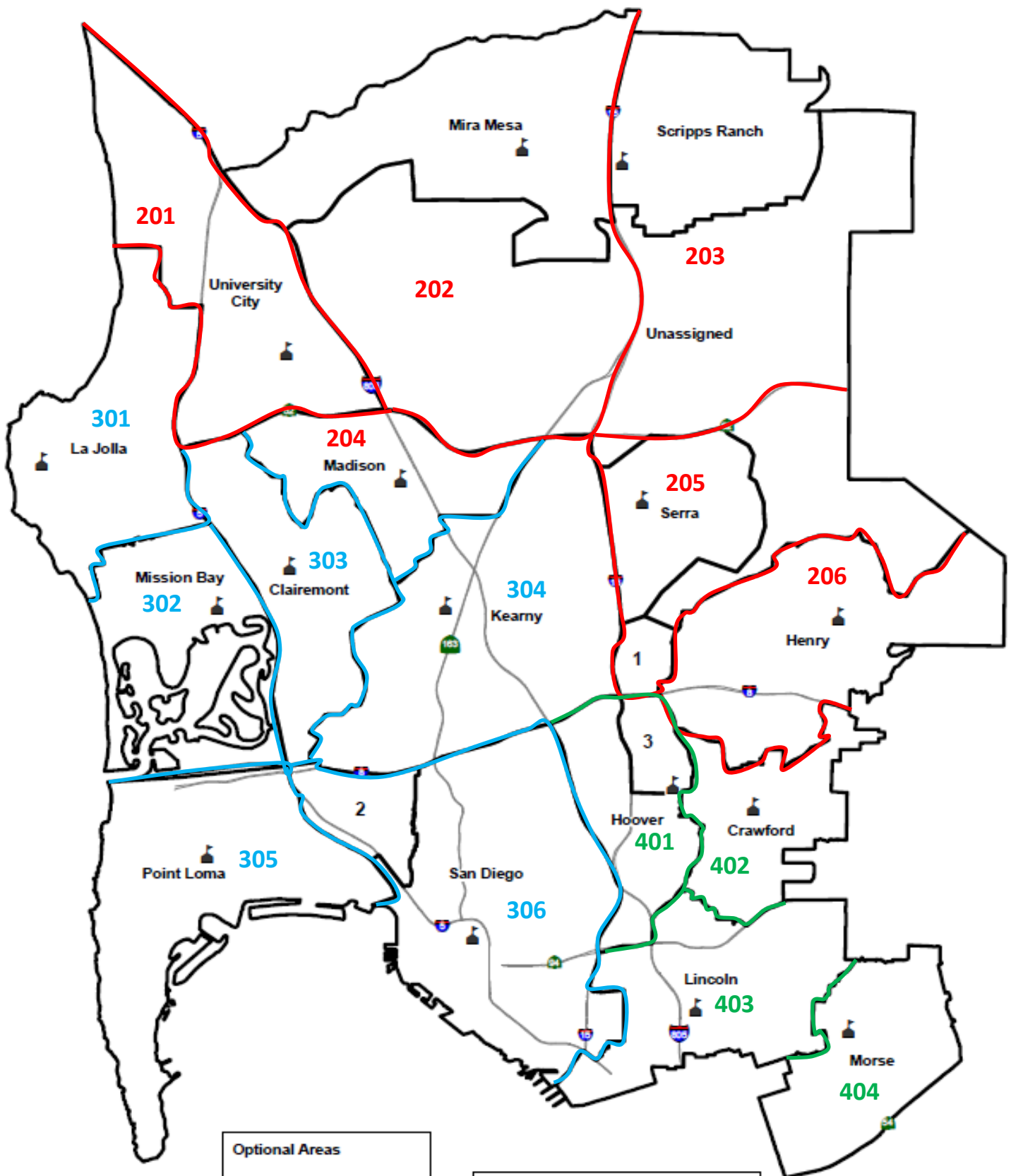
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**Beat Map 2020.pdf**

# SAN DIEGO UNIFIED SCHOOL DISTRICT SENIOR HIGH SCHOOL BOUNDARIES, 2019-20



**Optional Areas**

- 1 Henry-Kearny
- 2 San Diego-Point Loma
- 3 Hoover-Henry

Neighborhood school is determined by street address. Please use School Finder online at [www.sandiegounified.org/schoolfinder](http://www.sandiegounified.org/schoolfinder).

**01-15-21 Photo Admonishment.pdf**

**San Diego Unified School District Police Department  
Photo Line-up Admonishment**



Case Number \_\_\_\_\_

Witness Name \_\_\_\_\_

Detective/Investigator \_\_\_\_\_

Date/Time \_\_\_\_\_

**As required by law, an electronic recording – both audio and video representations of the identification procedure, results and comments MUST be made. Refer to your department/agency policies and procedures for specific instructions.**

**PRIOR TO LINE UP:**

Before presenting the lineup, and as close in time as possible to the incident, **the eyewitness must provide a description of the perpetrator.**

**ADMONITION:**

You will be asked to view a series of photographs. In an effort to ensure fairness in this identification procedure, the investigator showing you these photographs either does not know who the person possibly responsible for the crime is or does not know in which order their photograph will appear. You should not conclude or guess that the photographs contain the picture of the actual person who committed the crime. Do not be influenced by the fact that the photographs shown to you may have different background colors or lighting. The person responsible for the crime may or may not be among the photographs shown to you. You are not under any obligation to identify anyone. An identification, or failure to make an identification, will not end this investigation. This identification procedure is just one of several investigative processes. Please do not discuss this identification procedure with any other potential victims or witnesses.

**PROCESS:**

You will be separated from other eyewitnesses when viewing these photographs. You will be shown one photograph at a time. After you have had enough time to look at a photograph please return it to the investigator or ask to see the next photograph. You will only be allowed to look at one photograph at a time. Even if you believe you see the photograph of the person responsible for the crime, continue to view the remaining photographs with an open mind, as some of the pictures may appear similar. Do you have any questions before the identification procedure begins?

**RESULTS:**

Did the witness identify someone from the photo line-up? Yes \_\_\_\_\_ No \_\_\_\_\_

Pursuant to Penal Code section 859.7, if a subject was identified, the Investigator **MUST** immediately inquire as to the level of accuracy of the identification and record, in writing, verbatim, the comments of the eyewitness.



## **01-15-21 Curbside Admonishment.pdf**

**San Diego Unified School District Police Department  
Curbside Line-up Admonishment**



Case Number \_\_\_\_\_

Witness Name \_\_\_\_\_

Detective/Investigator \_\_\_\_\_

Date/Time \_\_\_\_\_

As required by law, an electronic recording – both audio and video representations of the identification procedure, results and comments **MUST** be made. Refer to your department/agency policies and procedures for specific instructions.

**PRIOR TO CURBSIDE LINE UP:**

Before presenting the lineup, and as close in time as possible to the incident, **the eyewitness must provide a description of the perpetrator.**

**ADMONITION:**

You are not under any obligation to identify anyone. It is as important to exclude an innocent person as it is to identify a perpetrator. An identification, or failure to make an identification, will not end this investigation. This identification procedure is just one of several investigative processes. Please do not discuss this identification procedure with any other potential victims or witnesses.

**PROCESS:**

You will be separated from other eyewitnesses when viewing the subject. Do you have any questions before the identification procedure begins?

**RESULTS:**

Did the witness identify the suspect? Yes \_\_\_\_\_ No \_\_\_\_\_

Pursuant to Penal Code section 859.7, if a subject was identified, the Investigator **MUST** immediately inquire as to the level of accuracy of the identification and record, in writing, verbatim, the comments of the eyewitness.

If a subject was identified, please ask the following: In your own words, please tell me how confident you are in the accuracy of your identification of the subject in this photo line-up.

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**NOTES/COMMENTS:**

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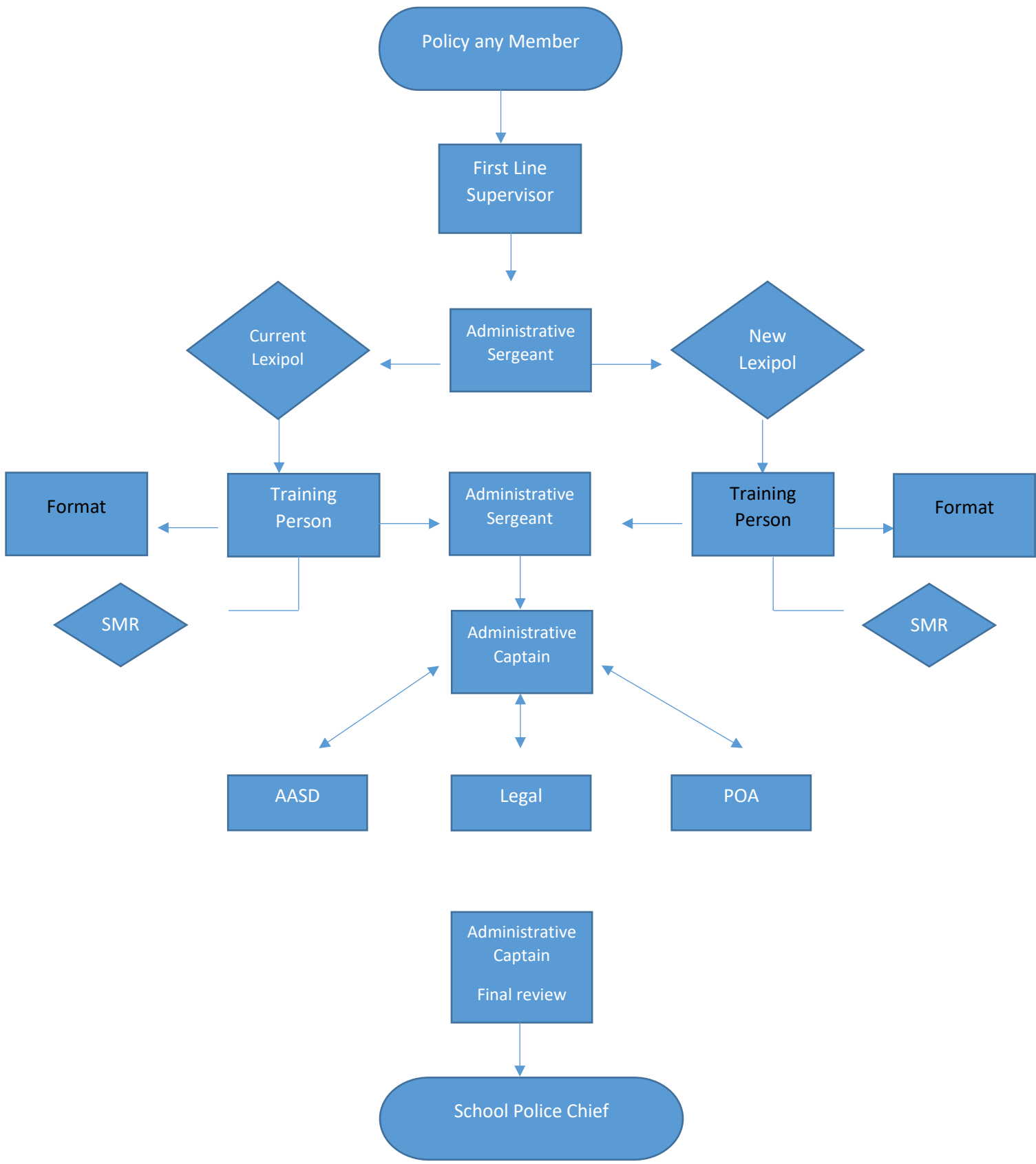
**SIGNATURE OF  
WITNESS**

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**SIGNATURE OF  
DETECTIVE/INVESTIGATOR**

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## Policy Approval Process Chart.pdf



## **SDUSD PD Notification of Stored Vehicle Form.pdf**



# San Diego Unified School District Police Department

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4100 Normal Street, San Diego, CA 92103-2682  
(619) 291-7678 Fax (619) 725-7169

[www.sandiegounified.org/departments/police\\_services](http://www.sandiegounified.org/departments/police_services)



## Vehicle Storage Form

EVENT NUMBER: \_\_\_\_\_ CASE NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

LOCATION TOWED FROM: \_\_\_\_\_ BEAT: \_\_\_\_\_

TOW COMPANY: \_\_\_\_\_ PHONE: \_\_\_\_\_

STORAGE ADDRESS: \_\_\_\_\_ CSZ: \_\_\_\_\_

REGISTERED/CURRENT OWNER (NAME & ADDRESS)

LEGAL OWNER (NAME & ADDRESS)

\_\_\_\_\_

\_\_\_\_\_

### STORAGE AUTHORITY:

- SUSPENDED DL/NO LICENSE CVC 22651 (p)
- STOLEN / VEHICLE CVC 22651 (c)
- EVIDENCE CVC 22655.5

- REG. EXP. OVER 6 MONTHS CVC 22651 (o)
- OTHER: \_\_\_\_\_

SPECIAL HOLD:  Yes  No \_\_\_\_\_

### SPECIAL INSTRUCTIONS

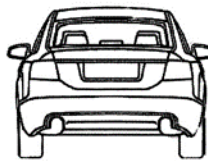
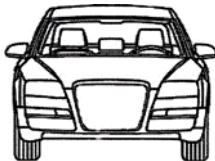
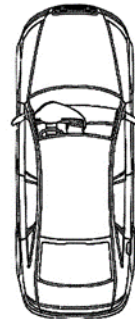
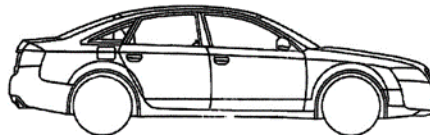
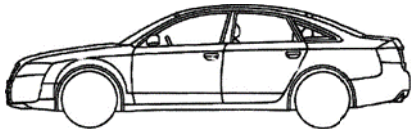
### ORDERED BY

YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ BODY TYPE \_\_\_\_\_ COLOR \_\_\_\_\_

VIN \_\_\_\_\_

LIC# \_\_\_\_\_ ST: \_\_\_\_\_ EXP. (MO/YR): \_\_\_\_\_ # OF PLATES: \_\_\_\_\_ ODOMETER: \_\_\_\_\_

### VEHICLE DAMAGE:



INVENTORY/NARRATIVE: \_\_\_\_\_

\_\_\_\_\_  
TOW DRIVER PRINT NAME

\_\_\_\_\_  
TOW DRIVER SIGNATURE

\_\_\_\_\_  
TIME

\_\_\_\_\_  
OFFICER PRINT NAME/ID

\_\_\_\_\_  
OFFICER SIGNATURE

### RELEASE AUTHORIZATION

SAN DIEGO UNIFIED SCHOOL DISTRICT POLICE AUTHORIZES RELEASE OF THE ABOVE DESCRIBED VEHICLE TO:

\_\_\_\_\_  
REGISTERED/LEGAL OWNER OR AGENT

\_\_\_\_\_  
SIGNATURE OWNER/AGENT

RELEASE AUTHORIZED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

ATTENTION OWNER/AGENT: FAILURE TO REMOVE THIS VEHICLE FROM STORAGE MAY RESULT IN DISPOSAL OF THE VEHICLE AS AUTHORIZED BY STATE OF CALIFORNIA VEHICLE CODE.

**Award Nomination Form.pdf**



**San Diego Unified School District Police Department**

Eugene Brucker Education Center

4100 Normal Street, San Diego, CA 92103-2682



**SERVICE AWARD COMMITTEE  
NOMINATION FORM**

**Nominee:** \_\_\_\_\_ **Type of Incident:** \_\_\_\_\_

**Award Type:** \_\_\_\_\_ **Location of Incident:** \_\_\_\_\_

(See Policy 1014 for description and criteria)

**Date/Time of Incident:** \_\_\_\_\_ **Incident/Case Number:** \_\_\_\_\_

**Incident Description**

\_\_\_\_\_  
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\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
**Date Submitted**

\_\_\_\_\_  
**Signature of Employee Submitting Form**

\_\_\_\_\_  
**Print Name**

Check if you wish your name to remain anonymous, name must be included on form to assist committee

**For Service Awards Committee**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
**Date Received**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
**Date Reviewed**

\_\_\_\_\_  
**Committee Supervisor Signature**

**Approved**  **Denied**

**Comments:** \_\_\_\_\_

## 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>

<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>

<b>BIAS</b>	<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>	<table style="width: 100%;"> <tr> <th style="width: 15%;"><u>Victim</u></th> <th style="width: 15%;"><u>Suspect</u></th> <th></th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Declined medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Will seek own medical treatment</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>Received medical treatment</td> </tr> </table>	<u>Victim</u>	<u>Suspect</u>		<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	<b>Paramedics at scene?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<u>Victim</u>	<u>Suspect</u>												
	<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														

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

## **Statutes and Legal Requirements.pdf**

---

## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

---

## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

## **Training Request 2018.pdf**



**SAN DIEGO UNIFIED SCHOOL DISTRICT  
POLICE DEPARTMENT**  
4100 NORMAL STREET  
SAN DIEGO, CA 92103  
(619) 725-7000 FAX (619) 725-7169  
**TRAINING APPROVAL REQUEST FORM**  
(ALL ITEMS TO BE COMPLETED BY REQUESTING OFFICER)



Date \_\_\_\_\_ Name \_\_\_\_\_ District ID # \_\_\_\_\_

School/Course Requested: \_\_\_\_\_

Location: \_\_\_\_\_

Date(s) gone: \_\_\_\_\_ Time of class: \_\_\_\_\_

P.O.S.T. Reimbursable? YES  NO  IF YES, CHECK POST PLAN: I II III IV

**(IF TRAINING REQUIRES TRAVEL AND LODGING ARRANGEMENTS SEE REVERSE SIDE FOR INSTRUCTIONS)**

Hotel arrangements necessary? YES  NO  Rental Car? YES  NO

Flight/Train arrangements necessary? YES  NO  Dept. Vehicle? YES  NO

If yes, explain:

\_\_\_\_\_

How would this training benefit you and the department?

\_\_\_\_\_

*Employee acceptance of requested training: I am interested in and will participate in the training requested, subjected to staffing requirements and supervisor approval. Sometimes courses require extra work outside of the classroom. I understand this extra work is part of the course, not overtime.*

Signature \_\_\_\_\_ Date \_\_\_\_\_

**TRAINING COSTS ESTIMATE:**

Tuition/books \$ \_\_\_\_\_ Hotel \$ \_\_\_\_\_ Flight/Train \$ \_\_\_\_\_

Personal Vehicle Mileage \$ \_\_\_\_\_ Vehicle Rental \$ \_\_\_\_\_ **Total expenses \$ \_\_\_\_\_**

**Please submit request to your supervisor. Attach paperwork describing the training. The supervisor will submit request to the appropriate Captain for final approval. The Training Sergeant will make the class reservations. If you must cancel, notify the Training Sergeant immediately.**

Supervisor Signature \_\_\_\_\_  Approved  Denied

Division Captain Signature \_\_\_\_\_  Approved  Denied

Chief of Police Signature \_\_\_\_\_ Training Sergeant Signature \_\_\_\_\_

Comments: \_\_\_\_\_

## Training Request Form & P.O.S.T. Training Tips

1. Complete a training request (important to determine if desired training is P.O.S.T. or NON-P.O.S.T.; If P.O.S.T. Reimbursable, check POST Plan 1-4).
2. Include the cost estimates. Enter \$0.00 if there are no associated costs.
3. Complete a District Business Leave form.
4. If the training requires lodging, you will need to reserve the hotel room with your own credit card. Attach the hotel reservation confirmation sheet. Training Sergeant will transfer the credit card reservation to Department Credit Card upon approval of training request.
5. If the training requires flight, you will need to attach a print out of recommended flight information, to include dates, times, and cost.
6. If the training requires car rental, you will need to attach a print out of recommended vehicle rental information, to include dates, times, and cost.
7. Submit the Training Request Form, copy of the training flyer, District Business Leave, Hotel/Rental/Flight information to your sergeant.
8. If approved it will then be forward it to the Field Operation or Operations Support Captain for approval.
9. After Department approved training the Training Sergeant will ask you to register yourself for the class, do so then forward the proof of registration information to the Training Sergeant.
10. Within a week of completing the training, submit the following to the Training Sergeant:
  - a. Copy of Training Certificate
  - b. Meal receipts (only for local P.O.S.T. reimbursable training)
  - c. Final hotel receipt, including parking
  - d. Final car rental receipt (do not refuel at car rental agency)
  - e. Gas receipts if using Department Vehicle or Rental Vehicle
  - f. Airline baggage fees

**You will not be reimbursed for any expenses you incur until receipts are turned in and a SDUSD expense report is generated by the Training Sergeant.**

If you have any questions, contact the Training Sergeant.



## Outside Employment Request Form.pdf



**San Diego Unified School District**  
 EUGENE BRUCKER EDUCATION CENTER  
 4100 Normal Street, San Diego, CA92103-2682  
 (619) 725-7000 Fax (619) 295-5074  
 www.sandi.net/policeservices  
 School Police Services Department



## REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT OR ENTERPRISE

Employee Name: \_\_\_\_\_ Classification: \_\_\_\_\_ Assignment: \_\_\_\_\_

Name, Address and Telephone Number of Employer or Enterprise: \_\_\_\_\_

Name, Address and Telephone Number of Employer's Worker's Compensation Carrier: \_\_\_\_\_

Description of duties to be performed: \_\_\_\_\_

Are you required to carry a firearm?       Yes                       No

Total Hours Weekly: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Supervisor** \_\_\_\_\_ Date: \_\_\_\_\_  Approved  Denied

**Chief of Police or Designee** \_\_\_\_\_ Date: \_\_\_\_\_  Approved  Denied

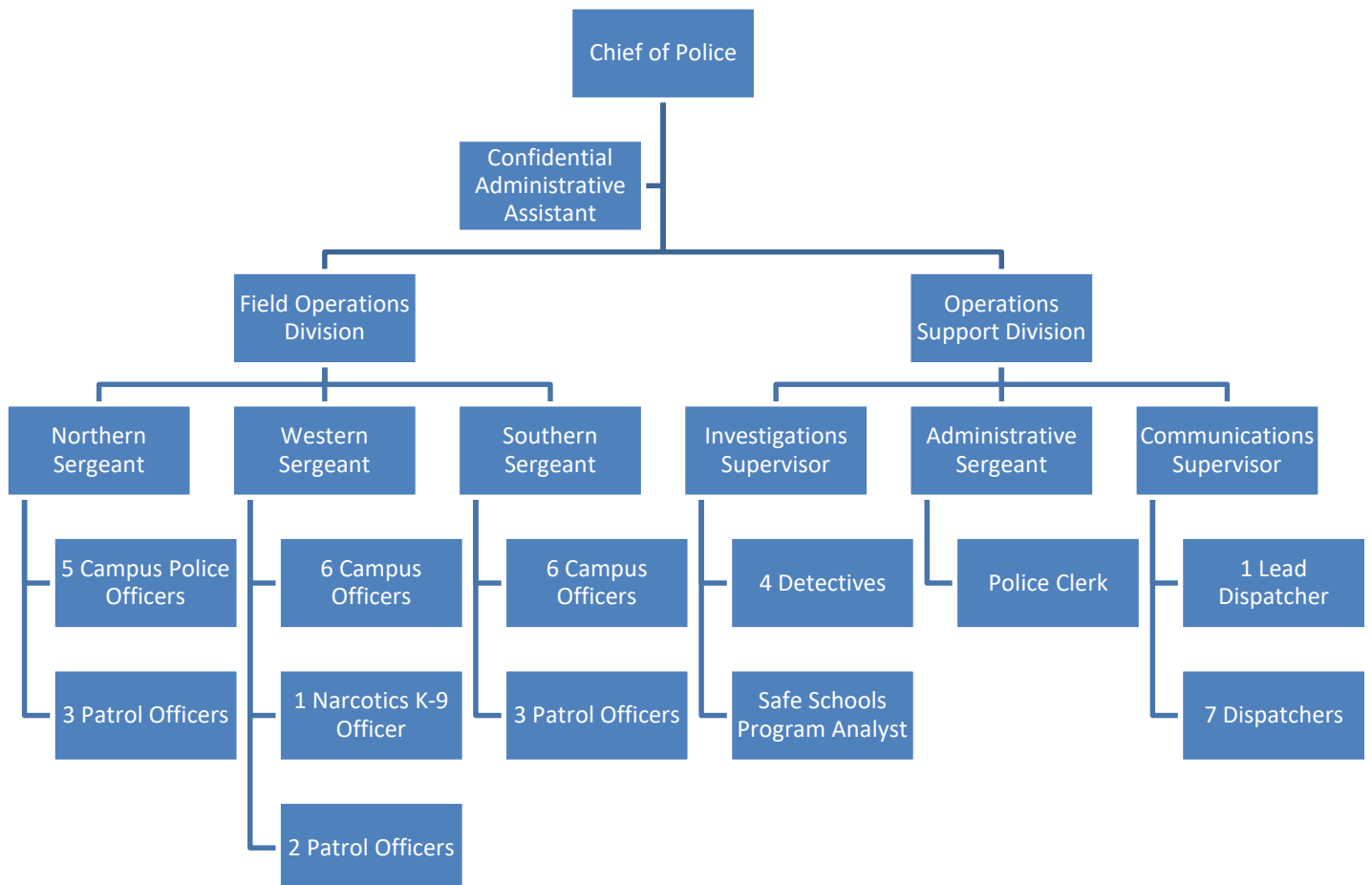
**SDUSD PD Organizational Chart 181206.pdf**



**San Diego Unified School District**  
EUGENE BRUCKER EDUCATION CENTER  
4100 Normal Street, San Diego, CA92103-2682  
(619) 725-7000 Fax (619) 295-5074  
[www.sandi.net/policeservices](http://www.sandi.net/policeservices)  
School Police Services Department



# Organizational Chart



**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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Published September 2008

Revised May 2019

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## POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities





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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> <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>
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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

## **Policy 305 Hardcase Waiver.pdf**



# San Diego Unified School District Police Department

Eugene Brucker Education Center  
4100 Normal Street, San Diego, CA 92103-2682  
(619) 725-7000 Fax (619) 725-7169  
[www.sandiegounified.org/police](http://www.sandiegounified.org/police)



## WAIVER OF PATROL RIFLE “HARD CASE”

The San Diego Unified School District Police Department Policy 305.6.2, reads as follows:

“Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep the firearms and ammunition inaccessible to children and others who should not have access, and in compliance with all applicable laws. 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 the negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

Patrol Rifles must remain inside the locked hard case inside of the officer's residence when not at work. An Officer capable of securing the Department Patrol Rifle in their residence in a safe suitable to place the Patrol rifle securely within it may opt to not have a "Hard Case" issued to them. An Officer opting -out of the issuance of a "Hard Case" for the Department issued Patrol rifle shall sign the attached form and submit it to the Administrative Sergeant for approval.”

In accordance to Policy 305.6.2, by signing below I acknowledge my understanding of Policy 305, the need to secure the Department issued Patrol Rifle while in my residence, and my desire to opt-out of taking possession of the Department issued “Hard Case.”

The Patrol Rifle will be stored in the following fashion:

Firearm/Rifle Safe suitable to store the Patrol Rifle

Other:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
School Police Officer

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Outside Employment Request Form 2020.pdf**





Personnel engaged in outside employment or enterprise, outside the course and scope of the SDUSD, are not entitled to:

- Workers Compensation
- Legal Representation by San Diego Unified School District (SDUSD).

I have read, understand, and will abide by the San Diego Unified School District Administrative Policy 7035 and the SDUSD Police Department Policy 1021. (A new request must be completed each year.)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

(TO BE COMPLETED BY THE REQUESTING EMPLOYEE'S SUPERVISOR)

Is employee meeting Performance Standards?

Yes or No

(If no, then employee does not qualify.)

\_\_\_\_\_  
Supervisor Signature

Date

APPROVE \_\_\_

APPROVE WITH \_\_\_  
LIMITATIONS (Describe)

DISAPPROVE \_\_\_

\_\_\_\_\_  
Captain Signature

Date

APPROVE \_\_\_

APPROVE WITH \_\_\_  
LIMITATIONS (Describe)

DISAPPROVE \_\_\_

\_\_\_\_\_  
Chief of Police

Date

APPROVE \_\_\_

APPROVE WITH \_\_\_  
LIMITATIONS (Describe)

DISAPPROVE \_\_\_

Limitations \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**805 Records Maintenance and  
Release Fee Schedule.pdf**



## San Diego Unified Schools Police Department

San Diego Unified School District

Eugene Brucker Education Center

4100 Normal Street, San Diego, CA 92103-2682

(619) 725-7000 Fax (619) 725-7169

[www.sandi.net/policeservices](http://www.sandi.net/policeservices)



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### RECORDS UNIT FEES

REQUEST FOR REPORT/CAD - Person Involved \$15.00

(Reports listing a juvenile victim, will only be released to the parent of the juvenile victim)

REQUEST FOR REPORT/CAD- Insurance & Attorneys \$20.00

PHOTOGRAPHS/VIDEOS/CD'S/DVD'S \$89.00

(Insurance and Attorneys. Videos must be requested within 7 days of incident)

**PUBLIC RECORDS REQUEST FOR INFORMATION OTHER THAN LISTED ABOVE  
MUST CONTACT SDUSD LEGAL DEPARTMENT AT (619) 725-5630**

San Diego Unified School District  
Police Department Policy Manual

Policy Manual

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## **INDEX / TOPICS**