### **GENERAL ORDERS MANUAL**

### INTRODUCTION

The General Orders Manual of the San Francisco State University Police Department is published in accordance with authorities outlined in California Education Code Section 89605 and Penal Code Section 830.2 (c). The Manual provides governing principles for the operation and direction of the University Police Department and guidance for its employees.

This Manual exists as a compliment to all existing state and federal laws, state administrative regulations, and the administrative rules and regulations of the California State University. This manual is also intended to be an extension of the California State University Systemwide Policy Manual for University Police Departments, and is not in conflict with that manual or any applicable Collective Bargaining Agreements.

All additions and/or modifications to or deletions from this Manual shall occur only upon the approval of the Chief of Police. The Chief of Police reserves the right to either temporarily or permanently amend, revoke or make additional rules and regulations as circumstances dictate and/or when such actions are in the best interest of the University.

The General Orders Manual will be reviewed as needed and updated as necessary to insure it remains in compliance with the standards established by State and Federal laws as well as collective bargaining agreements.

It is expected that employees within the department will comply with these rules and regulations as promulgated. Violations of these rules and regulations will be vigorously reviewed and may result in disciplinary action up to and including termination.

It should be understood that rules and regulations cannot be established to address all situations that may be encountered by employees in the general discharge of their duties. Therefore, each individual employee is expected to, at all times, adhere to the letter and spirit of each rule and/or regulation where applicable, and in all other instances employ good judgment and sound discretion.

Reginald Parson

Chief of Police

### San Francisco State University Police Department Mission Statement

The San Francisco State University Police Department is a diversified organization that provides professional law enforcement, parking, transportation and traffic coordination. The University Police is a pro-active, services-oriented agency trained to respond to the needs of the community. The Department is staffed and equipped to deliver professional, personalized protection, with pride, sensitivity, and integrity.



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Regindel Par NUMBER: 1-1 APPROVED:

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Aug. 14, 2006, Jan. 25, 2007, June 5,

REVIEWED/REVISED: 2007, July 5, 2007, Feb. 20, 2008, Jan. SUPERSEDES: A-2

25, 2010, Sept. 23, 2010, Jan. 4, 2013,

SUBJECT: ORGANIZATION AND DIRECTION Jan. 7, 2015, Jun. 24, 2015, Jul. 10,

2020

- I. PURPOSE: To establish the Department's written directive system, organizational structure, chain of command, and responsibilities of organizational components.
- II. POLICY: The organization of the San Francisco State University Police Department will support the effective and efficient accomplishment of Department responsibilities and functions. The Department will have a comprehensive written directive system that is designed to ensure that employees have a clear understanding of expectations and constraints relating to performance of duties.

### III. DEFINITIONS:

### A. Organizational Definitions:

- 1. Department: The San Francisco State University Police Department.
- 2. Division: The first subordinate organizational unit within the Department.
- 3. Section: A functional unit, which may be a sub-unit of a division or under the immediate direction of the Chief of Police. It may be commanded by any rank, or civilian, depending on its size and the nature and importance of its function.
- 4. Unit: Any number of employees of the Department regularly grouped together under one head to accomplish a police purpose.
- 5. Watch: A unit of employees assigned to a designated span of time (watch) for duty purposes.
- 6. Team: A unit composed of officers, usually a sub-unit of a patrol watch.
- 7. Sector: A geographical area of variable size to which one or more officers are specifically assigned to accomplish policing responsibilities.
- 8. Shift: A designated span of time within a 24-hour period during which personnel are actually engaged in the performance of their duties, also known as "Watch".

### B. Personnel Definitions:

1. Employee: Any individual assigned to the University Police Department, including officers and civilians.

### C. Additional Terminology:

- Department Manuals: Reference guides specifying the rules and regulations governing the conduct of personnel and the operations of the Department, as well as specifying departmental policies and procedures. All manuals in force in this Department are issued by authority of the Chief of Police. Compliance with the provisions of departmental manuals is required.
- 2. Lawful Order: Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not a violation of any law, or any departmental rule or regulation.
- 3. Rules/Regulations: A set of specific guidelines to which all employees must adhere.
- 4. Policy: Designates a governing principle of management and reflects the objectives, philosophy and direction of the Department.
- 5. Procedure: Designates a step-by-step outline of action to be followed for the accomplishment of a task.
- 6. General Orders: Permanent directives concerned with policy, rules, and procedures affecting more than one organizational component. Issued by the Chief of Police.
- 7. Personnel Orders: Announcements of change in status of personnel, such as promotions and interdepartmental transfers. Issued by the Chief.
- 8. Special Orders: Directives affecting only a specific segment of the organization or statements of policy or procedure regarding a specific circumstance or that which is of a temporary or self-canceling nature. Issued by Supervisors or Command personnel.
- 2. Civilian: Designates any Department employee who is not sworn.
- Command Officer: Members of the Department having the rank of Lieutenant or higher.
- 4. Watch Commander: Lieutenant, Captain or Commander in the Field Operations Division.
- 5. Watch Supervisor: Sergeant, Corporal or Officer assigned as the Supervisor in charge of a shift in the Field Operations Division.
- 6. Supervisor: Employees of the Department assigned to positions requiring exercise of immediate supervision over the activities of other members and employees.
- 7. Superior Officer: A person holding a higher supervisory or command rank or position.
- 8. Chain of Command: The vertical Chain of Command shall be adhered to in the transmittal of commands of communications between the Chief of Police and all subordinate officers and employees. In the event of misconduct, on the part of an officer or employee, emergency disciplinary action may be taken outside the chain of command and across the lines of supervisory responsibility.
- 9. Seniority: Status attained by length of continuous service generally based upon the date of appointment to a specific job classification.
  - a. Seniority among officers and employees will be established by date of hire; or if the same, by date of department correspondence recommending hire.
  - b. Seniority among ranks of Corporal through Lieutenant will be established by date of appointment/promotion; or if the same, seniority will be as announced by the Chief of Police.

 Memoranda: Transmitters of information of interest, not necessarily directives, or documentation to provide written direction at levels of command not authorized to issue general or special orders. Issued by Supervisors or Command personnel.

### IV. PROCEDURES:

### Organization:

- A. The University Police Department is part of the organizational structure of the campuses within the California State University System. Systemwide policies and certain administrative procedures emanate from the Office of the Chancellor. However, the operational program and implementation or policies are administered locally. The lines of authority flow from the President, through various administrators to the Chief of Police. At San Francisco State University, the Chief of Police reports to the Vice President for Student Affairs & Enrollment Management, who in turn reports to the President. Administrative direction, therefore, may come from managers who have no sworn authority, while law enforcement direction is the responsibility of the Chief of Police.
- B. The San Francisco State University Police Department organizational structure includes divisions and units, each of which is assigned specific functional areas of responsibility. Included are activities, which are directly related to carrying out the Department's objectives or are in support of them.
- C. The Department consists of seven divisions:
  - 1. Investigations
  - 2. Fiscal Services and Parking & Transportation
  - 3. Information Technology
  - 4. Dispatch/Records
  - 5. Support Services
  - 6. Field Operations
  - 7. Emergency Preparedness
- D. The Chief of Police plans, organizes and directs the department and all functions assigned. The Chief of Police shall have the authority to issue, modify and/or approve agency written directives. The Chief's executive office includes an Administrative Assistant.
  - 1. The Assistant to the Chief is responsible for maintenance of personnel files, department publications, key control files and special projects as assigned.
  - 2. The Information Technology Consultant is responsible for updating the department website, installation and maintenance of all software and automated systems hardware, assists in preparation of grants and development of future systems. He/she reports to the Deputy Chief of Police.
    - a. Note: The Emergency Preparedness Coordinator reports to the Chief of Police. The coordinator is responsible for coordinating and maintaining the Emergency Preparedness program for the campus.

- F. Under the direction of the Chief of Police, the Fiscal Services Division is commanded by the Associate Director for Operations & Parking/Transportation. The division includes the Personnel/ Attendance/Payroll Section, Accounting & Procurement Section.

  The major responsibilities of each area in the Fiscal Services Division includes:
  - 1. The Associate Director for Operations & Parking/Transportation is responsible for managing the budget, personnel/attendance/payroll transactions, accounting and procurement transactions. The Fiscal Services Administrative Specialist and the Fiscal Services Support Assistant are responsible for preparing, recording, and monitoring all personnel/attendance/ payroll transactions, travel, alarm recharges, special events security services recharges, and assisting with recruitment and hiring.
  - 2. The Associate Director for Operations & Parking/Transportation is responsible for preparing, recording, and monitoring all accounting and procurement transactions, fingerprinting recharges, and communications equipment recharges.
  - 3. The Associate Director for Operations & Parking/Transportation and the Fiscal Services Support Assistant are responsible for the fiscal management of all grants.
- G. Under the direction of the Chief of Police and the Parking/Transportation Division is commanded by the Associate Director for Operations & Parking/Transportation. The division includes the Parking, Transportation and Citation Processing Programs. The major responsibilities of each area in the Parking &Transportation Division include;
  - 1. The Parking & Transportation Manager and Citation Processor are responsible for parking facilities maintenance and revenue, citation processing and transportation programs.
  - 2. The CARE (Campus Alliance for Risk-free Environment) Program is coordinated by the Parking and Transportation Manager. This program is staffed by student assistants to provide nighttime escorts. CARE employees wear red shirts or red jackets with C.A.R.E. stenciled on them.
- H. The Field Operations Division consists of a command officer whose rank may be Commander, Captain or Lieutenant. The Field Operations Commander will be addressed by their actual rank.
  - 1. The major responsibilities of the Field Operations Division Commander include:
    - a. Commanding the Patrol Section, and can serve as the Acting Chief in the Chief's or Deputy Chief's absence when designated to do so. The Commander functions as a representative of management for the dissemination of policy and operational directives, and also acts as a line supervisor to assure that policies and management decisions are carried out. This Commander is ultimately responsible for work schedules, management of overtime, internal affairs, special events and equipment maintenance and inspections.
    - b. The Lieutenant rank, when filled, is responsible for the supervision of the Sergeants. The Lieutenant is responsible for the day-to-day operations of the day watch and the night watch, scheduling, traffic enforcement, conducting internal affairs investigations when assigned, and building security.

- a. Sergeants are direct line supervisors and or responsible for the conduct and performance of University Police Officers. The Sergeant may act as the senior law enforcement officer in the absence of higher-ranking managers.
- b. Corporals may act in the Sergeants absence and may be an investigator, field-training officer and will provide assistance/support to the Watch Supervisor, dependent on the need of the organization and so determined by the Chief of Police.
- c. Police Officers may be assigned to Patrol, Investigations, or special details as determined by command. Police Officers and all sworn personnel of the department are individually responsible for:
  - 1. the proper execution of assigned duties;
  - 2. the prevention of crime;
  - 3. the suppression of crime;
  - 4. the enforcement of laws;
  - 5. the arrest of offenders:
  - 6. maintenance of discipline;
  - 7. adherence to rules, regulations, orders and departmental procedures and policies;
  - 8. enforcement of rules, regulations, orders, policies, and procedures among junior officers and employees;
  - 9. reporting promptly through the chain of command any violation of University policies and administrative procedures, criminal statutes, or any other misbehavior committed by another employee of the department; initiating police action when necessary;
  - 10. the proper maintenance, use and operation of facilities, material supplies, and assigned equipment;
  - 11. promoting University Police and Department morale;
  - 12. working such hours and performing such tasks as are assigned by a ranking officer; and
  - 13. related duties as required;
  - 14. maintenance of proper public relations and customer service.
- d. Special Events
- e. Critical Response Unit/Emergency Response Team

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  - 8. enforcement of rules, regulations, orders, policies, and procedures among junior officers and employees;
  - 9. reporting promptly through the chain of command any violation of University policies and administrative procedures, criminal statutes, or any other misbehavior committed by another employee of the department; initiating police action when necessary;
  - the proper maintenance, use and operation of facilities, material supplies, and assigned equipment;
  - 11. promoting University Police and Department morale;
  - 12. working such hours and performing such tasks as are assigned by a ranking officer; and
  - 13. related duties as required;
  - 14. maintenance of proper public relations and customer service.
- f. Special Events
- g. Critical Response Unit/Emergency Response Team
- I. When staffed, the Support Services Division will be lead by a command officer whose rank may be either Lieutenant, Captain or Commander. In all cases, the office/function will be referred to as "Commander" or "Operations Command" regardless of the rank of the appointed office holder. The Support Services Commander will be addressed by their actual rank.
  - 1. The major responsibilities of each area in the Support Services Division include:
    - a. CSS's (Community Service Specialist's) are employees who are assigned duties in support of the police department that do not require sworn authority. The building security program is staffed by non-sworn Community Service Specialist's,

which is coordinated by the Commanding Officer of Support Services. Examples of assignments are escort services, securing and unlocking buildings and rooms, and foot patrol of Housing.

- b. Parking Enforcement
- c. Fleet Operations
- J. The Investigations/Crime Prevention Division is led by a command officer whose rank may be Deputy Chief, Commander, Captain or Lieutenant which includes the Investigations Unit, Crime Prevention Unit, Property Control, Communications and Records. The Division is staffed with a Sergeant a Corporal or one Officer, one Crime Prevention Specialist (Investigations Assistant), ranks of investigative unit personnel may vary depending on staffing or department needs (number of personnel assigned is determined by overall department staffing level). The Investigations Unit is responsible for investigating all major cases as assigned by the Deputy Chief, follow-up of all cases reported to the department, filing cases with the District Attorney's Office, crime prevention presentations, supervision of the holding and interview facilities, dignitary protection, and the property and evidence control function.
- K. The Administrative Services Division is commanded by the Deputy Chief of Police. The Deputy Chief reports directly to the Chief of Police. The Deputy Chief shall act as the second in command and shall serve as the Acting Chief in the absence of the Chief. The Deputy Chief is also responsible for the University Alarm Program, Audit and Inspection, Recruitment, Live Scan Fingerprinting, Investigations, Information/Technology, and the Communication/Records Unit.
  - 1. The Communications/Records Unit operates the Dispatch Center and manages radio and telephone communications. The Communications Unit receives calls, dispatches patrol and parking personnel, monitors activity, enters information on calls into the department records management system, and monitors the alarm system. The Communications Unit is staffed by Dispatchers, and supplemented (when available) with part-time personnel. Police Dispatchers provide an essential service to the organization. Dispatchers act as emergency communications and answer 911 calls. Dispatchers staff the communications console 24 hours a day and must be proficient in computer technology, automated records management, telecommunications, records management, Department of Justice records laws, other duties as assigned and pass the California POST 80 hour dispatch course. The Communication/Records Unit maintains all incident, dispatch and criminal records held by the agency, enters information in the records management system, releases information per state law, performs records checks, and prepares statistical reports.
- L. The department organizational chart will be updated as needed to reflect chain of command, lines of authority, position, rank and authorized personnel strength. A copy of the chart will be posted in the east hallway display case.
- M. It is the duty and responsibility of each employee to fulfill to the greatest possible extent the functions of the department and to perform to the best of the employee's ability those duties assigned by a supervisor.
- N. Officers who hold a supervisory rank or designation have authority over all subordinates and supervision shall be exercised generally only within the supervisor's scope of assignment.

- However, in an emergency or for the good of the Department, it may be necessary for a supervisor to provide functional supervision by directing or correcting an employee who is subordinate to another supervisor.
- O. The chain of command for sworn personnel within the University Police Department is as follows:
  - 1. Chief of Police
  - 2. Deputy Chief
  - 3. Commander
  - 4. Captain
  - 5. Lieutenant
  - 6. Sergeant
  - 7. Corporal
  - 8. Officer in Charge
  - 9. Officer

### P. Command Protocol:

- In the absence of the Chief of Police, the Deputy Chief or next Commanding Officer shall act as the Department Chief Executive Officer. In the absence of the Deputy Chief this role may be assumed by the Commanding Officer of Investigations or the Field Operations Division Commander, or the Support Services Division Commander.
- 2. In normal day-to-day Department operations, the chain of command established by the department organizational chart will be adhered to.
- 3. In department situations involving personnel of different functions engaged in a single operation where prior command authority has not been assigned, the highest-ranking officer shall assume command. However, supervisors are cautioned not to arbitrarily assume command in normal situations from junior ranking members without sound justification.
- 4. In exceptional situations where two officers of equal rank are the senior officials present and where functional assignment is not a determining factor, then seniority shall be used to determine who is in charge.
- 5. For all pre-planned and special events, an Officer-in-Charge will be assigned as part of the event-planning phase.

### Q. Obedience to Lawful Order:

- 1. Employees will obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank.
- 2. All supervisors and managers, civilian and sworn, are expected and required to be mutually supportive of each other in the successful completion of tasks and objectives of each office, division or program.
- 3. Interaction with non-sworn supervisors/managers and obedience to directions from civilian and non-sworn supervisors/managers to sworn personnel.
  - a. From time to time there will be occasions where sworn personnel will receive

direction from non-sworn supervisors/managers. Normally these directions will be related to those areas of speciality or responsibility assigned to the civilian supervisor/manager. Examples of such areas include but are not limited too;

- 1) IACLEA Accreditation
- 2) Parking & Transportation Administration
- 3) Communications
- 4) Fiscal Services Division
- 5) Records
- b. When such direction is being given appropriately and is not in conflict with law enforcement operations or emergency response, civilian supervisors/managers do so with the same authority as the Chief of Police.

### R. Unlawful Orders:

- 1. Command and supervisory officers shall not knowingly issue any order, which is in violation of any law or ordinance or department rule.
- 2. Obedience to an unlawful order is never a defense for an unlawful action. Therefore, no Officer or employee is required to obey any order, which is contrary to federal law, state law, or presidential directive.
- Officers and employees who believe they have received an unlawful order shall promptly bring the matter to the attention of the supervisor of the person issuing the order.
- 4. Responsibility for refusal to obey rests with the Officer or employee. He/she shall be strictly required to justify his/her action.

### S. Conflicting Orders:

- Upon receipt of an order conflicting with any previous order or instruction, the Officer
  or employee affected will advise the person issuing the second order of this fact.
- 2. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first.
- 3. Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the department.
- T. Communication, Coordination, and Cooperation among Functions and Personnel:
  - Members of all department functions will attend a daily roll-call briefing, as a method
    of facilitating communication and coordination of any events scheduled during the
    day.
    - a. Attending these briefings will be the members of Uniform Patrol, Investigations, Parking, Community Services, and Administrative Services who are on duty and available at the time of the briefing.
    - b. The Patrol Watch Commander will facilitate these briefings.

- 2. Briefings will also be held prior to any scheduled major events on campus.
  - a. These briefings will include members of all Department functions who are working the event.
  - b. The Supervisor who has been designated as the Officer-in-Charge will facilitate special event briefings.
- 3. Following any major events on campus, all employees involved will have a postevent briefing to discuss incidents, which occurred during the event and facilitate discussion on recommendations for improvements for future events.
- 4. Further communication between functions and personnel will be accomplished at Supervisors meetings and Department meetings, which will be facilitated by the Lieutenant, Captain, Commander, Deputy Chief or the Chief of Police.

### U. Command Structure - Authority and Responsibility:

### 1. Chief of Police

- a. The Chief of Police is the chief executive officer of the department and the final departmental authority in all matters of policy, operations and discipline. The Chief of Police exercises all lawful powers of the office and issues such orders as are necessary to assure the effective performance of the Department.
- b. Through the Chief of Police, the department is responsible for the enforcement of all laws and University Directives coming within its jurisdiction. The Chief of Police is responsible for planning, directing, coordinating, controlling and staffing all activities of the department. The Chief is responsible for enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority, and for the department's relations with the students and University staff.

### 2. Deputy Chief

- a. The Deputy Chief of Police is the second in command, and is primarily responsible for administrative functions related to policy development, hiring and recruiting, special department programs. In the absence of the Chief of Police the Deputy Chief will assume the authority and responsibilities of the office of Chief of Police.
- b. Subject to direction from the Chief of Police, the Deputy Chief has direct control over all officers and employees within the department. The Deputy Chief shall give required support and direction to command staff as needed, using the downward chain of command as much as is possible or practical.

### 3. Commander of Field Operations (Day/Night)

a. Subject to direction from the Chief of Police or Deputy Chief, the Commander has direct control over all Officers and employees within the department. In the absence of the Chief, he/she shall assume all the duties and responsibilities of

that office.

- b. In addition to the general and individual responsibilities of all Officers and employees, the Commander is responsible for the following:
  - 1) Command: The inspection, direction and control of personnel under his/ her command to assure proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command or supervision in his/her absence.
  - 2) Loyalty: The development and maintenance of an esprit de corps and loyalty to the department.
  - 3) Discipline and Morale: The maintenance of discipline and morale within the department and the investigation of personnel complaints not assigned elsewhere.
  - 4) Inter-Divisional Action: The promotion of harmony and cooperation within other units of the Department. Initiations of proper actions in cases not regularly assigned to his/her command when delay in action might result in failure to perform a police duty.
  - 5) Organization and Assignment: Proper organization and assignment of duties within the sections and units under his/her command to assure proper performance of departmental functions.
  - 6) Reports and Records: Preparation of required correspondence and reports, and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain of command as required.
  - 7) Maintenance: Assurance that equipment, supplies and materials assigned to his/her command are correctly used and maintained.
  - 8) Internal Affairs: All internal affairs investigations will be assigned to the Commander for assignment to the appropriate investigator.

### 4. Captain/Lieutenant of Field Operations-Watch Commanders

- a. Subject to direction from the Chief of Police or Deputy Chief, the Captains/ Lieutenants have direct control over all Officers and employees within the department. In the absence of the Chief, Deputy Chief and Commander they shall assume all the duties and responsibilities of that office.
- b. In addition to the general and individual responsibilities of all Officers and employees, the Captains/Lieutenants are responsible for the following:
  - 1) Command: The inspection, direction and control of personnel under his/ her command to assure proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command or supervision in his/her absence.
  - 2) Loyalty: The development and maintenance of an esprit de corps and loyalty to the Department.
  - Discipline and Morale: The maintenance of discipline and morale within the department and the investigation of personnel complaints not assigned elsewhere.

- 4) Inter-Divisional Action: The promotion of harmony and cooperation within other units of the Department. Initiations of proper actions in cases not regularly assigned to his/her command when delay in action might result in failure to perform a police duty.
- 5) Organization and Assignment: Proper organization and assignment of duties within the sections and units under his/her command to assure proper performance of departmental functions.
- 6) Reports and Records: Preparation of required correspondence and reports, and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain of command as required.
- 7) Maintenance: Assurance that equipment, supplies and materials assigned to his/her command are correctly used and maintained.

### 5. Investigation, Communications and Records Division Commander

- a. Subject to direction from the Chief of Police or Deputy Chief, the Commanding Officer of Investigations has direct control over all officers and employees within the Department. In the absence of the Chief, Deputy Chief, he/she shall assume all the duties and responsibilities of that office.
- b. In addition to the general and individual responsibilities of all officers and employees, the Commanding Officer of Investigations is responsible for the following:
  - 1) Command: The inspection, direction and control of personnel under his/ her command to assure proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command or supervision in his/her absence.
  - 2) Loyalty: The development and maintenance of an esprit de corps and loyalty to the Department.
  - 3) Discipline and Morale: The maintenance of discipline and morale within the department and the investigation of personnel complaints not assigned elsewhere.
  - 4) Inter-Divisional Action: The promotion of harmony and cooperation within other units of the Department Initiations of proper actions in cases not regularly assigned to his/her command when delay in action might result in failure to perform a police duty.
  - 5) Organization and Assignment: Proper organization and assignment of duties within the sections and units under his/her command to assure proper performance of departmental functions.
  - 6) Reports and Records: Preparation of required correspondence and reports, and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain of command as required.
  - 7) Maintenance: Assurance that equipment, supplies and materials assigned to his/her command are correctly used and maintained.

### 6. Support Services Division Commander

- a. Subject to direction from the Chief of Police or the Deputy Chief, the Commander has direct control of all Officers and employees within the Department. In the absence of the Chief and Deputy Chief the Commander shall assume all the duties and responsibilities of that office at the direction of the Chief of Police
- b. In addition to the general and individual responsibilities of all Officers and employees, the Commander is responsible for the following:
  - 1) Command: The inspection, direction and control of personnel under his/ her command to assure proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command or supervision in his/her absence.
  - 2) Loyalty: The development and maintenance of an esprit de corps and loyalty to the department.
  - Discipline and Morale: The maintenance of discipline and morale within the Department and the investigation of personnel complaints not assigned elsewhere.
  - 4) Inter-Divisional Action: The promotion of harmony and cooperation within other units of the Department. Initiations of proper actions in cases not regularly assigned to his/her command when delay in action might result in failure to perform a police duty.
  - 5) Organization and Assignment: Proper organization and assignment of duties within the sections and units under his/her command to assure proper performance of departmental functions.
  - 6) Reports and Records: Preparation of required correspondence and reports, and maintenance of records relating to the activities of his/her command. Assurance that information is communicated up and down the chain of command as required.
  - 7) Maintenance: Assurance that equipment, supplies, and materials assigned to his/her command are correctly used and maintained.
  - 8) Internal Affairs: All internal affairs investigations will be assigned to the Commander for assignment to the appropriate investigator.

### 7. Sergeants

- a. The Sergeant during his/her tour of duty exercises the same authority and has the same responsibilities as commanding officers, subject to authority of the Lieutenants, Captain, Commander, Deputy Chief and Chief of Police. In the absence of the Sergeant, the Senior Officer available member of the watch is in charge, unless otherwise provided.
- b. In addition to general and individual responsibilities of all members and employees, the Sergeant is specifically responsible for the following:
  - 1) Good Order: The general and good order of his/her command during tour of duty to include proper discipline, conduct, welfare, field training and efficiency.
  - 2) Roll Call/Briefing: Conduct of prescribed roll calls, communication of all orders

- or other information at briefings and inspection and correction of his/her command, as necessary.
- 3) Reporting: Reporting as required by the Lieutenant. Maintenance of such records as specified by higher authority.
- 4) Personnel Complaints: Inquiry into personnel complaints against officers or employees under his/her command in accordance with the appropriate departmental directive.

### 8. Patrol Division Sergeant, additional authority, includes

- a. In the absence of those members of the department who regularly exercise authority over the department, the Patrol Division Watch Commander shall be designated as the ranking authority of the department.
- b. This authority and responsibility is not limited or confined to his/her own division, but shall include supervision over and responsibility for all department personnel.

### 9. Administrative Sergeant, additional authority, includes

- a. In the absence of those members of the department who regularly exercise authority over the department, the Administrative Sergeant shall be designated as the ranking authority of the department.
- b. This authority and responsibility is not limited or confined to his/her division, but shall include supervision over and responsibility for all department personnel.

### 10. Supervisors

- a. A Supervisor may be assigned to field or staff duties. During his/her tour of duty, he/she must closely supervise the activities of subordinates, making corrections where necessary and commending where appropriate.
- b. Also, each supervisor is specifically responsible for the following:
  - Leadership: Effective supervision demands leadership. Provision of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one Officer or employee is involved.
  - 2) Direction: Supervisors must exercise direct command in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside his/her usual sphere of supervision if the police objective or reputation of the Department so requires, or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a Supervisor requires a subordinate other than his/her own to leave a regular assignment, the Supervisor so directing will inform the subordinate's supervisor as soon as possible.
  - 3) Enforcement of Rules: Supervisors must enforce departmental rules and regulations and ensure compliance with departmental policies and procedures.
  - 4) Inspection: Supervisors are responsible for inspection of activities, personnel and equipment under their supervision and initiation of suitable actions in

- the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.
- 5) Assisting Subordinates: Supervisors shall have a working knowledge of the duties and responsibilities of their subordinates. They shall observe contacts made with the public by subordinates, be available for assistance or instruction as may be required and take active charge when necessary.

### V. Unity of Command:

- 1. Each employee is accountable to only one Supervisor at any given time.
- 2. Each organizational component is under the direct command of only one Supervisor.

### W. Authority and Responsibility:

- 1. At every level within this Department, responsibility is accompanied by commensurate authority.
- 2. Each employee is given the authority to make decisions necessary for the effective execution of their responsibilities.
- 3. Each employee is accountable for the use of delegated authority. The delegation of authority should be consistent with this Department's mission statement.
- 4. Every Supervisor will be held accountable for the activities of employees under their immediate control.

### X. Written Directive System:

- The agreement between the Board of Trustees of the California State University and the Statewide University Police Association, Article 8.2, required the development of a Systemwide Policy Manual for University Police Departments.
  - a. This manual is designed to establish policies that are applicable to all campuses in the California State University System.
  - b. CSU Executive Orders issued by the Chancellor and CSU Systemwide Coded Memoranda issued by various units within the CSU Executive Offices, have been issued and are updated periodically, and shall be contained in the San Francisco State University Police written directives. Such policies are noted in the Table of Contents.
  - c. The Chief of Police is charged with establishing policies and procedures that are specific to his/her own department, and these procedures may not conflict with the CSU Systemwide guidelines, manual or policies.

### 2. SFSU Police Department Manual

a. The written directive system is based on the following Mission, Values and Philosophy:

The San Francisco State University Police Department is a diversified organization that provides professional law enforcement, parking, transportation and traffic coordination. The San Francisco State University Police Department

is a pro-active, service-oriented agency trained to respond to the needs of the community. The department is staffed and equipped to deliver professional, personalized protection, with pride, sensitivity, and integrity.

- b. Procedures for Indexing:
  - 1) The Department Manual consists of 7 chapters:
    - -Chapter 1: Administration
    - -Chapter 2: Personnel Management
    - -Chapter 3: Field Operations
    - -Chapter 4: Investigations
    - -Chapter 5: Records and Communications Support
    - -Chapter 6: Standard Operating Procedures
    - -Chapter 7: Parking Functions
  - 2) All personnel are encouraged to forward information to the Chief of Police through a written memorandum on suggested changes in the written directive indexing system. Grouping of related tasks that promote ease in understanding is a continual goal.
- c. Procedures for Purging, updating, and revising:
  - 1) The Department Manual will be reviewed annually and updated, if necessary, by the Chief of Police.
    - -All employees can provide input via the Policy Input/Correction Form for change.
    - -At the time any written directive are no longer needed, they will be purged from the system.
    - -Purging is the sole responsibility of the Chief of Police.
    - -Any employee who believes that a subject should be addressed they shall submit the information on the Policy Input/Correction Form through the chain of command to the Chief of Police.

### 2) Updating Manuals

- -Review of proposed or revised policies, procedures, rules, and regulations prior to promulgation to ensure they do not contradict other existing agency directives or applicable law may be accomplished in one or all of the following ways:
  - discussed at staff meetings;
  - distributed to all personnel for comment; and/or
  - distributed for feedback to the affected section or unit;
  - discussed at annual department meetings

- -Any employee may suggest a change in a written directive through the Policy Input/Correction Form. Included with the communication shall be a copy of the directive with the suggested changes indicated.
- -The Accreditation Coordinator will update the hard copy manuals kept in the conference room and at dispatch.
- -The most current General Orders can be found on the department's file server.
- 3) A golden rod IACLEA assignment form will be utilized by the command staff to issue IACLEA related assignments.
- 4) The Chief may issue a Chief's Notice to an employee that has not promptly responded to a IACLEA assignment or policy matter.
- d. Statements of agency policy: The written directives shall be an official and certified statement of agency policy concerning the subjects delineated within context of the system. The written guidelines provide procedures for carrying out agency activities and shall act as an informational resource for all employees.
- e. General Orders, which are permanent directives concerning policies, rules and procedures, will be placed in the manual and numbered utilizing a standard format. The first part of the number will be a reference to the chapter, followed by a hyphen and a numerical listing of the orders in that chapter. Example: General Order 1-1.
- f. All General Orders will have the same format, and contain the following information (See written directive outline, Appendix B):
  - 1) General Order Number;
  - 2) Title and Subject;
  - 3) Effective date and review/revised date, if applicable;
  - 4) Purpose Statement;
  - 5) Policy Statement (some may not require this section);
  - 6) Definitions
  - 7) Procedures, which will be the body of the order and will contain procedures and delineated responsibilities for all affected personnel; and
  - 8) Appendices and Attachments
  - 9) All General Orders will be approved and signed by the Chief of Police.
- g. Included as part of General Order 1-2 are the Department's Code of Ethics.
- h. The Department Manual will contain a Table of Contents.
- 3. Only the Chief of Police has the authority to issue, modify, and approve Department General Orders. The Chief of Police or designee may issue written directives, memorandums, special orders and procedures, which are binding on employees.
- 4. Procedures for the dissemination and storage of agency written directives.
  - a. A hard copy and or computer disc of the General Orders will be made available upon request to all members of the department.
  - b. Hard copies of the Manual will be maintained in the Conference Room. The

- General Orders can also be found on the department file server that can be accessed through any department computer.
- c. Acknowledgement indicating receipt and review of additional disseminated directives by affected personnel shall be accomplished by email confirmation or by use of the Written Directive System Receipt Form. The form will be filed in the employee's personnel file maintained in the Chief's Office.

### Y. Allocation and Distribution of Personnel:

- 1. The primary position management system for the department shall be the fiscal monitoring database. During the annual budget process a review of all positions will be conducted to determine:
  - a. The number and type of each position authorized in the department's budget;
  - b. Location of each authorized position within the agency's organizational structure;
     and
  - c. Position status information, whether filled or vacant, for each authorized position
- 2. Positions not requiring sworn personnel are specified as civilian positions and staffed accordingly. The following positions are civilian within the University Police:
  - a. Associate Director for Operations/Parking & Transportation
  - b. Administrative Analyst/Specialist
  - c. Fiscal Services Coordinator
  - d. Accreditation Coordinator
  - e. Administrative Assistant
  - f. Information Technology Consultant
  - g. Dispatchers
  - h. Records personnel
  - i. Community Service Specialist
  - j. Any student or part-time personnel
  - k. Parking Control Officers
  - I. C.A.R.E. Escorts
  - m. Crime Prevention Specialist

### V. APPENDICES:

- A. See the east hallway display case for the current department organizational chart
- B. Written Directive Outline

### VI. ATTACHMENTS:

A. Written Directive System Receipt Form

### ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



### Written Directive System Receipt Form

Employee:			Date:	
Written Dir	ective Manual or Com	puter Disk Number:		
Issued (Ch	eck all applicable □):			
	Entire Manual			
	Disk			
	Written Directive:	Number:		
		Subject:		
	Table of Contents			
	Special Memorand	um: Subject:		
Issuing Su	pervisor:(Print Name	)		
Directive(s	) / Memorandum discı	ussed with employee: ☐ YES	□NO	
Signature of	of Employee:		_	
Comments	(Supervisor or Emplo	oyee):		
Distribution:  Department Personnel File (Original)			Date Filed:	



SUPERSEDES: D-29

### San Francisco State University Police Department

NUMBER: 1-2 APPROVED:

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Sept. 12, 2005, Oct. 3, 2005, Aug. 31, 2006, Feb. 20,

2008, Jun. 25, 2008, Feb. 2, 2010, Aug. 13, 2012, Jun. 27, 2013, Jan. 7, 2015, Jan. 22, 2015, Jul. 10,

2015, Jan. 11, 2017, Dec. 10, 2019, Feb. 18, 2020,

Jul. 12, 2020

Regindel Pa

SUBJECT: AUTHORITY AND JURISDICTION OF THE DEPARTMENT

REVIEWED/REVISED:

### I. PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

### II. PEACE OFFICER POWERS

### A. Peace Officers Powers

Sworn members of this department shall be considered peace officers pursuant to Penal Code § 830.2. The authority of any such peace officer extends to any place in the State of California, as follows:

- 1. As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
- 2. Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or
- 3. As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

### B. Authority and Jurisdiction

The authority of police departments within the California State University is established under Division 8, Chapter 5, Article 3, of Section 89560 of the California Education Code, which states: "The trustees may appoint one or more persons to constitute a police department for the headquarters and for each campus of the California State University. Persons employed and compensated as members of a California State University Police Department, when so appointed

and duly sworn, are peace officers.

However, such peace officers shall not exercise their authority except:

- 1. At the headquarters or upon any campus of the California State University and
- 2. in an area within one mile of the exterior boundaries of each campus or the
- 3. headquarters, and in or about other grounds or property owned, operated, controlled,
- 4. or administrated by the California State University, or by Trustees or the State on
- 5. behalf of the California State University, and
- 6. As provided in Penal Code Section 830.2(c).

### C. Penal Code 830.2(c)

California Penal Code Section 830.2(c) states that the following persons are peace officers whose authority extends to any place in the state. "A member of the California State University Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code."

### D. Jurisdictional Agreements

Senate Bill 1729 created an addendum to Section 67381 of the Education Code known as the Kristin Smart Campus Safety Act of 1998. The legislation requires local law enforcement agencies and police departments within the California State University to enter into a written agreement that delineates which law enforcement agency has operational responsibility for the investigation of Part I violent crimes and delineates the specific geographical boundaries of each agency's operational responsibility.

### E. Department Name

The official name of the Department shall be "The California State University Department-San Francisco."

For brevity, The California State University Department-San Francisco may be referred to as San Francisco University Police Department or SF State PD or UPD.

### III. CONSTITUTIONAL REQUIREMENTS

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

### IV. APPENDIX

- A. Agreement with the City and County of San Francisco on security of the MUNI platform
- B. Kristen Smart Agreement with SFPD

### V. ATTACHMENT

- A. Main Campus Jurisdictional Map
- B. Downtown Campus Jurisdictional Map
- C. Sierra Nevada Field Campus Jurisdictional Map
- D. Romberg Tiburon Center Jurisdictional Map
- E. Main Campus Map
- F. Law Enforcement Mutual Aid Chart

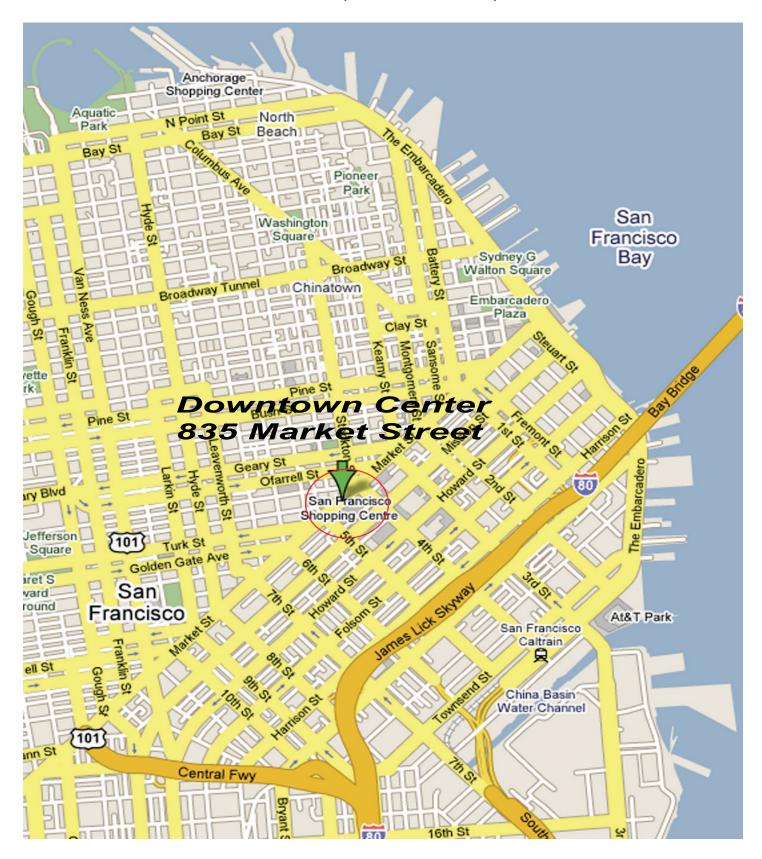
### ATTACHMENT A

### Main Campus Jurisdictional Map



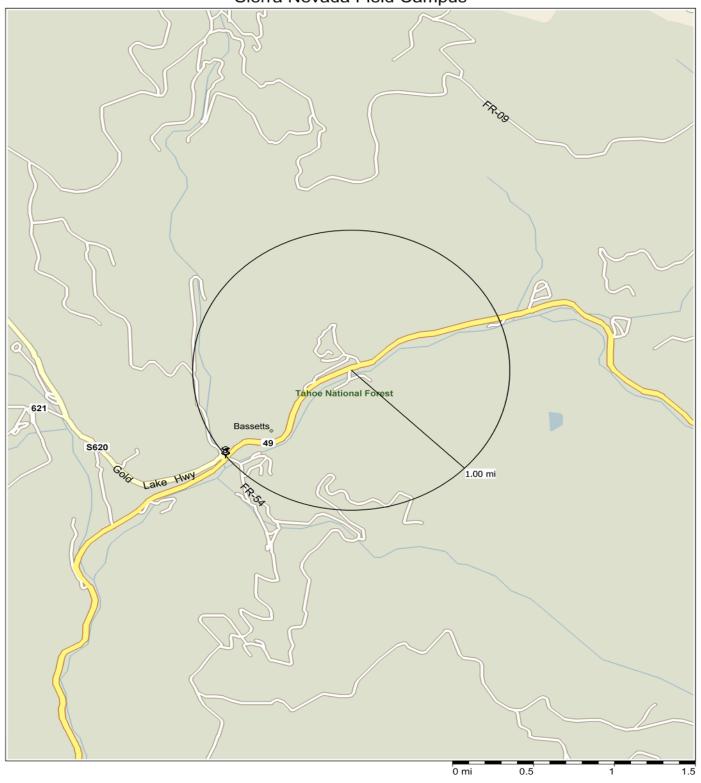
### ATTACHMENT B

### **Downtown Campus Jurisdictional Map**



### ATTACHMENT C

Sierra Nevada Field Campus



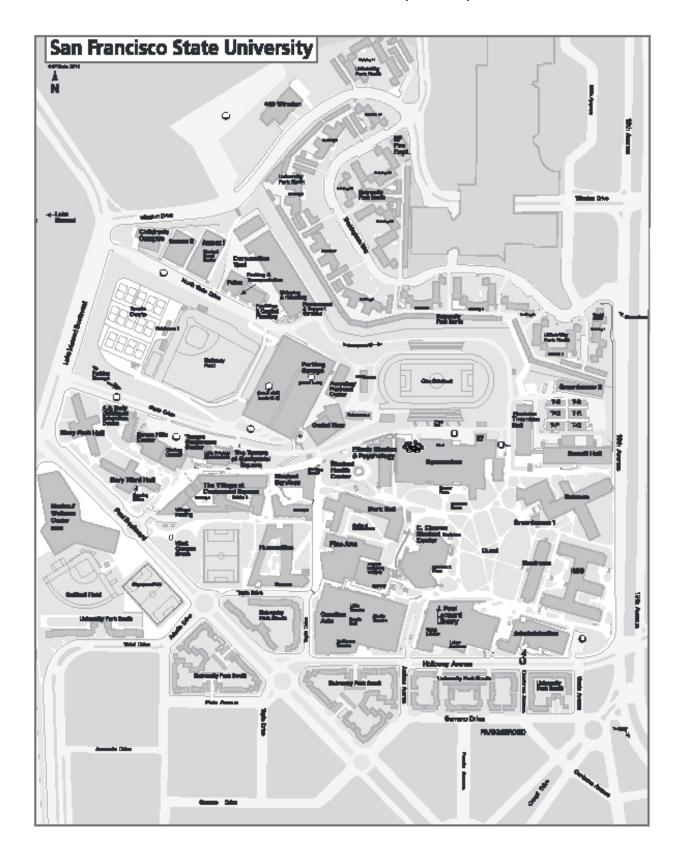
ATTACHMENT D

Tiburon Center, 3152 Paradise Drive, Tiburon, CA



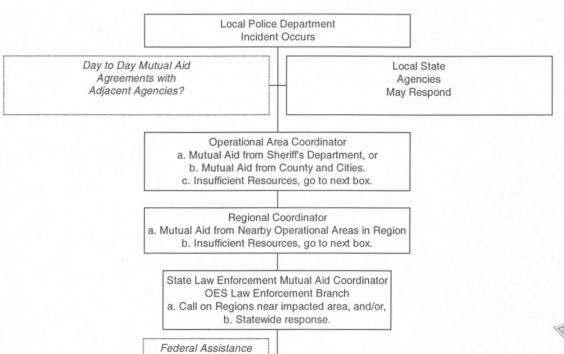
### ATTACHMENT E

### Main Campus Map



## ATTACHMENT F

# LAW ENFORCEMENT MUTUAL AID



if Catastrophic or special resources needed.



OES Law Enforcement Branch 24 Hours (916) 845-8700



NUMBER: 1-3 APPROVED: Reyard Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Sept. 12, 2005, Oct. 3,

SUPERSEDES: A. REVIEWED/REVISED:

2005, May 9, 2008, Jul. 10, 2015, Dec. 11, 2019

SUBJECT: IMPLEMENTATION OF THE CSU POLICE SYSTEMWIDE GUIDELINES

I. PURPOSE: To ensure that all Unit 8 Collective Bargaining Members receive a copy of the CSU Police Systemwide Guidelines as required by the Unit 8 and California State University Collective Bargaining Agreement and that all San Francisco State University Policies shall comply with the CSU Police Systemwide Guidelines.

II. POLICY: It shall be the policy of the San Francisco State University Police Department to implement the CSU Systemwide polices through the University Police Written Directive System.

#### III. DEFINITIONS:

A. CSU Police Systemwide Guidelines: Article 8.2 of the Unit 8 Collective bargaining agreement required the development of a CSU Police Systemwide Guidelines. The manual is to be revised by the CSU with the Association, (SUPA) shall have the opportunity to review and offer suggestions to the CSU prior to implementation.

#### IV. PROCEDURES:

- A. Each sworn member of the department shall receive the CSU Police Systemwide Guidelines as part of their Written Directives upon hire and as part of the Field Training Program.
- B. Each sworn member shall have an opportunity to recommend changes to the Systemwide Manual by forwarding recommendations to the Chief of Police, who will then review the recommendations and forward to the Chancellor's Office as appropriate.
- C. Sworn officers may also forward recommendations for changes to their SUPA Union representative.

#### V. APPENDIX:

A. Executive Order 427, Implementation of Public Safety Policy Manual Superceded by Executive

Order No. 787

# VI. ATTACHMENT:

A. CSU Police Systemwide Guidelines (Available on the department internal server)



NUMBER: 1-5 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Feb. 26, 2007, May 14, 2007, Feb.

SUPERSEDES: REVIEWED/REVISED:20, 2008, Jan. 7, 2015, Jan. 30,

2015, Jun. 23, 2015, Jul. 10, 2015,

SUBJECT: MEDIA RELATIONS Jul. 7, 2016, Dec. 12, 2019

I. PURPOSE: To establish procedures for the timely release of information to the media and delineate what information may be released.

- II. POLICY: It is the policy of this department to cooperate fully and impartially with authorized news media representatives and assist them in their efforts to gather factual, public information pertaining to activities of the department and at the scenes of incidents. This will be done as long as these activities do not unduly interfere with departmental operations, infringe upon individual rights or violate the law. Release of information will comply with Government Code §6254.
  - A. The Deputy Chief or his/her designee is the primary contact point for providing accurate information to the news media.
  - B. Statements of policy expressing official positions of the department, official responses to criticism of the department, statements pertaining to pending civil litigation, internal investigations, disciplinary matters, and Officer involved use-of-force situations shall be made only by the Chief, the Deputy Chief or his/her designee.
  - C. The Associate Vice President of University Communications or his/her designee is the official spokesperson for the University and is responsible for responding to all media inquiries pertaining to University policies, procedures, personnel and University-wide issues. All off campus media representatives shall be referred to the Director of Communications.

### III. DEFINITIONS:

- A. Public Information: Information that may be of interest to the general public regarding policy, procedures or events involving the department or other news-worthy information that is not legally protected; which does not unduly interfere with the mission of the department; does not infringe upon the rights of a defendant; or compromise the legitimate safety and privacy interests of officers, victims, witnesses or others.
- B. Authorized News Media Representatives:

- Those individuals who are directly employed by agencies of the electronic and print media such as radio, television and newspapers. These individuals will be in possession of press credentials issued by a public safety agency or the individual's employing agency.
- 2. Other authorized media representatives include students who are assigned as reporters for a University newspaper in the CSU system. These reporters will have identification issued by their publisher and will be afforded the same privileges as credentialed press at the scene of newsworthy events.
- C. Public Information Officer: Serves as a central source of information for release by the department. The Public Information Officer also responds to requests for information by the news media and the community. This is the responsibility shared by the Chief and the Associate Vice President of University Communications.
  - 1. Joint coordination and collaboration between these university partners will include supporting the media's request for information;
    - a. At the scene of an incident;
    - b. From agency files;
    - c. Concerning ongoing investigations;
    - d. Concerning victims, witnesses, or suspects, and
    - e. For other information that is not readily available to the media.
  - 2. The Chief shall serve as the Department's Public Information Officer and will have the responsibility for the release of information on a daily basis to media representatives about the operations of the department. The Chief or his/her designee shall:
    - a. Coordinate and authorize the release of information concerning confidential agency investigations and operations.
    - b. Work with the Associate Vice President of University Communications in the preparation of news releases.
    - c. Work with the Associate Vice President of University Communications in coordinating and authorizing the release of information about victims, witnesses, and suspects, following the guidelines established in this order.
    - d. Keep the Chief of Police and the Associate Vice President of University Communications informed of any incidents that may attract media attention.
    - e. Consult with the Commanding Officer of Investigations prior to the release of any information involving on-going investigations.
  - 3. The Associate Vice President of University Communications will serve as the Public Information Director with responsibility for the release of information at major events affecting the University community. The Associate Vice President of University Communications will:
    - a. Have responsibility for preparing and distributing news releases, with assistance

- from the Administrative Coordinator.
- b. Have responsibility for coordinating any news conferences.
- c. Be available for on-call responses to assist the department in providing information to the news media and assist the news media in covering news stories at the scenes of incidents.
- d. Assist with crisis situations within the department.

#### IV. PROCEDURES:

- A. Release of Information to the News Media:
  - 1. Clery Daily Crime, Arrest, and Fire Log
    - a. The Clery Daily Crime, Arrest, and Fire Log will contain;
      - 1) The nature, date, time and general location of each crime and fire incident
      - 2) Date and time reported
      - 3) The disposition of the complaint
    - b. The Clery Daily Crime, Arrest, and Fire Log shall be updated every 48 hours unless;
      - 1) Disclosure is prohibited
      - 2) Disclosure would jeopardize the confidentiality of the victim
      - 3) Disclosure would jeopardize an ongoing investigation
      - 4) It causes a suspect to flee
      - 5) It results in destruction of evidence
    - c. The Clery Daily Crime, Arrest, and Fire Log must be available to the public and must include the most recent 60-day period.
    - d. The Daily Crime, Arrest, and Fire Log is available online via the department website at http://www.sfsu.edu/~upd/crimelog/index.html. It will contain entries for the most recent 60-day period and will be available to the public.
    - e. Information contained in the Daily Crime and Fire Log is subject to the restrictions as stated in the section of this order entitled, "Information Which May Not Be Released to the Media".
    - f. The Daily Crime, Arrest, and Fire Log containing information older than 60 days will be available with-in two business days of a request for public inspection.
    - g. A hardcopy of the Daily Crime, Arrest, and Fire Log will be made available, if the online log is not available.
  - 2. Telephone Inquires
    - a. All telephone inquires received from the media will be directed to the Chief.
  - 3. The law requires that CERTAIN INFORMATION MUST BE DISSEMINATED

(California Government Code 6254(f), see Records directives for further information and specifics).

- a. Under the guidelines, information is releasable to
  - 1) authorized representative of the victim;
  - to an insurance carrier against which a claim has been made or may be made;
     and
  - 3) to any person suffering bodily injury or property damage as a result of an incident of arson, explosion, fire, vehicle theft, and/or larceny.
- b. Suspects requesting copies of his/her arrest and/or crime report will be referred to the District Attorney's Office.
- c. Persons with a subpoena for records will be referred to the Chief of Police.
- d. Information that is releasable under the above guideline includes:
  - 1) names and addresses of persons involved in the incident [exception: confidential informants, victims of sex crimes, and juveniles unless the victim is filing a claim with the State Board of Control per Government Code 13968(d)];
  - 2) description of any property involved;
  - 3) date, time, and location of incident;
  - 4) statements of parties involved in the incident; and
  - 5) statements of all witnesses, except confidential informants.
- e. Disclosure will not be made of that portion of the report that reflects the analysis or conclusion of the investigating officer.
- f. No information will be released if such disclosure would endanger the successful completion of the investigation.
- g. Any person requesting a copy of a police report will be provided with a "Request for a Copy of Police Report" form. It may take up to fourteen working days to process the request.
- 4. The following information is considered public information and is releasable to any person:
  - a. The Daily Crime, Arrest, and Fire Log contains the following information on subjects arrested by our officers;
    - 1) The full name, current address, and occupation of every adult person arrested by this department.
    - 2) The arrestee's physical description [date of birth, color of eyes, hair color, sex, weight, and height].
    - 3) Date and time of arrest.
    - 4) Date and time of booking.
    - 5) Location of arrest.
    - 6) Factual circumstances surrounding the arrest [not opinions or conclusions].

- 7) Amount of bail set.
- 8) Time and manner of release or location where the arrestee is being held.
- 9) All charges which arrestee is being held, including outstanding warrants and probation and parole holds.

#### b. Incident information

- 1) Time, substance, and location of all complaints or requests for assistance.
- 2) Time and nature of response, including:
  - a) time, date, location of occurrence;
  - b) time and date of report; name, age, and current address of victim [exception: victims of sex crimes, and juveniles unless the victim is filing a claim with the State Board of Control per Government Code 13968(d)]; and
  - c) the factual circumstances surrounding the crime or incident.
- 3) The general description of:
  - a) Any injuries confirmed;
  - b) Any weapons involved; and
  - c) Any property involved.
- 4) The above information is public information and shall be released to the public, except to the extent that disclosure of a particular item of information would endanger the safety of any person involved in the investigation or would endanger the successful completion of the investigation or a related incident.
- 5) Anytime information is released to the media, the employee releasing the information will notify the Chief of Police, as soon as practical.
- 5. The law permits the department to WITHHOLD CERTAIN INFORMATION. The following information is not releasable at any time, unless approved by the Chief of Police.
  - a. Prior to the arrest, do not release the identity of the suspect.
  - b. Prior to the arrest, do not release the results of the investigation.
  - c. Release of the information in items (a) and (b) may be made, if approved by the Chief of Police, in cases in which it will:
    - 1) aid in the investigation;
    - 2) assist in the apprehension of the suspect; and/or
  - d. Warn the public of danger.
  - e. Prior criminal record, reputation, or character.
  - f. Identity or any personal information of a juvenile arrestee or suspect.
  - g. Existence or contents of any confession, or statements given by a suspect or the refusal to make a statement.

- h. Any opinion about the possibility of a plea of guilty to offenses charged or a lesser offense or either disposition.
- i. Performance of any examinations or tests or the suspect's refusal to, or failure to submit to an examination or test.
- j. Any photographs or mug shots except if the release will:
  - 1) aid in the arrest of the suspect;
  - 2) aid in the investigation; and/or
  - 3) warn the public of danger.
- k. The identity, testimony, or credibility of prospective witnesses.
- I. Any personal opinion as to the suspect's guilt, innocence, or merits of the case.
- 6. In addition, employees shall not
  - a. disclose the name of a deceased person (suspect/victim) until confirmation has been received that the next of kin have been notified.
  - b. move or pose suspect solely for the purpose of allowing photographs to be taken.
     However, do not prevent photographers from taking un-posed pictures in public places.
- 7. On-call responses to the news media shall consist of the notification of:
  - a. On-duty Lieutenant/Supervisor
  - b. Deputy Chief
  - c. Chief of Police; and, if necessary (dependant on issue and time factors)
  - d. The Associate Vice President of University Communications.
- 8. Release of Information During Mutual Efforts

The University Police Department is frequently involved in mutual efforts with other public service agencies, e.g. San Francisco Police Department or the District Attorney's Office

- a. The agency having primary jurisdiction shall be responsible for releasing and coordinating the release of related information.
- b. All public inquires for the release of information pertaining to the department's involvement in mutual efforts shall be referred to the Chief of Police.
- c. The Associate Vice President of University Communications shall refer media inquires to the primary jurisdiction responsible for the mutual effort.
- d. All requests for release of information during CRU missions will be directed to the HOST campus.
- 9. Press relations and media access (including photographers) to disasters, major fires, crime scenes, mass arrest operations, and other special or catastrophic events.

- a. While the department may exclude members of the general public from a disaster area for safety reasons, the media is exempt from this exclusion and must be allowed into the disaster zone (409.5 P.C.), unless such access would interfere with Law Enforcement Operations.
- b. As soon as a disaster or accident has been identified and secured, authorized media shall be permitted free access to the affected area after being advised of any existing danger.
- c. Department employees shall not decline to protect news media personnel who are in danger, but employees will not provide an escort into and out of the danger zone. In general, authorized media members are to be permitted free movement in the area as long as they do not hamper, deter, or interfere with the law enforcement or public safety function.
- d. Crime scenes may be closed to all unauthorized persons, including the news media. Unlike a disaster scene, the media does not have a constitutional right to enter and may be legally excluded. Crime scenes, which are located in the areas of public access, may be opened for media inspection after any search, preservation, and processing of evidence has been completed and the scene secured. Reporters and photographers shall be kept at a sufficient distance (outer perimeter) from the scene to protect it from being disturbed, or evidence being destroyed or contaminated.
- e. News media representatives have no more right of access to private property than the general public. Therefore, media representatives are subject to any public access restrictions placed by the owner or person in charge of the property when a crime scene is located on private property.
- f. The scene of a departmental tactical operation is the same as a crime scene, except authorized news media shall be permitted within the outer perimeter of the scene subject to any restrictions as set forth by the Department employee in charge of the operation. Department employees shall not jeopardize a tactical mission in order to accommodate the media, but every effort shall be made to keep them informed of the progress of the operation.
- 10. Any person who delays, obstructs, or impedes a police officer in the performance of their duties is subject to arrest for a violation of 148 P.C. This includes the news media. Arrests will only be made as a last resort and only in particular aggravated cases.
- 11. The parking of press vehicles by members of the media actually engaged in the gathering of news falls under an exemption to provisions of the Traffic Code, provided that a press card is properly displayed in the front and rear windows of the vehicles. Specific locations where news gathering vehicles cannot park are:
  - a. Tow-Away Zones;
  - b. Truck loading zones;
  - c. Sidewalk access ramps [News vehicles shall not park within three feet of any access ramp constructed adjacent to a crosswalk for use by the physically handicapped]; and
  - d. News vehicles must be parked with due regard for access of fire department

# equipment and vehicles.

# V. APPENDIX:

A. CPOA Law Enforcement Media Relations Model Policy Manual

VI. ATTACHMENT: None



NUMBER: 1-6 APPROVED: Reynold Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 18, 2006, Aug. 14, 2006, Feb.

2, 2010, Jan. 16, 2015, Jul. 10,

SUBJECT: LINE INSPECTION 2015, Dec. 13, 2019

I. PURPOSE: To establish procedural guidelines related to inspectional services.

II. POLICY: It is the policy of this department to conduct line inspections as a method of evaluating the efficiency and effectiveness of department operations.

#### III. DEFINITIONS:

A. Line Inspection: Inspection conducted by personnel in control of the persons, facilities, procedures, or other elements being inspected. Line inspections may be carried out by any supervisor within the chain-of-command and is often conducted by supervisory personnel who may be responsible for ensuring that any substandard conditions revealed in the inspection are corrected.

#### IV. PROCEDURES:

- A. The inspectional process is an essential mechanism for evaluating the quality of the agency's operations; ensuring that the agency's goals are being pursued; identifying the need for additional resources; and ensuring that control is maintained throughout the agency.
- B. The inspectional process compares the agency's formal expectations with actual performance. Inspections, conducted with clear objectives and a positive approach, provide a means of communication within the agency, not only "downward" but also "upward."
- C.The inspectional process, provides the Chief of Police and other managers and supervisors with a means of regularly assessing the agency's efficiency and effectiveness and provides information necessary to plan for change.
- D. Line inspections shall be carried out by supervisors at all levels of the organization and focus on the condition of facilities, equipment, procedures, uniforms, etc., and are done frequently by a first-line supervisor.

## E. Line Inspections:

- 1. Procedures to be used in conducting line inspections.
  - a. Every manager and supervisor has the responsibility and authority to conduct inspections.
  - b. Supervisors shall conduct continual inspections of all subordinate personnel that directly report to them. This includes inspection of equipment used and the operations performed by the subordinate personnel assigned.
  - c. The inspection shall be a fair, impartial, and a direct appraisal that denotes a positive and constructive attitude.
  - d. Every supervisor shall take the immediate and appropriate action indicated from the results of a line inspection action. This includes the correction of a deficiency (verbal, written counseling, etc.) and commendation of exemplary performance.
- 2. Frequency of inspections and responsibilities of the supervisor for the conduct of the inspections and the correction of deficiencies.
  - a. Line inspections are an ongoing activity to ensure that employees are acting in concert with agency requirements in such areas as personal appearance, use and maintenance of equipment, and adherence to department directives and orders.
  - b. At a minimum, supervisors shall conduct informal inspections on personnel and equipment at the beginning of every shift.
  - c. Watch Commanders will conduct a detailed inspection of all equipment issued to Officers under their supervision at least once a year and forward it to the appropriate division commander. The department Individual Equipment Receipt will be utilized, and any equipment in need of repair or replacement will be brought to the attention of the Commander.
  - d. University Police Patrol Vehicles will be inspected daily. The officer assigned to the vehicle will check for cleanliness, mechanical functioning and operational readiness of assigned equipment will be noted. These inspections shall be documented through the use of the Vehicle Maintenance Form.
  - e.The Watch Commander will be advised of any deficiencies noted and he/she will ensure that any deficiencies are corrected.
- 3. Criteria for those inspections that require a written report include the following:
  - a. Damage to vehicles;
  - b. Mechanical repairs required to vehicles;
  - c. Unserviceable weapons;
  - d. Any damage discovered to department equipment due to misuse or carelessness; and
  - e. Repeated violations of inspectional requirements.
- 4. Follow-up procedures to ensure corrective action has been taken, shall include:

- a. Shift supervisors shall take immediate corrective action to ensure compliance with department standards; and
- b. Repeated deficiencies shall be documented and forwarded to the appropriate division commander.
- 5. Annually, a summary of each function's line inspections shall be forwarded to the Chief.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 1-7 APPROVED: Reynold Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Aug. 14, 2006, Feb. 20, 2008, Feb.

SUPERSEDES: REVIEWED/REVISED: 2, 2010, Aug. 14, 2013, Jan. 7,

2015, Jun. 23, 2015, Dec. 13, 2019

SUBJECT: PLANNING AND RESEARCH/CRIME ANALYSIS

I. PURPOSE: To establish procedures and assign responsibility for the department's planning and research and crime analysis functions.

II. POLICY: It is the policy of this department to perform a variety of planning functions as a management tool for developing strategies for utilization of personnel, equipment and resources. This department will utilize crime analysis as a system of gathering information on reported crimes and criminals to aid in the prevention of crime and the apprehension of criminals.

III. DEFINITIONS: None

#### IV. PROCEDURES:

## A. Planning and Research:

- Planning and research activities are essential to the effective management of this
  police department. Complex demands for law enforcement services and limited
  resources require that this department carefully research operational alternatives
  and plan future programs.
- 2. Planning and research functions are performed by the Deputy Chief under the direct supervision of the Chief of Police to allow for access to necessary information sources and direct access to the Chief for consultation.
- 3. In this department planning and research includes the following types of activities performed by the following individuals.
  - a. The department budget process facilitated by the Director for Operations & Parking/Transportation with input from all organizational components on equipment operating expenses and personnel needs.
  - b. The analysis of crime trends performed by the Crime Prevention Coordinator.
  - c. Operations planning performed by the assigned division commander includes designing operational plans for special events and preventive patrol activities.

- d. The analysis of manpower needs based on calls for service and population trends performed by the Chief of Police and a Field Operations Division Commander.
- e. The analysis of equipment needs performed by a Field Operations Division Commander that will assess current trends and condition of present equipment.
- f. In addition, many of the administrative reports noted in General Order 1-9, will be utilized as a part of the planning and research function.
- g. When required the Chief of Police or their designee shall participate in the university planning committee as it pertains to traffic related issues on campus.
- 4. If as the result of a planning and research function analytical reports are generated, they will be made available to any affected organizational units.

## B. Crime Analysis:

- 1. The Commanding Officer of Investigations is responsible for developing crime analysis' for the purpose of identifying crime trends and establishing a special enforcement focus or crime prevention programs.
- 2. Information contained in the Department's Record's Information Management System (RIMS) and information obtained from area police agencies will be utilized for the crime analysis function.
- 3. Several factors should be considered when performing crime analysis and determining trends. These can include:
  - a. The frequency by the type of crime.
  - b. The locations where crimes are occurring.
  - c. The time of day that crimes are occurring.
  - d. Specific information on victims or targets of crime, i.e. type of vehicle.
  - e. The description of any suspects.
  - f. The description of any suspect vehicles.
  - g. Factors as to the criminal's method of operation. (M.O.)
  - h. Any information gathered from physical evidence.
  - i. Any strategies for proactive problem oriented policing.

## 4. Distribution of Crime Analysis Information

- a. Crime analysis information will be forwarded to patrol shifts at line-ups by the Investigators to assist Sergeants with deployment and assignment of personnel.
- b. Crime analysis information will be disseminated to the Commanding Officer of Investigations who will utilize the information to determine focuses for crime prevention programs and awareness campaigns.
- c. Frequently crime analysis information will be distributed to the campus Communications Director's Office to assist with crime awareness and prevention by the Commanding Officer of Investigations.
- d. Crime analysis information will be documented for submission to the Commander, Deputy Chief and Chief of Police for use in long-range planning, for estimating future crime trends and identifying enforcement priorities.

- 5. For crime analysis information to be effective there must be feedback from patrol shifts and additional analysis conducted. The effectiveness of crime analysis can be evaluated by:
  - a. Seeing crime reduced in certain areas as a result of increased awareness and patrol and enforcement action.
  - b. An increase in arrests dealing with certain problems identified in the analysis process.
  - c. Having specific problem areas identified by analysis of data.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 1-8 APPROVED: Reynold Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Jan. 31, 2006, April 6, 2006, Aug. 14, 2006, March 17, 2008, Feb. 2, 2010, May 24, 2010, Jan. 4, 2013, Jan. 7, 2015, Mar. 23,

SUPERSEDES: REVIEWED/REVISED: 2015, Jul. 10, 2015, Aug. 20, 2015, Jan.

27, 2016, Aug. 12, 2016, Dec. 13, 2019

SUBJECT: FISCAL MANAGEMENT AND AGENCY OWNED PROPERTY

I. PURPOSE: To outline the authority and responsibility for managing the fiscal operations of the San Francisco State University Police Department and to establish the procedures for the inventory and control of agency-owned property.

II. POLICY: It is the policy of this department to ensure the appropriate and necessary procedures are delineated for the management of fiscal operations and capital assets and equipment.

III. DEFINITIONS: None

#### IV. PROCEDURES:

## A. Fiscal Management Functions:

- 1. The Chief of Police has the overall final authority and responsibility to plan, manage, and approve all expenditures of the funds allocated to the SFSU University Police.
- 2. The department's fiscal management involves planning, budgeting, purchasing, and reconciling all budgets and budget reports. The Associate Director for Operations & Parking/Transportation is assigned the responsibility for the following fiscal management activities that include but are not limited to:
  - a. monitoring all fiscal transactions, processing purchase orders, and expenditures and submitted invoices;
  - b. monitoring revenues and expenses, and reconciling budget reports;
  - c. analyzing department personnel and funding requirements for preparation of the annual budget to be submitted by the Chief for University approval;
  - d. providing historical information on the department's expenditures, revenues, special projects, grants and fiscal requirements;
  - e. preparing final budget plan for the Chief of Police's review & approval to be submitted through appropriate channels;
  - f. processing travel requests and reconciling credit card statements;
  - g. processing deposits for front counter fees; and
  - h. recharging for services provided by the Department to various departments

on campus as well as organizations off campus. Auxiliary enterprises shall be charged the allowable direct costs plus an allocable portion of indirect costs associated with facilities, goods, and services provided by the University funded from the General Fund. Recharge rates/cost allocations have been set in accordance with CSU directive Executive Order #753 and as approved by the campus President.

i. reimbursements from the Commission on Peace Officer Standards and Training (POST) are monitored, prepared, and processed by the Department's Training Manager. Whenever an individual attends POST certified classes, the Training Manager will submit a Training Reimbursement Request (TRR), POST 2-273 to POST through the POST EDI portal.

The Commission on Peace Officer Standards and Training (POST) provides a reimbursement plan for POST-related travel. The breakdown is as follows:

Plan 0 = No POST Reimbursement

Plan 1 = POST will reimburse for: Backfill\*, Travel, Hotel, Per Diem, Tuition

Plan 2 = POST will reimburse for: Backfill\*, Travel, Hotel, Per Diem Plan 3 = POST will reimburse for: Travel, Hotel, Per Diem, Tuition

Plan 4 = POST will reimburse for: Travel, Hotel, Per Diem

\* POST has suspended all backfill reimbursement indefinitely. Refer to POST for current reimbursement. When reimbursement is received, the Fiscal Services Administrative Specialist verifies that the proper reimbursement was received per POST Policy Depending on the POST Plan and what is allowed for reimbursement.

POST travel expenses and reimbursements are recorded and monitored in the department's accounting system. The Training Manager shall further provide the Fiscal Services Administrative Specialist with a copy of the Commission on POST Monthly Reimbursement Submission agency ledger for reconciliation and record purposes. The TRR estimated reimbursement amount would be compared with the POST monthly agency ledger and actual check amount for accuracy. This report reflects all rosters and reimbursement requests processed for the period. If there appears to be a discrepancy or error in the amount received, the Fiscal Services Administrative Specialist will notify the Training Manager of

his/her findings. The statement should be reviewed by the Training Manager for accuracy, followed-up for correction and reimbursement adjustment with proper documentation. The California Department of Justice, through the Division of the California Peace Officers Standards on Training (POST) reimburses SFSU Police for certain approved types of training pursuant to California Penal code sections 13507 and 13522. Monthly checks that are mailed directly to the department should be given to the Fiscal Services Administrative Specialist for reconciling with POST travel expenditure records before depositing into the departments POST travel accounts.

3. Overview flowchart of budget process:



- 4. Major components within the University Police will annually prepare written budget recommendations and submit them to the Associate Director for Operations & Parking/Transportation to incorporate into the Budget Plan for Chief's review and approval. This information may or may not include costs, as the budget is also to be considered a major planning tool for the department. Information will be received from:
  - a. Field & Support Operations Commanders
  - b. Investigations/Crime Prevention Division
  - c. Associate Director for Operations & Parking/Transportation
  - d. Information Technology Consultant
  - e. Administrative Services Division
  - f. Parking and Transportation Coordinators
- 5. The Annual Budget Process includes preparing and submitting a budget plan that details and summarizes salary and wages, operating, and equipment and should be submitted by May 1st of each year. The Associate Director for Operations & Parking/Transportation will prepare an annual budget plan from information received from major functions as described above for Chief of Police review and approval. All requests and recommendations are evaluated based on Department goals and objectives. The Police Chief annually submits a final Budget Plan to the Vice President of Student Affairs and Enrollment Management for submission with the Division's budget to the Budget Administration and Operation's Office.

After approval, the Budget Administration and Operation's Office transfers the allocated monies to the Vice President of Student Affairs & Enrollment Management who handles the distribution of funds to the departments. The Department accounts include:

- a. General Fund
- b. Special Projects/Trust Fund
- c. P.O.S.T. Training Account
- d. Disaster Readiness
- e. Asset Forfeiture
- f. Parking & Transportation
- g. Campus Ordinance Account
- 6. The department receives monthly online computer activity reports that allow access to review any postings to our different accounts for account reconciliation from Fiscal Affairs. These reports include:
  - a. Postings of all expenditures and a balance of authorized committed funds for payment.
  - b. Postings of any deposits of monies allocated and/or due the department.
  - c. Balances on all accounts of unencumbered funds.
- 7. The department keeps track of all budgeted salaries and wages, operating, and equipment expenses on spreadsheets that are a part of the department's accounting system. Information is detailed and summarized.
  - a. Detailed account spreadsheets for salaries and wages include position number (agency code, unit, classification, serial number), job title, time base, position status, employee name, and cost. Changes to salaries and wages are supported with appropriate human resources documentation that authorize the change, recorded on the spreadsheets, and filed. Position status reports are reviewed and updated monthly for budgetary and organizational need purposes. As necessary, the Department Organization Chart is updated to reflect structural changes.
  - b. Detailed account spreadsheets for operating and equipment include requisition number, date, purchase order number, invoice number, vendor, amounts, description, status of completion, and reconciliation status. When necessary, separate spreadsheets are created within each account to monitor special funded projects, i.e. disaster readiness, critical response unit, grant, Department of General Services Telecommunications, and other such expenditures for compliance purposes. These accounts are reviewed monthly for completeness and accuracy.
- 8. Prior to committing department funds, department personnel must submit all routine day-to-day funding requests including purchase requisitions, petty cash, travel requests, credit card expenditures, and work orders to the Associate Director for Operations & Parking/Transportation along with any associated costs, estimates, and item information. In the absence of the Associate Director for Operations & Parking/Transportation, the Chief of Police has signature authority concerning these issues. Special requests require the Chief's final approval, i.e. new equipment, furniture, phones, keys, building maintenance/repair/alterations and any equipment/ supplies requested from a vendor for the purpose of testing and evaluation.

- 9. The SFSU Police Department follows the Purchasing Procedures set forth by the University Administration & Finance Division. These procedures for all University staff and faculty outline the necessary requirements for:
  - a. Specifications for items requiring standardized purchase of goods and equipment.
    - General operating equipment, such as office supplies, uniforms, ammunition, and items used for regular operational functions shall be requested via a written purchase order request. The division commanders shall normally review these requests and approve before forwarding them to the Fiscal Services Manager.
    - 2) Standardized items are defined as categories of supplies and equipment that have been approved by the Chief through previous purchase actions.
  - b. Bid requirements on goods that exceed \$10,000, services that exceed \$50,000 purchases and under \$100,000 are required.
    - California State mandates for state agencies shall be followed, including how vendors and bids are requested, submitted, and approved or rejected by the SFSU Procurement Office.
    - Department representatives, coordinated by the Chief of Police or his/her designee will prepare and submit justifications and specifications on work and/ or equipment to the Procurement Office.
    - Department individual who prepared or who is assigned the responsibility
      of coordinating the bid shall maintain contact with the Procurement Office to
      provide support information.
  - c. Criteria for the selection of vendors and bidders.
    - 1) The final decision on vendor selection is the responsibility of the Procurement Office.
    - 2) The selected vendor shall meet the requirements of the bid, within the specifications advertised.
    - 3) Vendors who have not performed to specifications on previous contracts will be scrutinized and possibly eliminated from pool.
    - 4) The Chief of Police may object to a particular vendor via written communication to the Procurement Office.
  - d. Procedures for the emergency purchase or immediate rental agreements for equipment.
    - 1) Requests for emergency acquisitions shall go through the Chief of Police or Associate Director for Operations & Parking/Transportation.
    - 2) The Chief of Police and the Associate Director for Operations & Parking/ Transportation have delegated purchase authority of \$5,000 each on department issued credit cards.

- 3) Contact shall be made with the Procurement Office, if time permits, to assist in emergency purchases or rentals.
- 4) A Payment Request Form must be completed justifying the emergency purchase and an invoice must be attached. This justification must be forwarded to the Procurement Office for approval before payment can be made.
- e. Procedures for requesting supplemental or emergency appropriation and fund transfer.
  - 1) The Associate Director for Operations & Parking/Transportation shall prepare a detailed list of emergency expenditures for the Chief of Police. With the approval of the Chief of Police, this list shall be forwarded requesting emergency appropriations to the Vice President of Student Affairs.
  - 2) Requests shall be in writing, when time allows for this action, and include a justification.
  - 3) Fund transfer requests shall include account number(s) for the deposit.

## B. Accounting of Agency Funds:

- 1. The department maintains an internal accounting system that is used to reconcile with the official University Financial Management System (FMS). The FMS is managed by University Fiscal Affairs and provides approval of each established account via the budget process. The Associate Director for Operations & Parking/ Transportation is responsible for creating and maintaining a departmental financial records or accounting system that lists all accounts and reflects actual and projected costs, revenues and budgets that are reconciled monthly with the University's Financial Management System.
- 2. Allocated funds are distributed to expenditure accounts within the finance monitoring system after allocation occurs.
  - a. Initial appropriation for each account is established through a written budget request. The Vice President of Student Affairs & Enrollment Management distributes an annual budget to the University Police. These funds are reallocated to the various salary and wages and operating accounts to cover costs as needed. Accounts are reviewed monthly to determine if the funding is sufficient to cover actual and projected costs.
  - b. Balances at the commencement of the monthly period are reflected in the monthly Financial Management System status reports and include expenditures, encumbrances, and unencumbered funding.
  - c. Expenditures and encumbrances made during the period are recorded pending order completion. The accounting system summarizes monthly costs and cumulative monthly costs that are current as well as projected for the year. As needed adjustments are made and recorded for each expenditure and encumbrance, work is reviewed and approved if satisfactorily completed. Invoices are reviewed and, if approved, final payment is authorized for closure.

- d. Unencumbered balances are reflected in the monthly Financial Management System as adjustments are made and recorded for each expenditure and encumbrance due to satisfactory completion of work and final approval of invoice payment.
- C. Maintenance of cash funds or accounts where personnel are permitted to receive, maintains, or disburses cash.
  - 1. The Chief of Police and the Associate Director for Operations & Parking/ Transportation are delegated the authority to approve the expenditure of public funds allocated to the department for official expenditures related to the function of programs as designated by the University. Further, the Associate Director for Operations & Parking/Transportation is responsible for establishing, monitoring, and maintaining procedures for handling revenue from police services provided, revenue from parking sales and coin collections, and citation processing payments.
    - a. A balance sheet is created reflecting initial balance and each expenditure and revenue transaction is posted on this spreadsheet reflecting monthly as well as cumulative totals and balances. This is reconciled monthly with the University's Financial Management System.
    - b. Receipts and other documentation are obtained for department use reflecting the amount deposited and purpose. Cash collections from Parking & Transportation are brought to the University's Cashier Office on a daily basis for counting and depositing. Such transactions would be posted on the appropriate department account spreadsheet for record and reconciliation purposes. When payments are made at the University Police Offices, receipts are given to individuals and a copy is kept in the department. Payments collected in the office is brought to the Cashier's Office for counting and depositing and a receipt is obtained for the department records and for posting into the account spreadsheet.
    - c. Authorization for reimbursement must be accompanied with written documentation describing the item, purpose, amount of the item, and the original receipt with the vendor name. The Associate Director for Operations & Parking/ Transportation or the Chief of Police is responsible for reviewing and approving all cash disbursements.
    - d. Records, documentation, or invoice requirements must be provided for any reimbursement requests. Written documentation describing the item, purpose, amount of the item, and an invoice with the vendor name is included. The Associate Director for Operations & Parking/Transportation or the Chief of Police is responsible for reviewing and approving all expenditures.
    - e. Persons or positions authorized to receive payments or collect coin collection boxes are provided instruction in carrying out such transactions. These positions include the Associate Director for Operations & Parking/Transportation, Fiscal Services Support Coordinator, Fiscal Services Administrative Specialist, Parking Coordinator and Transportation Coordinator. Parking & Transportation coin collection boxes are delivered daily to the Cashier's Office by two designated individuals. The bills are counted, deposited, and a receipt is provided to the

department for record and posting purposes.

## D. The department is subject to regular audits from the following:

- 1. The University Auditor is an independent internal auditor to ensure all departments and divisions of SFSU are in compliance with all University, State, and Federal regulations and policies. Routine audits are scheduled with notification of the Chief.
- 2. The Chancellors Office of the California State University System and the California State Auditor, Bureau of State Audits, also conduct periodic audits.
- 3. A midyear report is submitted at the conclusion of the first six months of every fiscal year by the University Administration and Finance Division. The department will submit expenditure projections (midyear report) for the remaining of the budget cycle. These projections and the review of expenditures by the campus Finance Department act as an independent audit of all accounts.
- 4. Annually, the Chief will request an audit for the maintenance of cash accounts to ensure compliance with procedures for collecting, safeguarding and dispensing of cash. Fiscal Procedures:
  - a. Campus Internal Auditor will:
    - 1) Review signature authority and compliance with University standards
    - 2) Daily Parking Permit deposits
    - Fingerprinting (Live Scan & Ink Card), Police report copies and Parking Citations deposits

The campus internal audit can be waived by the Chief if a FISMA Audit of the Police Department is conducted by the CSU.

# E. Agency-Owned Property:

- The property management function is established to ensure that all agency-owned or agency-controlled property is accounted for, and maintained in a state of readiness at all times and inventoried at least annually.
- 2. Property management responsibilities are divided between the Police Department and the University's Property and Inventory Office in the Corporation Yard. This includes all certified SFSU and Police Department procedures to handle equipment distribution, property control, reissue, disposal, and actual physical inventories.
- 3. All property/equipment that has been purchased with department resources or assigned to the department by the University's Property and Inventory Office, is considered department-owned. Once equipment is issued to an individual officer, non-sworn employee or department unit, the proper care and maintenance of the property (continued state of operational readiness) is the responsibility of the person or unit to which the property was assigned.
- 4. The Administrative Services Coordinator is responsible to control and maintain all spare non-issued equipment and property to ensure that it is stored appropriately and kept in a state of readiness.

- 5. Procedures and responsibilities for Police Department equipment and property inventories are as follows:
  - a. The Administrative Services Coordinator is responsible for maintaining an inventory of equipment assigned or issued to department employees and will be responsible for maintaining the equipment in a constant state of operational readiness. Semiannual inventory reports will be conducted within the department. For example:
    - 1) The Emergency Preparedness Coordinator is responsible for all disaster response equipment and supplies.
    - 2) Computer equipment is maintained and controlled by the Information Technology Consultant.
    - 3) Parking equipment is monitored and controlled by the Parking Coordinators.
    - 4) Investigation equipment shall be controlled by the Commanding Officer of Investigations.
    - 5) All other equipment is the responsibility of the Administrative Services Coordinator.
  - b. The University's Property and Inventory Office will record and assign a unique property identification number to all tangible (such as equipment) or intangible (such as software) with a value of \$1,000 and life expectancy of at least one year. Exceptions to this include:
    - 1) Sensitive items (such as cell phones or lap tops) with a value over \$500 will also be tagged.
    - 2) This marking system does not apply to department firearms, but Property Control retains serial numbers of these items.
- 6. Procedures for the issuing/reissuing agency-owned property.
  - a. Each employee will be issued equipment as required by their unit contract, and noted on the department's individual equipment receipt. (Attached)
  - b. Employees will sign noting receipt of equipment and the form will be kept in the employee's personnel file. See attachment Inventory of Equipment Form.
  - c. The department will replace equipment that is damaged or shows wear.
  - d. At the time of separation from the department, all issued equipment will be returned.
  - e. Property found to be no longer useful or needed, shall be designated as surplus and will be surveyed out using the appropriate form (see attachment).
  - f. Property may be reissued to other department personnel as deemed appropriate by a Field Operations Division Commander or supervisory personnel with control over equipment issuing, such as the Chief, Deputy Chief, Commander(s), Captain(s), Lieutenant(s), and some line supervisors. All equipment change-outs shall be analyzed to determine if replaced property can be utilized in another level of the organization (example: Technology upgrades).

- g. The Police Department will conform with the University regulations regarding reissue and /or disposal of equipment deemed no longer of use to the Department. See University Policy under Distribution Services in the Property Management Manual. A sample reference on Property Disposition and Survey is attached. For the most recent policy, please refer to the Property Management Manual website.
  - One SFSU Detective shall sit as a member of the SFSU Property Survey Board and shall ensure that all state property loss reports are filled and investigated.
- 7. Administrative review of care and use of department property:
  - a. All reported abuse or damage of department equipment, including vehicles, will be reviewed by the appropriate division commander to determine whether:
    - 1) Department rules, policy or procedures were violated.
    - 2) Any relevant policy was clearly understandable and effective to cover the care or use.
    - 3) Department training is currently adequate.
  - b. All findings of policy violations or training will be reported to the Chief of Police for resolution and/or discipline.
  - c. All such incident reports shall be retained for a period of 3 years unless there is a reoccurrence.
  - d. The Police Department complies with the University regulations regarding reissue and /or disposal of equipment deemed no longer of use to the department.
- 8. University Police building maintenance, repair, and alterations work request procedures:
  - a. The Associate Director for Operations & Parking/Transportation is responsible for approving and submitting all work requests to Facilities and Service Enterprises (Plant Operations). In the absence of the Associate Director for Operations & Parking/Transportation, the Chief of Police or his/her designee will be authorized to sign and approve work request orders.
  - b. Work requests for basic repair, maintenance, and alterations should be filled out as a draft only on the SFSU Work Request Form and this copy should be submitted to the Associate Director for Operations & Parking/Transportation for review, approval, and processing.
  - c. The SFSU Work Request Form can be obtained in the Fiscal Services Support Coordinator's Office or directly from the SFSU Facilities and Service Enterprises campus web-site. If the draft SFSU Work Request Form is filled out using the campus web-site, please print out a copy of the draft to submit to the Associate Director for Operations & Parking/Transportation. DO NOT SUBMIT THE WORK REQUEST. Submitting work requests without the review and approval from the

- Associate Director for Operations & Parking/Transportation will cause problems with record logs, delays in completion of the work, funding, and payment.
- d. Once the draft Work Request is approved, the Fiscal Services Support Coordinator will input and officially submit this information on the SFSU Facilities and Services Enterprises campus web-site along with identifying an appropriate Log #, e-mail, and account number as needed. All approved Work Requests require an estimated cost for record and accounting purposes and, upon completion of the work, actual costs are charged to an account as provided by the University Police.
- e. As determined by the Associate Director for Operations & Parking/Transportation, specific requests for maintenance, repair, and alterations to the University Police building that includes but not limited to painting, signage, carpeting, carpentry, electrical, plumbing, fixtures, etc., are forwarded to the Chief of Police for review and approval.

#### V. APPENDICES:

- A. HR-2002-13 Compliance with POST Training and Fund Reimbursements
- B. HR-2001-01 Uniform Allowances for Management Personnel Plan (MPP)
- C. Property Management Manual, Sections 7 & 8
- D. California State University Executive Order No. 753 Allocation of Costs to Auxiliary Enterprises

#### VI. ATTACHMENTS:

- A. Employee Check Out List
- B. Property Survey Request

## ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

## San Francisco State University Police Department Equipment Check Out List SWORN PERSONNEL



Name		UIN		
ITEMS	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
ADMIN. ISSUED ITEMS:				
ALARM CARD				
GLOBAL CARD				
CALL BOX/NARCKEY				
LOCKER KEY#	_			
DEPARTMENT KEY	_			
KEYWATCHER SN				
RIFLE LOCKER KEY #				
ID CARD				
STAR #				
CAP SHIELD				
NAME TAG (x2)				
PATROL MANUAL				
EMERGENCY MANUAL				
FINGERPRINT KIT				
RANGEMASTER ITEMS:				
PISTOL SN				
PISTOL MAGS (x3)				
ASSAULT RIFLE SN				
OPTIC #				
WEAPON LIGHT #				
RIFLE MAGAZINES (4)				
SAFETY ITEMS:				
BULLET RESISTANT VEST				
PLATE CARRIER				
PLATES (2)				
BALLISTIC HELMET				
OC SPRAY (MK 3 or 4)				
OC CASE				
BATON type:				
BATON RING				
RIOT BATON				
PISTOL HOLSTER				
PISTOL MAGAZINE CASE				
RADIO SN				
RADIO CASE				
RADIO BATTERIES (2) SN				
FLASHLIGHT SN	_			
FLASHLIGHT CASE				
SAM BROWN BELT SIZE	_			
BELT KEEPER (x4)				
KEY HOLDER				

OTHER ITEMS (cont.)	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
HAND CUFFS SN				
HAND CUFF CASE				
OTHER ITEMS:				
BDU/TDU				
CPR MASK				
GAS MASK				
CAMELBAK				
RIOT HELMET				
SAP GLOVES				
SPIT HOOD				
WHISTLE				
FIELD TRAINING ITEMS:				
FTO MANUAL				
COMMAND ITEMS:				
CELL PHONE #				
MISCELLANEOUS ITEMS:				

|--|



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# San Francisco State University Police Department Equipment Check Out List Non-Sworn Personnel COMMUNITY SERVICE SPECIALIST

Name		UIN		
ITEMS	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
ALARM CARD			Must be returned to alarm coordinator	
BADGE#				
BLACK LEATHER BELT				
FLASHLIGHT				
FLASHLIGHT HOLDER				
I.D. CARD				
NAME TAGS				
RADIO				
RADIO HOLDER				
DEPARTMENT CARD				
CARD KEY				
KEY HOLDER				
DEPARTMENT PATCHES				
MISCELLANEOUS ITEMS:				

ICCLIED DV		
ISSUED BY:		



Name

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## San Francisco State University Police Department Equipment Check Out List Non-Sworn Personnel CARE ESCORTS

UIN

ITEMS	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
BLACK NYLON BELT				
FLASHLIGHT				
FLASHLIGHT HOLDER (belt)				
HEADSET				
RED UNIFORM SHIRT (2)				
RED HEAVY UNIFORM JACKET				
RED LIGHT UNIFORM JACKET				
RADIO				
RADIO HOLDER				
RAINCOAT				
MISCELLANEOUS ITEMS:				

ISSUED BY:



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# San Francisco State University Police Department Equipment Check Out List Non-Sworn Personnel PARKING CONTROL OFFICERS

Name		UIN		
ITEMS	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
BADGE #				
BLACK LEATHER BELT				
FLASHLIGHT				
FLASHLIGHT HOLDER				
I.D. CARD				
NAME TAGS				
RADIO				
RADIO HOLDER				
DEPARTMENT CARD				
CARD KEY				
KEY HOLDER				
DEPARTMENT PATCHES				
MISCELLANEOUS ITEMS:				

ISSUED BY:		



Name

ITEMS

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ISSUED DATE



DATE

# San Francisco State University Police Department Equipment Check Out List Non-Sworn Personnel DISPATCHERS

UIN

**RECEIVED** 

**RETURNED** 

	SIGNATURE	SIGNATURE	
STAR #			
DEPARTMENT KEY			
I.D. CARD			
FLAG BAR			
NAME TAG(S)			
DISPATCH KEYBOX KEY			
MISCELLANOUS ITEMS:			
	ISSUED BY:		

ORIGINAL IN PERSONNEL FOLDER - COPY TO DISPATCHER

# ATTACHMENT B

	SISCO STATE UI STY SURVEY RE			
The Campus Unit (CU) identified below req (i.e. removed from its inventory records). T disposition of the property are as follows (c	he reason for the re	equest and reco	-	
1 Property is no longer serviceable Recommended disposition: a Remove from records, CU v b Survey as junk; CU will ser  2 Property is serviceable but no lon Proposed Disposition: a Transfer to another Campu b Transfer to another State a c Used as trade in; PO# d SWAP SHOP Property re-u e Surplus Auction f Other:	will retain for parts nd to Recycle Cente ager required for use as Unit; Specify agency; Specify	salvage er or dispose of e by Campus U	appropriately. nit *	
* Attach Property Transfer Form  ** Attach Agency Acceptance Lett  3 Equipment is lost, stolen or vand  Equipment Loss Report attach	teralized			
ITEM DESCRIPTION (Mfgr, Model, Serial #, etc.)	STAT (PROPER	TE ID TY TAG #)	LOCA (Bldg./R	
	·			
CAMPUS UNIT	F	REVIEWED/A	AUTHORIZE	D:
College or Department	Dean PERTY OFFICE US	/Chair/Depart	ment Head	Date
Disposition Code	Date		ature	



NUMBER: 1-9

APPROVED: Reginal Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Aug. 14, 2006, Jan. 28, 2008, Feb.

3, 2010, Jan. 4, 2013, Jan. 15, 2015, Jul. 10, 2015, Dec. 13, 2019

SUBJECT: ADMINISTRATIVE REPORTING

I. PURPOSE: To establish the administrative reporting system for the San Francisco State University Police Department and establish responsibility for formulating required reports.

- II. POLICY: It is the policy of this department to provide proper documentation and reporting of pertinent administrative/operational activities.
- III. DEFINITIONS: None
- IV. PROCEDURES:
  - A. Types of Reports:
    - 1. Reports can be required either based on specific incidents or according to an established time line.
  - B. Specific Incidents:
    - 1. Specific incidents that are documented by the supervisor on duty or the involved officer and forwarded to an assigned Field Operations Commander for review are:
      - a. Pursuit reports.
      - b. Use of force reports.
      - c. Reports documenting crime scene processing.
    - 2. Many reports that may be required based on a time line are analytical reports that are utilized to assist the administration in budget justifications or for statistical comparisons.
    - 3. The Records Supervisor will maintain a log to ensure all time sensitive reports are completed as required. All reports and reviews are scheduled to be due by the end of the designated reporting period.
    - 4. To guarantee that reports and reviews will be completed in a timely manner, the

Administrative Secretary will use the following tracking procedures:

- a. The first week of every month they will notify all applicable personnel of any reports and reviews that are due.
- b. The log will be updated upon receipt of a copy of the report.
- c. The Chief will be notified of any items that remain outstanding.

#### C. Time Sensitive Reports and Analyses:

- 1. Daily Reports
  - a. Daily Radio Log
    - 1) Prepared by the on duty dispatcher.
    - 2) Used to note all activity of patrol shifts.
    - 3) Available on-line for Command Officers.
  - b. Daily Media Log
    - 1) Prepared by the on duty dispatcher
    - 2) Provides public information on activities from previous 24 hours.
    - 3) Used by the media and public.
  - c. Daily Evaluation Reports
    - 1) Prepared by Field Training Officers on trainees.
    - 2) Used as a daily observation report to note progress.
    - 3) Distributed to the Training Manager, via FTO SAC.
  - d. Daily Vehicle Inspection (recorded in CAD and RIMs)
    - 1) Prepared by Patrol Officers and Investigators on assigned vehicles.
    - 2) Used to note damages, needed repairs and equipment needs in vehicles.
    - 3) Forwarded to the Vehicle Maintenance Assistant for action as needed.

#### 2. Monthly Reports

- a. Alternate Power Source Inspection and Testing (Generator)
  - 1) Performed by the facilities.
  - 2) To ensure the continued operation of emergency communications equipment in the event of a power failure.

#### b. Monthly Leave Balance Totals

- 1) Prepared by the Associate Director for Operations Parking/Transportation.
- 2) Used to track sick, vacation and CTO balances for all department personnel.
- 3) Distributed to Chief of Police, Deputy Chief, Captain, and Lieutenants

#### c. Monthly Uniform Crime Report

- 1) Prepared by the Records Supervisor.
- 2) Used to document criminal activity and arrests that occur on campus.
- 3) Distributed to the Chief of Police, Chancellor's Office, DOJ and FBI.

#### d. Monthly Progress Report to Campus Internal Auditor

- 1) Prepared by the Commanding Officer of Investigations
- 2) Used to brief the campus internal auditor on the status of cases concerning fraud where the Chancellor needs to be updated.
- 3) Distributed to the Chief of Police and the Campus Internal Auditor on the 3rd week of every month.

#### 3. Quarterly Reports

- a. Community Involvement Report
  - 1) Prepared by the Crime Prevention Coordinator or his/her designee.
  - 2) Used to determine current concerns of the community and shall list all presentations to community members, feedback during presentations,
  - 3) Distributed to the Chief of Police.

#### 4. Semi-annual Reports

- a. Inspection of Evidence/Property Rooms
  - 1) Conducted by the Evidence Controller or his/her designee.
  - 2) Used to determine adherence to policies and procedures reference the control of property.
  - 3) Distributed to appropriate Divsion Commander.

#### b. Line Inspection Report

- 1) Prepared by an assigned Field Operations Division Commander.
- 2) Used to determine condition of issued equipment.
- 3) Distributed to the Chief of Police.

#### 5. Annual Reports

#### a. Review of Pursuit Reports

- 1) Prepared by an assigned Field Operations Division Commander.
- 2) Used to reveal patterns or trends that indicate training needs and/or policy modifications.
- 3) Distributed to the Chief of Police.

#### b. Review of Crime Prevention Programs

- 1) Prepared by the Crime Prevention Coordinator.
- 2) Used to determine what programs should continue as is, be modified, or discontinued.
- 3) Distributed to the Chief of Police.

#### c. Statistical Summary of Internal Affairs Investigations

- 1) Annually the Assistant to the Chief of Police will then provide data to a Field Operations Commander .
- 2) Indicates allegations and findings of all Internal Affairs Investigations.
- 3) Made available to the public and department employees.
- 4) The assigned Field Operations Division Commander will prepare a statistical summary annually.

#### d. Audit of Evidence and Property Rooms

- 1) Performed by a Field Operations Commander not connected with control of property.
- 2) Used to determine integrity of evidence/property control functions.
- 3) Distributed to the Chief of Police, Evidence Custodian and Commanding Officer of Investigations.

#### e. Clery Act Report

- 1) Prepared by the Records Supervisor with input from the campus Clery Review Committee and organizational components by October 1st of each year.
- 2) Required by federal law that notes crime statistics and mandated policy disclosure statements on campus and satellite campuses. Also notes such things as procedures for reporting sexual violence/assaults, available resources & support services, and crime prevention programs offered by the university. Due October 1st of each year.

#### f. Chancellor Office Statistical Summary

- 1) Prepared by the Records Supervisor
- 2) Used to analyze annual crime statistics
- 3) Distributed to the Chancellor's Office by February 1st annually.

- g. Agency Owned Property State of Operational Readiness
  - 1) Prepared by the equipment property management, Commanding Officer of Investigations, Information Technology Consultant, Parking Coordinators and Emergency Preparedness Coordinator.
  - 2) Used to insure State of Readiness of equipment.
  - 3) Distributed to the Chief.
- h. Alternate Power Source
  - 1) Prepared by the Emergency Preparedness Coordinator or his/her designee
  - 2) Alternate Power Source Test under full load.
- i. Review of Victim/Witness Needs
  - 1) Prepared by the Crime Prevention Coordinator annually.
  - 2) Used to determine victim/witness assistance needs and available resources.
  - 3) Distributed to the Chief.

#### V. APPENDIX:

A. HR 2004-04 Crime Statistics Reporting Requirement

VI. ATTACHMENT: None



NUMBER: 1-10 APPROVED: Reguld Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Aug. 14, 2006, March 1, 2007,

SUPERSEDES: A-4 REVIEWED/REVISED: Feb. 28, 2008, Feb. 2, 2010,

Jan. 7, 2015, Jul. 10, 2015,

SUBJECT: EMERGENCY AND INCIDENT NOTIFICATIONS Dec. 13, 2019

I. PURPOSE: To provide a guideline for the handling of Emergency and Incident Notifications to the campus, Chancellor's Office, Chief of Police, Deputy Chief, Commander(s), Captain(s), Lieutenant(s), and other internal or external organizations as required to appropriately respond to an incident.

II. POLICY: The University Police, through established procedural guidelines, will keep all levels of the University informed about any incidents which could bring either positive or negative notoriety to the University. Notifications in emergency situations begin with the first responder to the scene and include, as necessary, command and administrative staff; other agencies, such as Fire, Medical, and Hazardous Materials personnel; University Departments; Medical Examiner; Plant Operations personnel; and the media.

#### III. DEFINITIONS:

- A. Death in Family: Death of an immediate family member or relative.
- B. Emergency Situation: An actual or potential condition that poses an immediate threat to life of property.
- C. Family Emergency: A situation in which a member of a person's immediate family should be notified (home fire, auto accident, etc.).
- D. General Assistance: Services provided of a non-emergency nature.
- E. Medical Emergency: A situation in which an individual is ill, injured and /or a situation, which requires immediate medical assistance.
- F. Neighboring Jurisdiction: A law enforcement agency in an adjoining city or other unit of local government.
- G. Duty Official: An assigned Command Staff member who will be on-call during a specific period of time to respond to incidents as needed; provide guidance to University Police staff; and, be available to receive notifications during and after normal working hours.

#### IV. PROCEDURES:

A. Notification of University Police supervisory personnel and campus administration.

- 1. Notifications for incidents occurring during the business day will be made the same day. For other incidents, notifications may be made immediately or the next business day, depending on the severity of the incident.
- 2. The person responsible for making the notification will determine whether the incident warrants immediate notification. If unsure about whether a notification is required, the person responsible for making the notification should make the notification. Consultation with the next higher authority is recommended in situations that are not clearly defined.
- 3. The Watch Commander is responsible for initiating chain of command notifications as soon as the incident permits. Since the Watch Commander's first priority is the incident at hand, he/she may instruct the Dispatcher to make initial notifications, if circumstances prevent timely notifications. This allows contacted persons to respond quickly to the scene should a response be required.
- 4. The dispatcher may only make notifications at the instruction of the Watch Commander. While dispatchers can ask the Watch Commander if notifications need to be made, they may not initiate notifications on their own.
- 5. The Watch Commander will notify the Duty Official and they will notify the Deputy Chief or the Chief of Police if needed. If the Duty Official is not available, the Watch Commander will notify the Deputy Chief directly. Notification will occur regardless of the time of day. Should any person in the chain of command not be available during the current watch, each subsequent Watch Commander will continue to attempt contacts during their shift. The Lieutenant(s), Captain(s), Commander(s), Deputy Chief or Chief may designate alternate notifications.
- 6. The highest level in the chain of command that assumes responsibility for managing the incident will make further administrative notifications as needed [President, Vice Presidents, Deans, etc.].
- 7. Notifications shall be initiated through the chain-of-command as soon as reasonably possible by the Shift Supervisor for the following occurrences.
  - a. Death or serious injury incidents:
    - 1) All deaths occurring on campus, including suicides;
    - 2) Off-campus deaths relevant to the University community, e.g., athlete involvement, deaths of several campus members, etc. when the department is notified by the responsible agency;
    - 3) All injury incidents, including attempted suicide, aggravated assaults when medical treatment of injuries is required, creating substantial risk of death resulting in serious or permanent disfigurement, or causing long-term loss or impairment of the functioning of any bodily member or organ.
  - b. Any vehicle pursuit terminating in an accident.
  - c. Damage to property, structures, or threats to public safety;
  - d. Fire or arson creating a threat to life or property;
  - e. Hazardous chemical or materials spills creating a threat to life or property;
  - f. Lab accidents creating a threat to life or emergency situations.

- g. Bomb threats that necessitate an evacuation.
- h. Crimes involving the use of weapons.
- i. Robbery; Sexual assaults.
- j. Missing Persons reported to University Police.
- k. Bias/Hate Crime incidents.
- I. Civil disturbances involving a large number of people.
- m. Assaults or injuries to University Police employees that require medical attention.
- n. Any incident likely to bring immediate media attention to campus.
- o. Any incident involving students off campus where the University Police become involved in the case with the originating jurisdiction.
- 8. Any arrest (Felony or Misdemeanor) of a University employee.
- 9. Any incident involving the use or display of weapons (generally defined as a dangerous weapon, i.e. firearms, knife, etc).
- 10. Any crime involving injury to a person.
- 11. Any crime involving the significant theft of state property or damage to state Property (generally over \$5,000).
- 12. Any incidents where department personnel have allegedly performed in a manner that created an increase likeliness of death or serious injury to persons or significant loss of property.
- B. The Chief of Police shall be notified any time that there is a response to the President's residence.
- C. Investigators shall be notified as stated in General Order 4-1, "Investigations Unit".
- D. Notification to the Chief should be made in major incidents where their expertise is required or could assist. Incidents that could require the assistance of other dispatchers should be a consideration in all major incidents.
- E. Notification to the Risk Manager, and Environmental Health and Safety Director should be made in major incidents where their expertise is required or could provide assistance. Incidents that could require his or her assistance should be a consideration in all major incidents.
- F. Persons in the chain of command shall:
  - 1. Respond promptly to the notification, if necessary;
  - 2. Notify the next person up the chain of the command if necessary,
  - 3. Advise who has not been previously notified and continue to attempt notification.
- G. Notifications to Internal Support Groups:
  - 1. Plant Operations
    - a. Contact Plant Operations for any of the following observed conditions on campus

(depending on the condition, contact can be made immediately by telephone, radio or through a Work Order submitted to Work Control):

- 1) Campus utilities or streets requiring immediate attention;
- 2) Large holes or debris in a commonly used roadway;
- 3) Electrical power lines down;
- 4) Breaks in water, gas, or other utility line;
- 5) Fire hazards requiring immediate attention (Environmental Health and Safety should also be notified);
- 6) Damage to buildings that pose a threat to personal safety;
- 7) Small and non hazardous holes in roadways;
- 8) Street lights in need of repair;
- 9) Graffiti or other forms of damage:
- 10) Telephone or video cables down but not creating a hazard;
- 11) Potential fire hazards not requiring immediate attention;
- 12) Damage to buildings; or
- 13) Other conditions that require action in the best interest of community safety, security, and sense of well-being.
- b. When it becomes necessary to call out Plant Operations personnel for emergencies, they will be called in the order listed on the call-out list.
- c. The individual called will be given detailed information describing the nature of the problem so that they can make an intelligent assessment as to the action or response to be taken.
- d. Once contact is made with an individual on the call-out list (this does not mean a message was left), it is their responsibility to authorize call-out and to contact individuals to respond, or to let the matter wait until normal business hours.
- e. A log entry in RIMS shall be made on all conditions reported to document the notification on hazardous road and campus conditions.
- 2. Environmental Health and Safety will be notified of all fires, hazardous materials incidents, or conditions that pose a threat to personal or environmental safety.

#### H. Notification of Fire Department:

- When the Police Department receives a report of fire, visible smoke, odor of smoke, water flow alarm, Halon alarm, building fire alarm, or hazardous materials spill, the dispatcher will dispatch an officer to the scene.
- 2. The first officer on the scene shall make an assessment of the situation and will request the Fire Department if necessary. The Dispatcher shall then contact the Fire Department and request a Fire response.
  - a. If the fire has been extinguished, the Fire Department will be advised and be requested to respond Code 1, to ensure there is no further danger.
- I. Notification of other agencies and jurisdictions:

- 1. Notifications to other agencies in an emergency could include emergency medical, the medical examiner, the media, and other entities necessary to adequately address the situation. The Shift Supervisor may request the Fire Department if necessary. He or she must make this determination and may consult with higher authority at anytime in reference the existing circumstances and level of response.
- 2. Higher authority may advise the Shift Supervisor and provide direction without being on scene, giving instructions to be followed.
- 3. Advance notification of possible conditions that could result in an emergency response by a support agency shall be made as early as possible. The advanced notification should include:
  - a. The time and locations of the event;
  - b. Name of the supervisor in charge of the action;
  - c. Method of contacting the supervisor in charge;
  - d. Nature of the event, e.g., search warrant;
  - e. Assessment of the potential for problems; and
  - f. Assistance, if any that may be requested of the agency of jurisdiction.
- J. Notification of the Medical Examiner:
  - 1. The Duty Official will be notified in reference to any situation involving a death on campus and will respond to the scene.
  - 2. Notification to the medical examiner shall be made for any incident in which an officer responds to a scene where a death has occurred. The notification is usually made by the Duty Official or at their direction.
  - 3. The Medical Examiner will be provided with the following information:
    - a. Victims' name, if known;
    - b. Location of scene;
    - c. Contact telephone of the officers; and
    - d. Any information known at the time that will assist the medical examiner/coroner.
- K. News media shall be notified through the procedures established in General Order 1-5, "Media Relations". This includes the notification of the University Communications Director, who will have the responsibility to manage this function. The Chief of Police, the Deputy Chief, Commanding Officer of Investigations, or the Duty Official shall be the notifying authority and the liaison with the campus Public Information representative.
- L. Major Incident Report:
  - 1. A Major Incident Report will be completed whenever any of following occurs:
    - a. Part I Crimes, such as, homicide, forcible rape, armed robbery, aggravated assault (involving weapons and/or serious injury), burglary that is out of the ordinary and arson.
    - b. Part II Crimes, such as assault on an officer (requiring medical attention), cases

- of child abuse, kidnapping, strike, riots, fatal accident, officer involved shootings and incidents involving injury to subjects as the result of officers use of force.
- c. Other major incidents such as bombs, bomb threats where buildings are evacuated, suicides, missing person, earthquakes, hazardous material incidents, plane crashes, explosions, or any other newsworthy event.
- 2. Dispatcher's Responsibility Upon notification of any incident as defined in Section A, above, the dispatcher will log the times that all applicable radio and telephone notifications were made.
- 3. Reporting Officer's Responsibility Upon completing the preliminary investigation of any major incident, the police officer shall:
  - a. Complete all required reports to appropriately document the incident.
  - b. Upon conference with the Shift Supervisor, complete a "Major Incident Report", which will include a short synopsis of the incident.
  - c. Submit the "Major Incident Report" to the Shift Supervisor.
- 4. Watch Commander's Responsibility Upon receipt of a "Major Incident Report" the Shift Supervisor shall:
  - a. Familiarize himself/herself with the incident.
  - b. Contact the Duty Official and provide them with all-important information. The Duty Official will notify the Chief of Police when necessary.
- 5. The Chief of Police shall ensure that notifications are made to the Vice President, President, Director of University Communications, Chancellor's Office, and the campus Risk Manager as appropriate. In the Chief's absence, the Deputy Chief or the Duty Official, shall assume this responsibility.
- M. Update of the Campus Emergency Call Guide shall be done as needed by the Crime Prevention Coordinator.

#### V. APPENDIX:

A. HR 2004-03 Major Incident Reporting Requirements

VI. ATTACHMENTS: None

#### General Order 1-1

#### APPENDIX A

See hallway display case for current organizational chart

Chapter 1

#### APPENDIX B



### San Francisco State University Department of Public Safety

NUMBER:			1-1	APPROVED:		
EFFECTIVE:						
SUPERCEDES:				REVIEWED/REVISED:		
SUBJECT:						
l.	PURP	OSE:				
II.	POLIC	Y:				
III.	DEFINITIONS:					
			Defined. Defined.			
IV.	PROCEDURES:					
	Α.	1. 2.	a. b.			
	B.	1. 2.	a. b.			
V.	APPE	NDICE	ES:			
	A. B.					
VI.	ATTACHMENTS:					
	A. B.					

TRANSIT SHELTER MAINTENANCE AND JOINT USE AGREEMENT

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#### TRANSIT SHELTER MAINTENANCE AND JOINT USE AGREEMENT

THIS AGREEMENT is made and entered into this 23<sup>rd</sup> day of August, 2011, by and between the CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation (the "City"), acting by and through its Municipal Transportation Agency ("SFMTA"), and THE BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, which is the State of California acting in and educational capacity, on behalf of San Francisco State University (SF State) (collectively, the "parties"):

#### RECITALS

- A. The City owns and operates, by and through the SFMTA, a municipal transportation system known as the "San Francisco Municipal Railway" ("Muni").
- B. The City owns and operates a high-level boarding platform for its light rail vehicles on 19th Avenue and Holloway to serve SF State and the surrounding community, which platform contains various platform amenities, including transit shelters.
- C. On August 5, 1994, SF State and City executed an agreement under which SF State has maintained said platform amenities, including transit shelters, in exchange for use of the boarding platform for display of SF State-related information. The agreement expired on December 31, 2010.
- **D.** The parties wish to enter into a new agreement to continue this arrangement for 10 years. The parties intend this relationship to continue even if the boarding platform is relocated as a result of development at the adjacent Park Merced residential apartment complex.

NOW, THEREFORE, the parties agree as follows:

## I. GRANT OF PLATFORM RIGHTS AND PRIVILEGES; OWNERSHIP OF SHELTERS

#### A. Rights Granted.

The SFMTA grants to SF State the right to use and maintain the transit shelters and other amenities on the City's 19th and Holloway boarding platform (the "platform") during the term of this Agreement. SFMTA warrants and represents that SF State shall have the exclusive right to place SF State-related information and artwork on shelters as authorized herein, except for Muni information, schedules, maps and signage and public notices and information. It is understood by SF State in the exercise of the rights herein granted, that it or its employees, students or agents will not sell or permit space on transit shelters or on the boarding platform to be used for commercial advertising or purposes otherwise unrelated to the educational mission of SF State.

#### B. Rights Retained.

SF State acknowledges that the City intends to, and does, retain and reserve all rights which are not specifically granted by this Agreement, which rights generally flow from the ownership, operation and maintenance of a municipal public transit system.

#### II. DISPLAY AREAS

#### A. SF State Display Areas.

SF State shall have the exclusive right to use five (5) existing double-sided display cases and one (1) side of another double sided display case, four feet by six feet (4'x 6'). Said display

cases may be used for SF State promotional material, student artwork and/or university-related notices and announcements.

#### B. .City Display Areas.

The City shall have the exclusive right to use one (1) side of a double-sided display case, four feet by six feet (4' x 6') in dimension ("SFMTA single-side display area"), to display Muni schedules and information. SFMTA shall supply display materials to SF State for insertion into the cases; however, SFMTA shall also have access to the cases for insertion of time-sensitive materials. Notwithstanding the above, SF State may use the SFMTA single-side display area at any time that SFMTA does not require its use. SFMTA shall give SF State 48 hours notice of its intent to use the SFMTA single-side display area.

The City shall also have the exclusive right to use a two foot by three foot (2' x 3') sheet of Lexan for display of a standard Muni route map. SFMTA shall supply such maps to SF State as needed for insertion into the display cases.

#### III. INSTALLATION AND MAINTENANCE

#### A. Installation of: Shelters and Amenities.

The SFMTA has installed the ramp, platform, shelters and platform amenities on the boarding platform, and has provided electricity to the platform. Should the SFMTA decide to relocate the boarding platform during the term of this Agreement, the SFMTA shall install, or cause to be installed, the ramp, platform, shelters and platform amenities in the new location.

#### B. Maintenance and Repair

- 1. SF State Responsibilities. Throughout the term of the Agreement, SF State shall be responsible for maintaining the transit shelters and platform amenities at a maintenance service level comparable to that employed at the San Francisco State University campus. SF State's duties shall include maintenance, and if necessary, repair or replacement of damaged or destroyed shelter or platform components, as described below. SF State's repair and replacement obligations shall be limited to repairs and/or replacements necessitated by vandalism, damage or destruction; SF State shall have no obligation to repair or replace platform or shelter components solely as a result of normal wear and tear..
  - a. General cleaning of ramp and entire platform;
  - b. Repair, replacement, and graffiti removal, as needed, of tile on platform walls;
  - c. Graffiti removal and repainting, as needed, of railings on ramp and at north end of platform;
  - d. Graffiti removal on ticket vending machines;
  - c. Graffiti removal and repainting, as needed, of portion of dual purpose street lighting poles beneath platform canopy;
  - f. Graffiti removal and repainting, as needed, of the top, underside and structural elements of platform canopy;
  - g. Graffiti removal and repainting, as needed, of walking surfaces of the ramp and platform;
  - h. Graffiti removal on platform signage;
  - Repair, replacement, graffiti removal and repainting, as needed, of platform and shelter lighting fixtures;

- Repair, replacement, graffiti removal and repainting, as needed, of shelter and platform seating;
- k. Repair, replacement, graffiti removal and repainting, as needed, of shelter leaning rails;
- Repair, replacement, graffiti removal and repainting, as needed, of shelter windscreens;
- m. Repair, replacement, maintenance and graffiti removal, as needed, of platform trash receptacles;
- n. Repair, replacement, graffiti removal and repainting, as needed, of all display cases described in Section II above;
- o. Repair, replacement, graffiti removal and repainting, as needed, of miscellaneous artwork on platform or shelters;
- p. Planting and maintaining platform planters;
- q. Routine security patrols of platform; however, SF State police shall not be responsible to take crime reports of incidents that occur on MUNI vehicles;
- 2. SFMTA Responsibilities. SFMTA's responsibilities regarding repair and replacement, as set forth below, include repair and/or replacement due to all causes. In addition, the SFMTA shall be responsible for repairing and/or replacing all platform and shelter components necessitated solely by normal wear and tear.
  - a. Repair, replacement, and maintenance of trackway area, including all adjacent areas underneath the platform;
  - b. Repair, replacement, graffiti removal and maintenance of anti-jaywalk fencing;
  - Repair and replacement of railings on ramp and at north end of platform;
  - d. Repair, replacement, and maintenance (except graffiti removal) of ticket vending machines;
  - e. Repair and replacement of dual purpose street lighting poles;
  - f. Graffiti removal and maintenance of portion of dual purpose street lighting poles above platform canopy;
  - g. Repair and replacement of the top, underside and structural elements of platform canopy;
  - h. Repair and replacement of the walking surfaces of the ramp and platform;
  - i. Repair and replacement of platform signage, including electronic signage;
  - j. Repair and replacement of lighting controls;
  - k. Repair and replacement of all plumbing components, including water supply and drainage for platform planters.
  - 1. Routine security patrols to monitor passenger safety and fare payment.

3. Maintenance and Repair Schedule. SF State shall make routine inspection calls on the platform at least twice a week. SF State shall make more calls if conditions warrant. At each inspection call, if needed, SF State shall perform general cleaning of the shelters and all ramp and platform components, except the areas around and underneath the platform, which would require access from the trackway for the purpose of performing any of the services of this Agreement. Additionally, SF State shall inspect the lighting fixtures and replace defective lights. SF State shall also remove, when necessary, all graffiti, stickers, posters, litter, dust, dirt and debris from the ramp and platform areas, place such debris and trash into an appropriate container, and remove it from the platform. Under no circumstances shall SF State sweep debris or trash onto the trackway.

SF State shall remove notices and information from any public display cases on a regular basis, but not more frequently than once a week. SF State shall post a sign on each public display case indicating how often such notices and information will be removed.

SF State shall repair or replace within forty-eight (48) hours of notification any damage, vandalism, or graffiti found on or around the ramp and platform areas for which SF State is responsible under subsection (1) above. If the shelter damage, vandalism, or graffiti is of a hazardous nature, or if light sources need replacing, SF State shall immediately restrict access to any hazardous area, and shall repair, replace or remove such conditions within twenty-four (24) hours of notification or as needed.

If SF State does not maintain its schedule or remedy outstanding deficiencies within forty-eight (48) hours of notification, the CITY shall be entitled to correct the deficiencies and bill SF State for its actual costs for the work performed. In that event, SF State shall reimburse the CITY for the entire amount of its costs within thirty (30) days.

4. Reimbursement for SFMTA Performing SF State Work. Should SF State request the SFMTA to perform any of SF State's maintenance or repair obligations, or any other work that is not within the SFMTA's responsibilities, SF State shall pay the SFMTA for the costs of such work in an amount and pursuant to a schedule as agreed to by the parties. Such agreement(s) shall not require further amendment of this Agreement, but shall be effected by a letter agreement signed by the Executive Director/CEO or his or her authorized designee and approved as to form by the City Attorney's Office and by Marilyn Lanier, Senior Associate Vice President, Physical Planning and Development and Stephen Smith, Director of Procurement on behalf of SF State.

#### IV. DISPLAY MATERIALS

SF State is expected at all times to use good judgment in the materials it displays on the platforms. It is not the intent of SF State or the SFMTA to create a public forum on the platform. SF State shall bear all responsibility for the content of materials it chooses to display on the platform and indemnify, defend and hold the City harmless from any damages resulting from any claims or lawsuits brought with respect to materials displayed by SF State pursuant to this Agreement. SF State and the City shall share equally any liability, including the costs of investigating or defending any lawsuit or claim, arising from actions involving the content of materials displayed on any public display cases.

#### V. TERM AND TERMINATION

#### A. Term and Extension of Term

This Agreement shall commence on January 1, 2011 and terminate on December 31, 2021.

#### B. Default of SF State

In the event that SF State shall fail to carry out any term, covenant, condition, or promise herein set forth, the City shall have, and may elect among, the following remedies:

- 1. Termination. The City may serve upon SF State thirty (30) days written Notice of Termination of this Agreement, and if SF State does not cure the default within thirty (30) days, the City may terminate this Agreement and may assume exclusive use and possession of all display cabinets on the platform. No such termination of this Agreement by the City shall in any way affect the obligations of SF State or the rights of the City which have accrued prior to such termination.
- 2. Actual Damages. In the event that the City elects not to serve a Notice of Termination of this Agreement, or if such a Notice is served but SF State's default is cured, then City shall be entitled to recover from SF State any actual loss or damage which City may have incurred by reason of SF State's default.
- 3. Other Remedies. The exercise of the remedies provided for in this section shall be cumulative and shall in no way affect any other remedy available under the law to the City, including, without limitation, specific performance.

#### VI. INDEMNITY

#### A. SF State

SF State shall take all responsibility for its work, shall bear all losses and damages directly resulting to it, to any of its contractors or subcontractors, to the City, the SFMTA, and their members, officers, representatives, agents and employees, on account of any act, error or omission in the performance of work under Section III.B.l and III.B.3 of this Agreement.

SF State agrees to indemnify, to assume the defense of (if requested), and to hold harmless the City, SFMTA, and their members, officers, directors, representatives, agents, and employees from every claim, loss, damage, injury, expense, judgment and direct and/or vicarious liability of every kind, nature, and description arising in whole or in part from the performance of SF State's obligations under this Agreement, except where such claim, loss, damage, injury, expense, judgment or direct and/or vicarious liability is caused solely, exclusively and directly by the willful misconduct or sole negligence of City, SFMTA, or their members, officers, directors, representatives, agents, or employees.

The aforementioned indemnity shall extend to, but shall not be limited to, breach of contract, faulty workmanship, or any negligent or intentional conduct whatsoever.

#### B. City

The City shall take all responsibility for the design and construction of the ramp, platform and shelters, and for its performance of work under Section III.A and III.B.2 of this Agreement, and shall bear all losses and damages directly resulting to it, to any of its contractors or subcontractors, and to SF State and its members, officers; representatives, agents and employees, on account of any act, error or omission in said design and construction or performance of work under this Agreement.

The City agrees to indemnify, to assume the defense of (if requested), and to hold harmless the SF State and its members, officers, representatives, agents, and employees from every claim, loss, damage, injury, expense, judgment and direct and/or vicarious liability of every kind, nature, and description arising from the performance of the City's obligations under Section III.B.2 of this Agreement, and from the design or construction of the ramp, platform and shelters, except where such claim, loss, damage, injury, expense, judgment or direct and/or

vicarious liability is caused solely, exclusively and directly by the willful misconduct or sole negligence of SF State, its members, officers, representatives, agents and employees.

#### VII. MISCELLANEOUS PROVISIONS

#### A. Provisions of Charter

This Agreement shall be governed by and shall be subject to the provisions of the City's Charter, including the budget and fiscal provisions of the Charter.

#### B. No Waiver of Subsequent Breaches or Defaults

The failure of either party to insist upon a strict performance of any of the terms, conditions and covenants herein by the other party shall not be deemed a waiver of any subsequent breach or default in the terms, conditions and covenants herein contained.

#### C. Assignment

This Agreement and the rights granted therein may not be assigned by SF State without the prior written consent of the City. Written consent shall be by the SFMTA.

#### D. Successors

This Agreement shall bind and inure to the benefit of the successors or assigns of the Parties.

#### E. Taxes

SF State shall pay any lawful taxes and assessments levied or assessed in connection with its operation under this Agreement, including, but not limited to, taxes and assessments on its personal property and on any possessory interest in real property.

#### F. Legal Relationship

The parties hereby declare that it is not their intention by this Agreement or any of the. terms thereof to create a partnership, joint venture or agency relationship between them.

#### G. Conflict of Interest

Through its execution of this Agreement, SF State acknowledges that it is familiar with the provisions of Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California, and certifies that it does not know of any facts which constitutes a violation of said provisions and agrees that it will immediately notify the City if it becomes aware of any such fact during the term of this Agreement.

#### H. California Law

This Agreement shall be governed and construed in accordance with the laws of the State of California. The parties agree that the venue of any lawsuit filed in connection with this Agreement shall be in the City and County of San Francisco.

#### I. Section Headings

The section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision hereof.

#### J. Nondiscrimination

In the performance of this Agreement, SF State agrees not to discriminate against any employee, City and County employee working with SF State, applicant for employment with such contractor or subcontractor, or against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social, or other establishments or

organizations, on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes.

#### K. Extent of Agreement

This Agreement represents the entire integrated agreement between the City and SF State, and supersedes all prior negotiations, representations or agreements, either written or oral.

#### L. Amendments

This Agreement may be amended only by a written instrument signed by both the City and SF State.

#### M. Notices to the Parties

All notices to be given by the parties hereto shall be in writing and served by depositing same in the United States Post Office, postage prepaid and registered as follows:

To City:

San Francisco Municipal Transportation Agency

One South Van Ness Avenue, 7th floor

San Francisco, CA 94103 Attn: Director of Transportation

With a copy to:

San Francisco Municipal Transportation Agency

One South Van Ness Avenue, 8th floor

San Francisco, CA 94103 Attn: Chief Financial Officer

To SF State:

San Francisco State University

Office of the Senior Associate Vice President, PP&D

1600 Holloway Avenue San Francisco, CA 94132

With a copy to:

Office of the Director of Procurement

1600 Holloway Avenue San Francisco, CA 94132

#### N. Tropical Hardwood Ban

The City and County of San Francisco urges SF State not to import, purchase, obtain, or use for any purpose, any tropical hardwood or tropical hardwood product.

#### O. Drug-Free Workplace Policy

SF State acknowledges that pursuant to the Federal Drug-Free Workplace Act of 1989, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited on City premises. SF State agrees that any violation of this prohibition by the contractor, its employees, agents or assigns shall be deemed a material breach of contract.

#### P. Compliance with Americans with Disabilities Act

SF State acknowledges that, pursuant to the Americans with Disabilities Act (ADA), programs, services and other activities provided by a public entity to the public, whether directly

or through a contractor, must be accessible to the disabled public. SF State shall provide the services specified in this Agreement in a manner that complies with the ADA and any and all other applicable federal, state and local disability rights legislation. SF State agrees not to discriminate against disabled persons in the provision of services, benefits or activities provided under this Agreement and further agrees that any violation of this prohibition on the part of SF State, its employees, agents or assigns will constitute a material breach of this Agreement.

#### Q. Limitations on Contributions

Through execution of this Agreement, SF State acknowledges that it is familiar with section 1.126 of the City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with the City for the rendition of personal services, for the furnishing of any material, supplies or equipment, for the sale or lease of any land or building, or for a grant, loan or loan guarantee, from making any campaign contribution to (1) an individual holding a City elective office if the contract must be approved by the individual, a board on which that individual serves, or the board of a state agency on which an appointee of that individual serves, (2) a candidate for the office held by such individual, or (3) a committee controlled by such individual, at any time from the commencement of negotiations for the contract until the later of either the termination of negotiations for such contract or six months after the date the contract is approved. SF State acknowledges that the foregoing restriction applies only if the contract or a combination or series of contracts approved by the same individual or board in a fiscal year have a total anticipated or actual value of \$50,000 or more. SF State further acknowledges that the prohibition on contributions applies to each prospective party to the contract; each member of SF State's board of directors; SF State's chairperson, chief executive officer, chief financial officer and chief operating officer; any person with an ownership interest of more than 20 percent in SF State; any subcontractor listed in the bid or contract; and any committee that is sponsored or controlled by SF State. Additionally, SF State acknowledges that SF State must inform each of the persons described in the preceding sentence of the prohibitions contained in Section 1,126, SF State further agrees to provide to City the names of each person, entity or committee described above.

#### R. Food Service Waste Reduction Requirements

SF State agrees to comply fully with and be bound by all of the provisions of the Food Service Waste Reduction Ordinance, as set forth in San Francisco Environment Code Chapter 16, including the remedies provided, and implementing guidelines and rules. The provisions of Chapter 16 are incorporated herein by reference and made a part of this Agreement as though fully set forth. This provision is a material term of this Agreement. By entering into this Agreement, SF State agrees that if it breaches this provision, City will suffer actual damages that will be impractical or extremely difficult to determine; further, SF State agrees that the sum of one hundred dollars (\$100) liquidated damages for the first breach, two hundred dollars (\$200) liquidated damages for subsequent breaches in the same year, and five hundred dollars (\$500) liquidated damages for subsequent breaches in the same year is reasonable estimate of the damage that City will incur based on the violation, established in light of the circumstances existing at the time this Agreement was made. Such amount shall not be considered a penalty, but rather agreed monetary damages sustained by City because of SF State's failure to comply with this provision.

#### S. Preservative-treated Wood Containing Arsenic

Contractor may not purchase preservative-treated wood products containing arsenic in the performance of this Agreement unless an exemption from the requirements of Chapter 13 of the San Francisco Environment Code is obtained from the Department of the Environment under Section 1304 of the Code. The term "preservative-treated wood containing arsenic" shall mean wood treated with a preservative that contains arsenic, elemental arsenic, or an arsenic copper combination, including, but not limited to, chromated copper arsenate preservative, ammoniacal copper zinc arsenate preservative, or ammoniacal copper arsenate preservative. Contractor may purchase preservative-treated wood products on the list of environmentally preferable

alternatives prepared and adopted by the Department of the Environment. This provision does not preclude Contractor from purchasing preservative-treated wood containing arsenic for saltwater immersion. The term "saltwater immersion" shall mean a pressure-treated wood that is used for construction purposes or facilities that are partially or totally immersed in saltwater.

#### T. Protection of Private Information

Contractor has read and agrees to the terms set forth in San Francisco Administrative Code Sections 12M.2, "Nondisclosure of Private Information," and 12M.3, "Enforcement" of Administrative Code Chapter 12M, "Protection of Private Information," which are incorporated herein as if fully set forth. Contractor agrees that any failure of Contactor to comply with the requirements of Section 12M.2 of this Chapter shall be a material breach of the Contract. In such an event, in addition to any other remedies available to it under equity or law, the City may terminate the Contract, bring a false claim action against the Contractor pursuant to Chapter 6 or Chapter 21 of the Administrative Code, or debar the Contractor.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, in triplicate, by their duly authorized officers, on the day and year first hereinabove written.

CITY AND COUNTY OF SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

APPROVED AS TO FORM:

Dennis J. Herrera City Attorney

Edward D. Reiskin

Director of Transportation

By:

Robin M. Reitzes Deputy City Attorney

THE BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY

SAN FRANCISCO STATE UNIVERSITY

Stephen C. Smith Director of Procurement

CHAPTER 1 APPENDIX B



STATE UNIVERISTY POLICE DEPARTMENT

1600 Holloway Avenue San Francisco, CA 94132

> Tel: 415/338-7200 Fax: 415/338-1926

> > June 23, 2011

# Administrative Agreement Between the San Francisco State University Police Department and the San Francisco Police Department

The intent of this agreement is to clarify and affix responsibility for providing efficient police service for the area contiguous to San Francisco State University, as defined by Education Code, Section 89560. The agreement will define the appropriate agency designated for the response and handling of Part I Violent Crimes on and within the San Francisco State University campus.

The San Francisco State University Police Department will be the primary reporting and investigating law enforcement agency for all crimes, except Homicide, Suicide, and those death cases deemed suspicious by the Medical Examiner of San Francisco, occurring on the San Francisco State University campus.

Death, Homicide, Suicide, Suspicious Death Case Protocol

#### Immediate Scene Control

San Francisco State University Police Officers who are first on the scene shall secure the scene and summon SFPD. Scene control requirements will be established by SFPD and followed by all personnel on scene. The Medical Examiners Office shall be called on **ALL** death cases occurring on San Francisco State University property. The Medical Examiners Office shall have primary investigative responsibilities, and the Medical Examiners Office will direct the response of the San Francisco Police Homicide Division Inspectors as deemed necessary.

SFSU P.D. Inspectors shall assist the Medical Examiners Office and the SFPD Homicide Inspectors from start to finish, including on scene work-up through court disposition.

SFSU P.D. Inspectors shall receive copies of all reports and relevant case materials to allow for complete in house files.



SFSU P.D. Inspectors shall be periodically assigned to a SFPD Homicide Team for orientation and training (upon completion of appropriate homicide investigation course work).

#### **Death Notifications/Press Releases**

San Francisco State University will be permitted to assist in the rapid I.D. of victim(s) and be responsible for notifying the Medical Examiner of information regarding the victim's identification. The university has made special arrangements to accommodate and support victim family members. No information regarding the death shall be given out without the approval of the Medical Examiners Office and the Homicide Inspectors in the case of a homicide or suspicious death.

Deaths in the university environment cause extensive operational and administrative problems when attempting to deal with information surrounding incident circumstances. All news releases regarding suspicious deaths and deaths due to homicide will be jointly prepared by the SFPD Public Affairs Office, OIC of the Homicide Division, and the San Francisco State University Office of University Communications.

The Chief of the San Francisco State University Police Department or his/her designee, the O.I.C. of Homicide, and the Medical Examiner shall consult prior to the release of any information related to suspicious deaths or homicides.

The San Francisco Police Department will be the primary reporting and investigating law enforcement agency for all crimes occurring outside the boundaries of the San Francisco State University Campus.

Both agencies will continue to provide mutual aid assistance as appropriate when requested. Further, each agency assumes responsibility for preparing the appropriate reports for the Bureau of Criminal Identification and Investigation, State of California, and for the Federal Bureau of Investigations Uniform Crime Report.

The SFSU P.D., S.F.P.D., and S.F. Medical Examiner all agree to work as a collaborative team in the investigation of "on campus" homicides and suspicious deaths. Additionally, the SFSU Police and the Medical Examiners Office agree to



work as a collective team in the investigation of all other deaths occurring "on campus".

Chief of Police

San Francisco Police Department

Patrick M. Wasfey

Chief of Police

San Francisco State University Police

Department

San Francisco Medical Examiner

#### General Order 1-3

#### APPENDIX A

THE CALIFORNIA OFFICE OF THE CHANGELLOR

BAKERSFIELD

August 23, 2001

CHANNEL ISLANDS

MEMORANDUM

DOMINGUEZ HILLS

TO:

FROM:

Charles B. Reed Charles B. Reed Chancellor

FULLERTON

HAYWARD

SUBJECT:

Executive Order No 427, Implementation of Public Safety

Policy Manuel Superceded by Executive Order No. 787

HUMBOLDT

LONG BEACH LOS ANGELES The attached Executive Order No. 787 modifies the California State University Public Safety Policy Manual, which was required by the agreement between the Board of Trustees of the California State University and the Statewide

manuals of the California State University Police Departments on the campuses of the California State University. Assistance in reviewing and updating the

In accordance with the California State University policy, the campus president has the responsibility for implementing executive orders where applicable and

The Public Safety Policy Manual is to be implemented via the operational

operational manuals to ensure their compliance with the California State University Police Policy Manual is available through the staff of the Vice

for maintaining the campus repository and index for all executive orders.

Should you have any questions, please contact Vice Chancellor Jackie R.

University Police Association July 1, 1982.

Chancellor for Human Resources.

McClain at 562-951-4455.

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

POMONA

SACRAMENTO

SAN BERNARDINO

SAN DIEGO

SAN FRANCISCO

SAN JOSE

CBR:ji

SAN LUIS OBISPO

Attachment

SAN MARCOS

Executive Staff, Office of the Chancellor

SONOMA

STANISLALIS

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4455

Executive Order:

787

Title:

Public Safety Policy Manual

**Effective Date:** 

August 23, 2001

Supersedes:

Executive Order 427

The agreement between the Board of Trustees of the California State
University and the Statewide University Police Association which was
implemented July 1, 1982, required the development of a systemwide Public
Safety Police Manual. Article 8.2 of that agreement states:

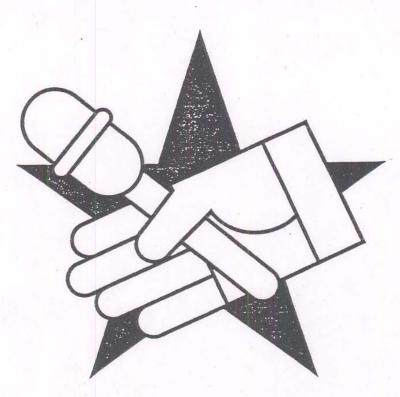
Within twelve (12) months of the effective date of this Agreement, the CSU shall develop a systemwide Public Safety Policy Manual. The contents of such Manual may be revised by the CSU. The Association shall be provided with a draft copy of such manual, including official revisions and shall be given an opportunity to review and offer suggestions to the CSU prior to its implementation. Such policy manual shall be distributed to all employees. The contents of the manual shall not be subject to Article 7, Grievance Procedure, of this Agreement.

The manual has been revised and updated to provide consistency in the implementation of police policy systemwide and still allow for policies to be developed that will meet local requirements. Appropriate campus vice presidents, public safety operational managers, general counsel, and the CSU Police Advisory Committee as well as representatives of the Statewide University Police Association have participated in the review.

- 2. The California State University Police Policy manual is hereby transmitted to the campus presidents for implementation. Presidents or their designees are directed to review and update operational manuals for their CSU Police Departments as appropriate to concur with the policies of the California State University Police Policy Manual.
- The campus operational manuals are to meet the requirements of the California State University Police Policy Manual by January 1, 2002.
- 4. The California State University Police Policy Manual was developed by the CSU Police Advisory Committee under the direction of the Vice Chancellor, Human Resources. That committee will continue to assist the campuses in reviewing and updating their operational manuals as necessary. The Office of General Counsel and the CSU Public Safety Coordinator will also provide assistance.

Charles B. Reed, Chancellor

Dated: August 23, 2001



# Law Enforcement Media Relations

MODEL POLICY MANUAL



### Overview

The goal of this publication is to assist law enforcement to recognize and understand the needs and requirements of the media and to help the media understand the methods, policies, and constraints governing law enforcement. Often, without this mutual understanding, conflict arises between the right of the press to obtain information for dissemination to the public and the agency's responsibility to protect an investigation or the victim of a crime.

As much as possible, clear-cut policies and procedures must be established and reduced to writing by the law enforcement agencies. These policies should be established in cooperation with the media, and should cover unusual, as well as routine, occurrences. The policies should establish lines of communication between both professions, and include what will be released, when certain releases are to be made and who is to release it.

While law enforcement shares the responsibility for the initial notification of the media of newsworthy events, the media must be responsible for creating any pooling method through which law enforcement makes those notifications. This method must be convenient to law enforcement and expeditious to the media. Training is probably the most effective means of communicating the necessity for mutual cooperation, and is the responsibility of both the media and law enforcement. Because so much of the contact between the media and law enforcement is at the line level, the beat reporter and field officer must have a clear understanding of the others' requirements and constraints. Without this understanding, no amount of liaison between managers will overcome the friction that can develop at the "working level."

The information in this manual was developed by repre-

sentatives of the news media and law enforcement. It is divided into several major topic areas. The most important of these is the establishment of a written law enforcement-media policy. By adopting this policy individual agencies create their direction, attitude, and philosophy in this area. This is important because it influences the relationship the agency enjoys with the public and the news media. These relationships often determine law enforcement effectiveness.

Law enforcement and the news media both share a desire to serve the public by providing a free flow of information to satisfy the public's constitutional right to know. They also jointly share the responsibility of a second constitutional safeguard, the right to a fair trial. The American Bar Association in the second chapter defines these responsibilities by recommending standards relating to the issue of Free Press vs. Fair Trial.

Through established statute and case law, exactly what access does a reporter have to criminal justice information? In the chapter covering media access, the rights and restrictions are explored. They are brought to light through a series of statutes, legal opinions, and case law.

Other topics include the development of the position of departmental information officer, news media needs and requirements, and the development of professional news presentations. These areas complete the circle of information in which the law enforcement community must have knowledge to be able to interact responsibly with the news media. Application of this information will result in the successful and constitutional balance between the free press and a fair trial while enjoying increased public trust and support.

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# Law Enforcement Media Relations

MODEL POLICY MANUAL

Prepared by the Police Community Relations Committee Revised October 1988

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Acknowledgements

Terry Francke, Legal Counsel, California Newspaper Publishers Association



# Policy Statements

#### Introduction

As no two law enforcement agencies are alike, no two media policies will be alike either. Each chief executive will have to evaluate the community, the media, the public, his agency, and the needs of all, before establishing a media policy. Any well-founded policy, however, should address certain specifics in dealing with the media. The model policy statements offered, which pinpoint critical areas of law enforcement/news media relations, are general in content but universal in application.

A policy establishes guidelines, sets direction, and expresses department attitude and philosophy. Policy insures uniformity and consistency in operations. The importance of a department media policy cannot be over-emphasized as its words will dictate the tone of the agency's media relations. The chosen policy statement may well influence how the public views its law enforcement agency. And how citizens regard their law enforcement officials frequently determines law enforcement effectiveness.

#### Responsibility to Provide Public Information

Most citizens will have little, if any, direct contact with law enforcement. By and large, common perceptions will be formed on what is seen, read, and heard via the mass media. Progressive law enforcement executives recognize that a well-informed, supportive and cooperative public is absolutely essential to successful policing. Public trust and confidence for law enforcement are dependent upon open and honest communication with the citizenry. Such communication is most effectively and efficiently achieved through the news media.

Responsible law enforcement leaders also recognize the need and value of a free press in our society. Law enforcement in the United States does not, cannot, operate in a vacuum absent of public accountability and question. A sincere media policy will stress the agency's obligation in fulfilling the public information need and endorsing the role of the media, while simultaneously preserving individual rights and justice.

Policy Statement 1. This agency exists to serve the people and is accountable to the people for the fair and impartial enforcement of law. Likewise, this agency has an obligation to provide accurate, timely information regarding law enforcement activities to the people. The constitutionally free press is essential to our democratic society and serves as the public informer and common advocate. Within established law and without compromise for justice or infringement upon individual rights, members of this department will cooperate fully in meeting the needs of the news media in providing the fullest possible disclosure of information, as provided by law.

#### **Making the Information Available**

To serve the public best, so as to create and maintain an atmosphere of trust and confidence, the chief executive must make his agency accessible to the public and the news media. The media policy must insure that all members of the department are responsible for providing public information of varying degrees. Management personnel especially must accept the role of public communications. A policy statement must stress fairness, impartiality and honesty when dealing with reporters. A policy must provide a procedure for notifying the media on matters of public or media

Policy Statement 2. Within established guidelines and procedures the department shall notify, on a timely, fair and impartial basis, members of the media on matters of public interest. Such notification will not be made during such time that notice would compromise the integrity of any ongoing criminal investigation or department operation. In such cases media notification will be made as soon as practical.

Policy Statement 3. Public information and communication is a direct responsibility of management personnel. This responsibility may be delegated operationally within established procedures. The department member, rank notwithstanding, who is most familiar with an investigation, crime, or incident should be designated to respond to media inquiries. When this is not practical an immediate supervisor or superior should respond after being fully informed by knowledgeable subordinates. At no time will members of this department intentionally mislead or misinform members of the media.

#### Consistency

A critical aspect of the law enforcement/news media relationship is consistency in the type of information released. Members of the agency must know what information is releasable and what is not. Reporters should know what information is accessible and what information will not be released. The nature and extent of information released may vary, particularly when inquiries pertain to criminal investigations. Generally, information is withheld when release would jeopardize successful case investigation, endanger a victim, witness, or informant, or release is legally prohibited. Except that all information, properly and legally withheld, should be disclosed when the need for withholding it no longer exists.

Crime and arrest information that is routinely released to the media should not be withheld simply because the victim or arrestee is a person of prominence, or publicized solely because of that prominence.

Policy Statement 4. Members of this agency will strive for consistency in releasing information to the media for public dissemination. Information that is normally released should not be withheld based solely on a decision relating to the personal prominence of those involved. Conversely, information generally not routinely distributed should not be put forth solely as a result of personal prominence.

#### Restricted Information

Although most operational information can be disseminated at the lowest level of the department, the release of certain types of information should be done only by the agency head or his designee. Department policy should outline the type of information reserved for release by the chief executive. Generally, restricted information includes that which is related to internal affairs, officer-involved shootings, pending civil matters, and statements that are operationally sensitive.

Policy Statement 5. Normally, statements of policy expressing official positions of the department, official responses to criticism of the department, or statements pertaining to pending or ongoing civil litigation involving the department shall be made only by the agency head or designated persons. Likewise statements about internal investigations, disciplinary matters, and officer-involved shootings shall be made only by the agency head or designated persons.

#### Withholding Information

Policy must, of course, balance the obligations of the agency and the needs of the media with the rights of defendants, victims, and reporting parties. Defendants' rights are preserved when agencies adhere to the American Bar Association Standards relating to the issue of "Free Press vs. Fair Trial." Concerning the rights of victims and reporting parties, they are clearly outlined in the California Government Code, Section 6254(f).

A 1982 amendment to Section 6254(f) requires that information regarding victims and reporting parties be released unless such disclosure would endanger either the victim, reporting party, or the successful completion of the investigation. Section 6254(f) also provides for the withholding of the address of victims of certain sex crimes.

Policy Statement 6. Victims should be informed that the Government Code Section 6254(f) requires that information regarding complaints and criminal investigations be released to the public "unless such disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of an investigation." No department member should ever guarantee to any victim or reporting party that a reported case will not receive publicity.

The decision to not release information about a particular crime or incident, or the name of a victim or reporting party must be made by a command officer. This decision will be made only when release would endanger either the victim, witness or a successful investigation.

#### Crime and Disaster Scenes

Nowhere is there a greater chance for misunderstanding and conflict between law enforcement and the media than at scenes of tactical operations, accidents, and disasters. Such events heighten the interest of both the public and the media. Accurate media coverage of these events can be extremely beneficial but media technology and competitiveness can also be cause for concern. Emotions are peaked and journalists as well as law enforcement officers will likely be working under stress. It is absolutely essential that working guidelines be established in advance by policy in order to reduce potential problems during such occurrences.

Policy Statement 7. The ranking department member present at a disaster or crime scene is responsible for providing relevant, timely, and accurate information to the news

1. Disaster and accident scenes may be closed to the public pursuant to 409.5 PC; however, news media representatives are exempt from this restriction. As soon as a disaster or accident has been identified and secured, authorized media shall be permitted free access to the affected area, after being advised of any existing danger. Department members shall not decline the rescue of news media personnel who are in danger but they will not provide an escort into or out of dangerous areas. In general, authorized members of the news media are to be permitted free movement in the area as long as they do not hamper, deter, or interfere with the law enforcement or public safety functions.

- 2. Crime scenes should be opened to news media to the fullest extent consistent with investigative needs. Crime scenes which are located in areas of public access should be opened, if only partially, once the scene is secured and is safe. Reporters and/or photographers shall be kept sufficiently distant from a crime scene being searched or preserved to protect it from being disturbed, or evidence from being destroyed or contaminated. News media in the company of, or duly authorized by public safety officials, or others in an official capacity shall be considered to be legally on the property and shall not be subject to arrest for criminal trespass unless they are impeding the efforts of law enforcement or other emergency personnel.
- 3. The scene of a department tactical operation is the same as a crime scene except that authorized news media shall be permitted within the outer perimeter of the scene subject to any restrictions as set forth by the field commander. The news media, including reporters and photographers, shall be allowed access to the best possible location as determined by the field commander. A designated officer or other person shall be assigned to keep the news media briefed. Department members shall not jeopardize a tactical mission in order to accommodate the news media, but every effort shall be made to keep them well-informed of the progress of the operation.

#### **Multi-Agency Coordination**

Frequently law enforcement operations will overlap juris-

diction and involve more than one agency. The media policy should address the importance of inter-agency cooperation and coordination. Coordination between involved agencies is just as important as intra-agency coordination when disseminating public information. Prior planning and communication between agencies will result in consistency in release and avoiding embarrassment.

Policy Statement 8. When the department is involved with other agencies in incidents or matters of mutual responsibility and concern, department personnel will cooperate and coordinate fully with those agencies in releasing public information. Generally, the agency of primary jurisdiction should make appropriate news releases citing assisting or secondary agencies. At any time other agencies assist this department in an operation or investigation, the assistance will be noted in any news release.

#### Summary

The essence of any policy is guidance. It is important that any policy pertaining to the news media be thoroughly understood at all levels of the department. Unlike most department policies, however, a media policy should be designed for circulation to the media as well. A wellfounded policy known to both will serve to reduce the chance of misunderstanding and enhance the working relationship between law enforcement and the media. The efficient and effective operations of both law enforcement and the media are, to a large degree, dependent on a mutual relationship of understanding, honesty, and trust. When such a relationship exists, the public benefits most of all.

## 2 Procedure

#### Introduction: American Bar **Association Standards**

The greatest number of news media inquiries to law enforcement will be seeking information about arrests that have been made and/or criminal investigations that are being conducted. Law enforcement should cooperate in providing such information which is a legitimate concern to the citizens. However, it is vital that law enforcement agencies are mindful of the conflicting constitutional issues pertaining to free press and fair trial. It is the agencies' responsibility to ensure that information released to the media for public dissemination will not infringe on a defendant's right to receive a fair trial.

During the last several decades pre-trial publicity has become a frequent issue, particularly in major criminal trials. In an effort to provide information to the public and protection for the defendant against prejudicial pre-trial publicity, the American Bar Association established standards relating to pre-trial publicity. Although not binding, the standards are adhered to by most law enforcement agencies in the United States.

The standards are in four parts. Part I relates to the conduct of attorneys; Part II relates to the conduct of law enforcement officers; Parts III and IV relate to the conduct of judicial hearings. These standards became association policy in August 1978.

Only Part II of the standards are contained in this manual as relating to law enforcement agencies. They recommend that law enforcement voluntarily adopt internal rules similar to those established for lawyers as regards release of potentially prejudicial information. If these agencies fail to do so within a reasonable time, the recommendations propose that the courts in the respective jurisdictions should apply the standards by court rule or legislative action, with appropriate sanctions for violations.

#### Part II of ABA Standards on Fair Trial and Free Press

As pertains to the release of information by law enforcement agencies, the following regulations should be made effective in each jurisdiction:

A. A regulation governing the release of information re-

lating to commission of crimes and to their investigation, prior to the making of an arrest, issuance of an arrest warrant, or the filing of formal charges. The regulation should establish appropriate procedures for the release of information. It should further provide that when a crime is believed to have been committed, pertinent facts relating to the crime itself and to investigative procedures may properly be made available, but the identity of a suspect prior to arrest and the results of investigative procedures shall not be disclosed except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect, or to warn the public of any dangers.

#### B. A regulation prohibiting:

- 1. The deliberate posing of a person in custody for photographing or television by representatives of the news media, and
- 2. The interviewing by representatives of the news media of a person in custody except upon request or consent by that person to an interview after being informed adequately of the rights to consult with counsel and of the rights to refuse to grant an interview.

#### C. A regulation worded essentially as follows:

From the commencement of the investigation of a criminal matter until the completion of the trial or disposition without trial, a law enforcement officer within this agency shall not release or authorize the release of any extrajudicial statement for dissemination by and means of public communication, if such statement poses a clear and present danger to the fairness of the trial.

In no event, however, shall a law enforcement officer make an extrajudicial statement concerning the following matters:

- The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any state-
- The possibility of a plea of guilty to the offense charged or a lesser offense or other disposition.

Consistent with paragraph C, a law enforcement officer may be subject to disciplinary action with respect to extrajudicial statements concerning the following mat-

- The prior criminal record (including arrests, indictments, or other charges of crime), the character or reputation of the accused, or any opinion as to the accused's guilt or innocence or as to merits of the case or the evidence in the case:
- b. The performance of any examinations or tests, or the accused's refusal or failure to submit to an examination or test;
- The identity, testimony, or credibility of prospective witnesses; and
- d. Information which the law enforcement officer knows or has reason to know would be inadmissible as evidence in a trial.
- D. A regulation authorizing a law enforcement officer at any time:
  - 1. To make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, to release any further information necessary to aid in the accused's apprehension or to warn the public of any dangers that may exist;
  - To announce the fact and circumstances of arrest, including the time and place of arrest, resistance, pursuit, and use of weapons;
  - 3. To announce the identity of the investigating and arresting officer or agency and the length of the investigation;
  - 4. To announce the identity of the victim or complainant if the release of that information is not otherwise prohibited by law;
  - 5. To make an announcement, at the time of seizure of any physical evidence (other than a confession, admission, or statement), which is limited to a description of the evidence seized;
  - 6. To disclose the nature, substance, or text of the charges, including a brief description of the offense charged;
  - 7. To quote from or refer without comment to public records of the courts in the case;
  - 8. To announce the scheduling or result of any stage in the judicial process; and
  - 9. To request assistance in obtaining evidence.

#### Standards Summary

A. Paragraph A applies to the period prior to arrest or the filing of formal charges. It calls for a departmental or agency regulation governing the release of information relating to the commission of crimes and their investiga-

This section has two important objectives. One objective plainly is to prevent the release of information that may later prove to be highly prejudicial to the accused. The other is to encourage the release of information vital to the public interest without undermining the effectiveness of the investigation or damaging the reputation of persons who are under suspicion but may never be arrested or formally charged.

B. Paragraph B deals with photographing, televising, and interviewing persons in custody. The possibility of prejudice to the suspect or the accused is substantial.

Under no circumstances can a person in custody be forced to pose for camerapersons or to submit to an interview by representatives of the news media. On the other hand, the person in custody should be able to consent to or to request either if he or she desires.

In view of the special danger posed by news media interviews, a clear and complete reminder of the right to refuse to grant an interview is necessary. The person in custody should be required to sign a waiver to the effect that he or she desires to grant an interview to a particular reporter.

- C. Paragraph C notes that law enforcement officers are prohibited from making extrajudicial statements concerning:
  - 1. The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any state-
  - The possibility of a plea of guilty to the offense charged or a lesser offense or other disposition. Law enforcement officers rarely, if ever, have to make public, extrajudicial statements relating to these matters.

If for some reason a statement becomes necessary or appears so, the prosecutor is in the best position to assess the reasons for public disclosure and to resolve the difficult questions of content, manner, and timing. The prosecutor, after all, has formal legal training and trial experience to aid him in these judgments. The law enforcement officer generally has neither. The prime objective is to ensure release only after careful consideration of the potential impact on the defendant's right to a fair trial.

D. Paragraph D describes categories of information that a law enforcement officer is permitted to release under all circumstances. These categories allow law enforcement agencies to inform the public about the arrest, including biographical information about the person in custody, a description of any physical evidence seized, the crimes charged, and other related information. Although there may be cases in which law enforcement agencies will choose to release more or less information. However, the primary obligation for openness lies with law enforcement agencies.

#### **Guidelines for the Release of Information**

- A. Releasable Information:
- 1. Facts and circumstances of the arrest.
  - a. Time and place
  - b. Resistance put up by the suspect.
  - c. Pursuit necessary to apprehend
  - d. Use of weapons by officer or suspect.
  - 2. Identification of investigating and arresting officers and length of investigation.
  - 3. Limited description of evidence seized.
    - a. Do not make any references to confessions, admissions, or statements.
  - 4. Disclose the nature, substance, text of charge.
    - a. Can include a brief description of the offense
  - 5. Quote from or refer to public records of the court in the case, without any personal comment.
  - Schedule or result of any stage of the judicial
  - 7. Any request for assistance from the public to obtain evidence.
  - 8. The identity of victim or complainant if the release of that information is not otherwise prohibited by law.

#### B. Do Not Release

- 1. Prior to arrest, do not release the identity.
- 2. Prior to arrest, do not release the results of investigative procedures.
- 3. Can release above items 1 and 2 if:
  - a. Will aid in the investigation.
  - b. Assist in the apprehension of the suspect.
  - c. Will warn the public of danger.
- 4. Prior criminal record, reputation, or character.
  - a. Can release name, age, residence, occupation, family status.
- 5. Identity or any personal information of a juvenile arrestee or suspect.
- 6. Existence or contents of any confession, or state-

- ment given by a suspect or the refusal to make a
- 7. Give an opinion about the possibility of a plea of guilty to offense charged or a lesser offense or other disposition.
- 8. Performance of any examinations or tests or the suspect's refusal to or failure to submit to an examination or test.
- 9. Any photographs or mug shots except:
  - a. If release will aid in arrest of suspect.
  - b. Aid in the investigation.
  - c. Warn the public of danger.
- 10. The identity, testimony, or credibility of prospective witnesses.
- 11. Any personal opinion as to the suspect's guilt, innocence, or merits of the case.
- 12. Any information which would be known to be inadmissible in court.
- 13. Do not move or pose suspects solely for the purpose of allowing photographs or news film to be taken.
  - a. However, do not prevent photographers from taking unposed pictures in public places.
- 14. References to investigative procedures such as fingerprints, polygraph tests, ballistic tests, or laboratory tests.

#### Summary

These guidelines have been based on the standards for the release of information by law enforcement agencies as set forth by the American Bar Association. They do not, however, purport to cover every situation or subject on which a question may arise.

Therefore, while it is the intent of this manual to promote cooperation with the news media by releasing newsworthy information, additional care should be exercised so as not to release any information that would impair the ability of a suspect to obtain a fair trial.

# 3 Statutes, Court Decisions and Attorney General Opinions

#### Introduction

The rules governing the relations between law enforcement agencies and the news media come from various sources, primarily the U.S. and California constitutions and the statutes of the California legislature, as interpreted by federal and state courts. Some rules are based on legal opinions issued by the California attorney general.

Rather than categories these rules in some hierarchy or priority, they are presented here as they are likely to occur in the course of routine situations, then in special situations.

#### **Routine News Coverage**

Crime Scenes

There are no laws governing press or public access to the scene of a crime or the vicinity of a tactical operation such as a hostage response. The discretion as to how much access to provide the press resides with the agencies involved. This contrasts with the rules for the scene of an accident, natural disaster or riot (see pp. 10).

#### Crime or Incident Reports

The California Public Records Act exempts portions of certain law enforcement records from public disclosure, either temporarily or permanently. But it expressly sets forth information about complaints, requests for assistance and the ensuing investigative efforts of the responding agency that must be made public on request - unless release of the information would endanger the safety of a person involved in the investigation or jeopardize the successful completion of the investigation or a related investigation.

The data prescribed for routine release includes:

- The time, substance and location of all complaints or requests for assistance received by the agency.
- The time and nature of the response thereto.
- To the extent the information regarding crimes alleged or committed or any other incident is recorded:
  - The time, date and location of an occurrence,
  - The time and date of the report,
  - Except in crimes of sexual assault or child abuse, the name, age and current address of the victim,
  - The factual circumstances surrounding the crime or incident.

- A general description of any injuries, property or weapons involved.

#### Conveying the Information

Under the Public Records Act, the public has a basic right to inspect any nonexempt record during the office hours of a state or local agency. Guidelines for public access under this heading shall not operate to limit the hours that public records are open for inspection. If inspection rights are denied, the denial must demonstrate that the record in question is exempt under express provisions of the California Public Records Act or that, on the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

The attorney general has interpreted this Government Code Section to mean that so long as the information specified is provided, the form (oral or written, access to the original record or a copy, etc.) is not legally critical. Some departments summarize required information for the press in written releases or oral briefings. But the act states its provisions are not to be construed to permit an agency to delay access for purposes of inspecting public records. (Since the attorney general's opinion was issued, the code section has been amended in a way that suggests it is the intent of the Legislature that the records themselves be made available for inspections — with deletions as appropriate.) Language added to the statute in 1987 permits the victims of sexual assault or child abuse to request that their names be treated confidentially.

The inability of the press to inspect crime and arrest reports may create serious problems of legal exposure.

#### Sexual Assaults and Child Abuse.

When the crime is one or more of nine specific offenses involving sexual assault or child abuse, two exceptions to the rule of victim disclosure take effect: (1) the victim's address may not be revealed; and (2) the victim (or his or her parent or guardian if the victim is a minor) may request that the victim's name not be revealed.

The nine offenses are:

- Rape (Penal Code 261)
- Spousal or statutory rape (P.C. 264)
- · Aiding and abetting rape or penetration with a foreign

object (P.C. 264.1)

- Child abuse or endangerment (P.C. 273a)
- Cruel or inhuman corporal punishment (P.C. 272d)
- Sodomy (P.C. 286)
- Lewd acts with a child under 14 (P.C. 288)
- Oral copulation (P.C. 288a)
- Penetration with a foreign object (P.C. 289)

If the crime report involves both a crime on the list and some other crime - for example, rape and robbery - the agency may honor the victim's request by disclosing the name and address of the victim but withholding information disclosing that the person is a victim of one of the crimes on the list. In the example above, this would mean disclosing that the person identified was the victim of a robbery but not a rape victim.

#### **Arrest Reports**

A minimal amount of information from arrest reports must also be disclosed under the Public Records Act, unless release of a given item would endanger the safety of a person involved in an investigation or threaten to frustrate its completion. The information prescribed for routine disclosure includes:

- · The full name, current address and occupation of every individual arrested.
- Each individual's physical description, including date of birth, color of eyes and hair, sex, height and weight.
- The time and date of arrest.
- · The time and date of booking.
- The location of the arrest.
- Factual circumstances surrounding the arrest.
- The amount of bail set.
- The time and manner of release or the location where the individual is currently being held.
- · All charges against each individual, including any outstanding warrants from other jurisdictions and parole or probation holds.

#### Criminal History Information

Criminal history information is defined as "the master record of information compiled [by either the Department of Justice or a local law enforcement agency] pertaining to the identification and criminal history of any person." The Penal Code prohibits dissemination of such information unless the material released is merely statistical or research data that does not identify the subject of the record or is done to help apprehend a person wanted in connection with the commission of a crime. Disseminating rap sheet information about a person just arrested would not fit either of these exceptions, and the unauthorized release of such information can be prosecuted as a misdemeanor.

#### Mug Shots

A state appellate court held in People v. McCloud that a mug shot is not a non-disclosable part of a summary criminal history. In this decision, the court said that a San Francisco law enforcement agency did not break the law when it released to the press a booking photo of an arrested person.

#### Names of Juveniles

When a juvenile (any person under 18) is detained for questioning or taken into custody as a suspect in a criminal matter, his or her identity may not be disclosed. The juvenile court has jurisdiction over disclosures in such matters, and neither press nor public may inspect these records except by order of the court. The fact that an arrest has been made and other circumstantial information may be disclosed, however, so long as it does not identify the juvenile.

Depending on the nature of the charges, the case may be handled in open juvenile court hearings or, if it is determined that the juvenile is not a fit and proper subject for juvenile court supervision, the defendant may be referred to the criminal court system for trial as an adult.

#### Inactive or Closed Cases

The general exemption of records of criminal investigations in the Public Records Act applies only so long as there is a concrete prospect of enforcement. When an investigation has been concluded and the district attorney has decided not to prosecute, for example, the investigative record is open to public inspection, though according to an appellate court decision (South Coast Newspapers v. City of Oceanside), information in one or more of the following categories may be deleted:

- The identity of a confidential informant
- Confidential information supplied exclusively by a confidential informant.
- Information that would disclose certain investigative techniques or procedures.
- Information the disclosure of which would constitute an unwarranted invasion of personal privacy.
- Information the disclosure of which would threaten the safety of a law enforcement officer.

Note that when an enforcement proceeding is concluded, neither the integrity of an ongoing investigation nor the fair trial rights of the accused can justify withholding investigative records.

#### Special Issues

#### Press Access to Records and Information

All California public agencies outside the judicial and legislative branches are governed by the Public Records Act. The act's essential thrust is that all kinds of recorded information are subject to public inspection and copying unless: (1) a specific exception or exemption within the act or a confidentiality rule elsewhere in state or federal law permits or mandates non-disclosure; or (2) the agency can show that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure.

The rules governing access to information compiled by law enforcement agencies in the course of typical criminal investigations were reviewed earlier. The following rules govern access to records and information in less routine circumstances.

#### Non-Criminal Investigations

The Public Records Act only exempts law enforcement investigations conducted for correctional, licensing or law enforcement purposes. If the investigation was conducted for some other purpose - such as to determine a county's civil liability in a lawsuit alleging negligence in exposing a jail inmate to attack by a cell mate - the courts have ruled that the investigative record is not confidential.

#### Surveillance and Intelligence Operations

The California Supreme Court has ruled that the Public Records Act permits the state Department of Justice to delete three categories of information from its organized crime intelligence files:

- Information identifying the subjects of a surveillance
- The identities of confidential informants
- Information provided in confidence by confidential

In ACLU vs. Deukmejian, the court applied these exemptions to two kinds of intelligence systems: (1) a computerbased compilation of data from the public records of various state jurisdictions, and (2) an index-card system, not necessarily based on public records, that listed persons suspected of involvement in organized crime. The court noted that the computer system would contain neither the identities of confidential informants nor information from them and so ordered the department to delete personal identifiers and release the 100 printouts requested.

However, the court excluded the 100 index cards, on grounds that all three categories of "deletable" information might be found in each record. The department might well have to check with the originating agency to determine the confidential status, if any, of informants and their information, the court said, and once all such data plus personal identifiers had been deleted, the remainder would only be certain "generalities," the disclosure of which would be of marginal and speculative benefit to the public in contrast to the considerable time, cost and effort involved in determining deletions.

#### Personnel-Related Data

The Penal Code makes peace officer personnel records and citizen complaint reports confidential. (A personnel record is defined as a file kept under the officer's name that lists his or her marital status; family members; educational, employment and medical history; election of employee benefits, occasions of advancement, appraisal or discipline; complaints as to performance; and any other information the release of which would constitute an unwarranted invasion of personal privacy.) This confidentiality does not apply to records of investigations by a grand jury or district attorney into allegations of officer misconduct.

It is unclear whether this confidentiality applies to peace officer employment applications when the applicant has not been hired. The Penal Code appears to refer only to employed officers, since it includes a number of categories (evaluations, discipline, complaints) that would not pertain to applicants. Moreover, in Johnson v. Winter, a state appellate court held that the public interest in learning how a government agency exercises its discretion outweighs the public interest in confidentiality given by a sheriff's office to a file compiled concerning the unsuccessful application of a person for special duty status.

Finally, it should be noted that the Public Records Act does not exempt or except from disclosure employment contracts between a state or local agency and any public official or public employee. This has been interpreted to mean that the exact compensation a public employee receives is a matter of public record.

#### Concealed Weapon Permits

In CBS v. Block (1986), the California Supreme Court ruled that the public interest in knowing how permits have been issued by police and sheriff's departments, to whom and for what purpose, outweighs the public interest in protecting holders of concealed weapons permits against attack and in encouraging applications for permits by those needing such protection. Thus, the identities of applicants and holders of permits are not exempt from disclosure under the Public Records Act's balancing test.

The court did say, however, that specific details that would reveal when and where the applicant or permit holder is vulnerable to attack, as well as information concerning the applicant's own or his or her family's medical or psychological history, could be deleted from the record prior to providing public access.

#### Death in Custody

The attorney general has concluded that reports by local law enforcement agencies concerning the death of a person in custody only need to be released to those with a "legally cognizable interest" in the person's death - an official interest, for example, or the interest of a surviving family member.

#### Mental Health Custody

Peace officers are authorized, upon probable cause, to take into custody a person whose mental disorder makes him or her gravely disabled or a danger to others or to him or herself and to place the person with a mental health facility for a 72-hour treatment and evaluation.

All information and records obtained in the course of providing services under this involuntary treatment law, as well as all information obtained by a law enforcement agency from a mental health institution pursuant to a court order for investigative purposes, are confidential. However

nothing in the involuntary treatment law prevents a law enforcement agency from stating in the course of releasing routine information about an otherwise recorded incident that a person had been detained for temporary observation and treatment - so long as the person's identity is not revealed.

#### **Press Access to Sites and Premises**

The U.S. Constitution and California statutes both provide rules - or the basis for rules - concerning media access to public, private, commercial and residential places.

#### Accident, Disaster and Riot Scenes

California peace officers have statutory authority to exclude the public from areas damaged or threatened by flood, storm, fire, earthquake, explosion, avalanche, accident or other disaster, or from the immediate area surrounding any emergency field command post or any other command post created to abate such disasters, riots or other civil disturbances. The Penal Code makes unauthorized entry into and refusal to leave such areas punishable as misdemeanors.

The code also specifies, however, that no duly authorized representative of any news service, newspaper or radio or television station or network shall be prevented from entering closed areas. The attorney general has ruled that this exemption prevents law enforcement agencies from excluding reporters and photographers from such areas, providing they can present a press badge or some other evidence to indicate that they are "authorized representatives" of a newspaper or other news organization. The attorney general's opinion specifically rejected the argument that "duly authorized" means authorized by a law enforcement agency.

The application of this statute and opinion was clarified in a 1986 appellate court decision (Leiserson v. San Diego). A San Diego policeman had arrested a television cameraman at the scene of a PSA jetliner crash when the cameraman ignored an order to stay outside an emergency perimeter around the crash scene. The journalist sued the city for false arrest, arguing that the police warning to stay outside the official cordon could not have been a "lawful order," since the press access statute gave him the right to be where he

The appellate essentially agreed with him, and established two points favoring close-hand coverage of disasters: (1) journalists cannot be ordered away from any part of a dangerous site simply for their own safety, and (2) they must be given maximum leeway to go where they wish within zones cordoned off from the public, "unless police personnel at the scene reasonably determine that such unrestricted access will interfere with emergency operations" (emphasis in the original).

The court did uphold the validity of the arrest, howeveron grounds of police department testimony that some officers at the time suspected the crash was the result of an assassination plot against a state official rumored to have been on the plane. The court reluctantly accepted this testimony as a valid basis for the arresting officer's conclusion that the accident scene was a crime scene and therefore one to which the media have no statutory right of access. But it cautioned other courts to be alert for crime scene rationalizations as "post hoc justifications" for otherwise unauthorized police conduct.

#### Jails and Prisons

In 1974, the U.S. Supreme Court ruled that a California Department of Corrections regulation denying the press the right to interview specific prison inmates did not violate the First Amendment rights of either inmates or the press. The court premised its conclusion on the basis that inmates and reporters both had alternative means of communicating with each other, including the mail (which could not be censored to remove marks critical of the prison system) and interviews with attorneys, relatives with access to the inmates or former inmates.

In 1978, the court arrived at the same conclusion concerning the right of a public television station to enter and film portions of the Alameda County Jail at Santa Rita. In both cases the court declared that the press has no greater right of access to places under the First Amendment than the general public. Thus, while the press may not be denied a mode of access that is open to the public, a rule restricting the public may be enforced against the press as well.

#### School Grounds

Most schools require outsiders to report to the principal's office and register their presence immediately upon entering the grounds. Law enforcement officers may be called upon to enforce the Penal Code that gives the principal of a public school or his or her designee the right to exclude certain defined "outsiders" from the campus.

Reporters and photographers, however, are categorically exempted from this registration requirement by the Penal Code. They can be lawfully prevented from disrupting school activities, but they cannot be restricted from nondisruptive photography or interviewing simply because it takes place on school property.

#### Public Meetings

The Ralph Brown Act requires local governing bodies such as city councils and school boards to conduct all agency business in meetings that are open to both the press and public. (The act provides that certain kinds of agency business, such as discussions concerning personnel and of certain actions that could result in litigation, may be conducted in executive - private - session.) The Bagley-Keene Act establishes essentially the same requirements for state boards and commissions.

Both laws also establish the same basic rule for dealing with demonstrators or others causing breaches of the peace at public meetings: "[M]embers of the body conducting the meeting may order the meeting room cleared and continue in [executive] session." But both laws state clearly that in that event, all representatives of the media will be allowed to attend the session, provided they were not themselves "participating in the disturbance."

#### Private Property

The press has no special exemption from civil or criminal trespass laws or from civil liability for invasion of privacy stemming from entry onto premises without the lawful possessor's consent. There are, however, two special circumstances that can affect media access to private property: crime scenes or raids involving private property and areas on private land that function as public areas.

#### Crime Scenes and Raids

When a law enforcement agency has secured an area as a crime scene, the lawful possessor temporarily loses some of his or her right of immediate control over that area, whether he or she is a suspect or not. In Miller v. NBC (1986), a state court ruled that journalists may be civilly liable for trespass and other torts if they simply accompany rescue officials into a private home without the resident's consent.

It is commonly inferred from court decisions outside California that the press may incur civil liability from entering private homes or lands that are crime scenes unless the premises have been placed under the control of a government agency and that agency has invited or permitted the press to enter to view evidence or an official action. The interests of all parties are best served through the establishment of clear ground rules specifying that the press is in fact on the premises by invitation and that the scope of that invitation is no wider than necessary - that they are there, for example, to view or film the seizure of contraband or other evidence and the arrest of one or more suspects.

The press may of course ensure its immunity from civil liability by restricting its presence to public property or adjacent land belonging to someone who has no objection to that presence.

#### Public Areas of Private Land

The Penal Code imposes misdemeanor liability for trespass under any of a number of circumstances, including a person's refusal or failure to leave private property when asked to do so by the owner, agent, lawful possessor or a peace officer who has been requested by the owner, agent or possessor to ask the intruder to leave.

The rigor of this statute was tempered in 1987, however, when a appellate court ruled (In re Lundgren) that a demonstrator against nuclear weapons who ignored a private security guard's request to leave a street side strip of property owned by the defense contractor was not guilty of criminal trespass because it was not proved that the strip was "not open to the general public." The strip was not posted with trespass warnings, and transit patrons were permitted to wait on the strip for buses. "Lawful conduct could not be made unlawful," the court said, "merely because a property owner became unhappy with the type of person or activity occurring on land open to the general public."

Lundgren did not involve the press, but it does suggest that when a property owner permits general public access to or passage through his or her premises, peaceable and nondestructive conduct by the media cannot be prevented by recourse to the criminal trespass law.

#### **Press Relations and Communications**

Accreditation Policies and Press Passes

Special accreditation for media representatives is more a convention for public agencies than a legal right of the press. It permits an agency to identify and routinize contacts with a media representative.

Once a public agency has instituted a formal system of press accreditation, however, any effort to deny or cancel a press pass becomes an action limited by constitutional law.

The primary legal benchmark in this area in California is Los Angeles Free Press v. City of Los Angeles, a 1970 state court of appeal decision sustaining the police department's denial of a press pass to a weekly newspaper devoted primarily to "countercultural" reporting and criticism.

The department's rationale was that the Free Press did not meet the requirement of being a news organization providing routine spot coverage of police and public safety activities. The court ruled that criterion to be "reasonable" in view of the need to create a priority for those organizations that did not provide such regular coverage. The court noted that the trial court had found no content-sensitive regulation involved in the department's review of the newspaper's prior coverage as a basis for determining that it had not engaged in regular coverage of crime or fire stories. That departmental scrutiny, the court observed, had found that the Free Press occasionally covered law enforcement activity, but that such coverage "focused largely on sociological considerations . . . and 'conflicts between the individual and the state.""

Since that decision, several cases from other jurisdictions have established that denial or revocation of press accreditation by a public agency can only be justified under the First Amendment if it serves a "compelling" official interest and is not arbitrarily administered or based on the philosophy or content of the applicant's writing or organization. As a minimum basis for establishing that the denial is not based on arbitrary or less than compelling reasons, the issuing agency must also "articulate and publish an explicit and meaningful standard governing denial," furnish a notice to the applicant of the factual bases for denial and provide the person or company with an opportunity to rebut those bases.

The 1970 appellate court Free Press decision would seem to be of dubious authority today in the light of these more recent decisions. Rejecting a newspaper's application for a press pass because its coverage of law enforcement is occasional and political might be perceived as unacceptably content sensitive.

The Rights of Public Employees to Speak to the Media

Nothing in the law imbues the press or public with some kind of intrinsic right to obtain information from public employees or officials through conversations, interviews or public statements. Nor do public agencies or officials have the right either to exclude a reporter from a news conference arbitrarily or vindictively or to require him or her to make appointments for interviews when other reporters are not required to do so. The law is less categorical, however, on the question of whether a public agency can restrain or punish an agency official or employee who voluntarily attempts to speak to a reporter or to comment on agency matters of public interest.

A public agency that forbids its employees to speak to the press jeopardizes the constitutional rights of the employee rather than those of the press. In such cases, a court would likely try to arrive at a balance between the interests of the employee as a citizen commenting on matters of public concern and the interests of the government as an employer interested in promoting the efficiency of the public services it performs through its employees.

The prevailing assumption is that government has an interest in regulating any employee conduct or speech that differs significantly from the authority it possesses in connection with regulation of the citizenry in general. But this does not give public agencies the authority to establish regulations that are designed solely to gag the expression of a particular political viewpoint or to restrict expressions that do not in fact jeopardize the effectiveness of the employee or agency. Nor may an agency impose regulations so vague or sweeping that the employee is threatened with sanctions for statements that have nothing to do with the perceived danger cited to justify the regulation.

Federal courts have recently held personnel policies that either flatly forbid public employees to make public statements or require them to obtain "clearance" before making such statements to be a violation of First Amendment rights. On the other hand, in 1986 a federal court ruled that an Arizona city recreation department did not violate a supervisor's right to comment on or even criticize her department's policies when it disciplined her for making factually misleading statements about those policies when she was interviewed as the department's spokesperson. "The Constitution does not prevent the government from disciplining an employee when he or she uses an official interview in a manner inconsistent with the employer's directions and misstates the employer's policy," the court said. At the same time the court affirmed that "as a private citizen, the employee could comment whether or not her opinion would sit well with the employer."

#### Information Policies and Media Liability

The media's ability to obtain direct access to crime and arrest reports - particularly the latter - and to obtain onthe-record comments from authorized law enforcement information sources is not simply a matter of convenience. The laws on libel and invasion of privacy have generated rules that provide early and conclusive protection to the media for accurately reporting the contents of public records and the statements of authorized investigating officers. These rules - the "reporter's privilege" in libel law and the concepts of public record information and newsworthiness in privacy law - often permit lawsuits against the media to be resolved in their favor prior to a lengthy and costly trial. But legal complaints that are not aborted through early recourse to these rules often require law enforcement witnesses to establish exactly what was and was not said, by whom, to whom and under what circumstances in order to establish the factual issues a jury might need to evaluate the responsibility of the press — or its sources — for a damaging falsehood or unwarranted disclosure.

In Mathis v. Philadelphia Newspapers, a bizarre Philadelphia libel case, a newspaper and a television station were both sued for misidentifying a person in stories of the arrest of a bank robbery suspect. Both had the name right but printed a picture of the wrong man with a similar name.

The newspaper's information — including the photo came from the police department's duty information officer. The TV station claimed it received the identical information and picture from the local FBI office. In a pretrial hearing the newspaper was held to be protected by the "reporter's privilege," since there was no doubt that its material came from a duly authorized source. The TV station had to go to trial, however, because the FBI maintained it never had the photo in its files, implying it was not the official source of the station's report.

In a recent California case, a state court of appeal ruled that the Los Angeles Times would have to go to trial to defend itself against a suit brought by the roommate of a murder victim. The Times story not only identified the woman as the victim's roommate, it also stated that she had discovered the body. At the end of the story an unnamed witness was reported to have seen - and described - a man fleeing from the scene. The roommate contended that printing her name as the victim's roommate invaded her privacy and that her identify was not a matter of public record at the time of the Times story.

The Times reporter claimed she had obtained the roommate's name by telephone from someone in the coroner's office. Unfortunately for the reporter, the coroner's office had no record of the conversation, no one in the office came forward to corroborate the reporter's explanation, and the reporter had not written down her source's name.

In upholding the lower court's decision in favor of the roommate, the appellate court said that even if the reporter had been able to supply the name of her source, "obtaining information over the phone from an unknown individual does not mean the information is contained in a public record open to public inspection."

Reporters interested in establishing maximum protection against litigation for libel or invasion of privacy will attempt to inspect the public record directly rather than having it quoted to them. They will also try to obtain all information from official spokespersons in a timely fashion rather than rely on second-hand information from sources that are not specifically authorized.

Crime stories are probably the most common source of libel and privacy suits for the media. This is the primary reason editors and news directors urge reporters to gain direct access to basic public records and authoritative sources. Media managers are willing to take the chance that a reporter will misread a public record, misquote an official source or publish truly confidential information. But when the issue of liability pivots on information that has been delivered to the reporter in a diluted or paraphrased condition, final responsibility may have to be decided by a jury.

Law enforcement agencies enjoy absolute immunity from liability for errors made in their own official reports. The media desire comparable protection for accurately reporting from those reports.

#### **Brief Analysis of Government** Code Section 6254(f)

Section 6254(f) generally exempts records of complaints to or investigations conducted by a law enforcement agency and intelligence information or security procedures from mandatory release as public records. There are significant exceptions to this exemption.

Section 6254(f) identifies certain information which must be made available to victims of specified crimes unless release of the information would endanger the safety of a person or the successful completion of an investigation.

#### What Information Has to be Released to Victims?

In the case of Arson, Explosion, Crimes of Violence, Burglary, Robbery, Vandalism, Fire, Vehicle Theft, and Larceny, the following must be released:

- 1. Names and address of persons involved in the incident (except confidential informants).
- 2. Description of any property involved.
- 3. Date, time, and location of the incident.
- 4. All diagrams.
- 5. Statements of parties involved in the incident.
- 6. Statements of all witnesses (except confidential informants).

#### To Whom Shall This Information Be Provided?

- 1. To the victim.
- 2. To an authorized representative of the victim.
- 3. To an insurance carrier against which a claim has been or might be made.

4. To any person suffering bodily injury or property damage as a result of the incident.

Note: The above information is not generally public information, but information that must be released to the specified parties.

Section 6254(f) also defines information which must be made public unless release of the information would endanger the safety of a person or the successful completion of an investigation.

#### What Information Has to be Made Public?

#### Arrestee Information

- 1. The full name, current address, and occupation of every person arrested by the agency.
- 2. The arrestee's physical description including: Date of birth, color of eyes and hair, sex, height, and
- 3. Date and time of arrest.
- 4. Date and time of booking.
- 5. Location of arrest.
- 6. Factual circumstances surrounding arrest.
- 7. Amount of bail set.
- 8. Time and manner of release or location where the arrestee is being held.
- 9. All charges subject is being held on including outstanding warrants and probation/parole holds.

#### **Incident Information**

- 1. Time, substance, and location of all complaints or requests for assistance.
- 2. Time and nature of response thereto, including, to the extent that such information is recorded:
  - a. Time, date, and location of occurrence.
  - b. Time and date of the report.
  - c. Name, age, and current address of victim (except that sex crime victim's address does not have to be
  - d. The factual circumstances surrounding the crime or incident.
  - e. General description of:
    - (1) Any injuries involved.
    - (2) Weapons involved.
    - (3) Property involved.

The before-mentioned information is considered to be public information and shall be released to the public, except to the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation.

## 4 The News Media

#### Introduction

The news media face obstacles when reporting criminal justice information because the responsibilities of law enforcement agencies sometimes conflict with the reporting of the information. The news media recognizes this, and their wish to minimize these conflicts is demonstrated by the fact that the Times-Mirror Foundation financed the original development of this manual in 1982.

News media representatives maintain that a great deal of cooperation could be achieved when a full understanding of opposing viewpoints and objectives are attained. They also feel they must have confidence in law enforcement and there will be no manipulation to withhold information that they are within their constitutional right to gather and report.

The purpose of this chapter is to familiarize law enforcement agencies with the needs of the news media. Reporters, for example, work under very specific deadlines, have mandates to be accurate, and frequently compete with other reporters on the same story. They are in a pressure business where digging out the truth first is rewarded, and where old news is no news.

Specific media requirements and suggestions from news media representatives follow. Recognizing them can be an important factor in establishing and maintaining a beneficial relationship.

#### **Media Requirements**

Newspapers have variable deadlines, although afternoon dailies are becoming less frequent, meaning that most daily newspapers will be soliciting news all day for tomorrow morning's paper. Weekly papers more often appear on Thursdays, and have deadlines ranging from Monday through Wednesday. Knowing deadlines can help when planning when releases will be issued. The occasional evening daily will have 11 a.m. or noon deadlines, and therefore will be seeking news early in the morning.

Print media tend to gather detail. Written stories almost always are more comprehensive than television and radio stories. Be prepared to supply more facts to the print media.

All news media rely heavily on the telephone to collect information. The print media in addition will set up "beats"

which are visited by an assigned reporter. Every departmental employee who provides information should identify and get to know their assigned reporters and attempt to facilitate the news gathering process.

#### Television

Television stations like to have as much advance notice as possible for the televising of news stories. Scheduling of news conferences and the like should be made well in advance but typically a one-day notice is usually always plenty of time to schedule other more critical news events. The optimum time for soliciting coverage is early Monday morning because the stations often start their week with light

Individual television crews are scheduled daily at 7 a.m. If you are trying to arrange an interview or filming sequence try to call early before the crews have already been scheduled for that day. If you are late, sometimes a backup crew remains behind to cover late-breaking news events. If there is no backup crew and the news story is important enough, an already scheduled crew will be reassigned to cover it.

Ordinarily, stories for the noon news are shot in the morning or the night before. Evening and nighttime program stories are shot that same day. Most television stations prefer to shoot stories before 2 p.m. to enable them to process the film and edit the story for the evening news. When videotape is used instead of film, this time can be reduced slightly because tape does not need to be developed.

Keep in mind that news editors like to be creative and dread boring uneventful news stories. If you are creating a story or release for television coverage, it helps the news editor if you can provide visual aids to add to the liveliness of the story. Graphs, charts, photographs, or evidence displays will always create a more interesting story.

While most stories will be filmed or taped, use of live camera technique is increasing. Live camera permits no retakes or edited statements. The departmental spokesperson necessarily must be prepared to deliver his or her remarks correctly the first time. Many stations are adding aircraft as coverage tools, meaning live camera will more frequently be on the scene of disasters, crimes, and other news stories.

Departments are wise to recognize the likelihood that TV interviews will become more frequent, and take steps to prepare those personnel who will be handling such interviews. Particular care must be exercised in interviews because of the possibility that details will be revealed which can jeopardize the case. Live, on-scene interviews are even more delicate because details usually are confused and solid facts are not yet available.

Providing an interview for television is perhaps the most difficult assignment for the police spokesperson, whether it be department head or media relations officer. A print interview involves give and take; a TV interview very often involves but one opportunity to express a position. It is wise to practice TV interviews to familiarize spokespersons with the process.

Television crews are most always on standby to catch the news as it occurs. They are made available because news programs rely heavily on action film coverage. Therefore, the mechanism created to notify the news media of newsworthy incidents (Code 20) is of particular importance.

#### Radio

Many radio stations now offer news 24 hours per day, thus their deadlines tend to be "right now." Most news oriented stations concentrate news in the 6 to 9 a.m. period and the afternoon commute period, and will seek updates immediately before these major periods of news concentration. It is wise to learn the pattern of news acquisition preferred by your local stations. Radio has developed the technique of making recorded interviews by phone, and thus may seek information or an interview at any time of the day (and often after hours). The media relations officer should be fully aware of the need to be responsive, and should also consider the possibilities of feeding information into the radio news system when necessary. It provides, for example, an excellent means of distributing emergency information instantaneously, when necessary.

Radio rarely goes into long detail. A knowledge of the main facts of a story usually will suffice to provide a meaningful interview. Radio interviews are less intimidating than TV interviews, but some practice is advisable nonetheless.

#### **News Media Guidelines**

Be accurate and thorough when releasing information

The news media deal in facts and oftentimes repeat exactly what you have told them. Accurate details like the correct spelling of names and addresses are extremely important.

#### Learn specific deadlines

Knowing what the media's deadline requirements are is extremely important in presenting current information. It is also helpful to the media relations officer when attempting to generate publicity for specific events.

#### Answer all questions

Some questions may seem trivial and unnecessary but the reporter has a good reason for asking them. Provide the reporter with a factual straightforward answer as soon as possible. To fail to provide the media with information may result not only in bad relations with the reporter but could create an unfavorable story. Follow this simple rule: Get the answer fast, get it right, and get it to the reporter who asked the question.

#### Unreleasable information

Some questions may be confidential or violate established agency policy. If a question cannot be answered at all the reporter should be told why. If it violates agency policy, this should be explained to the reporter and when possible, provide the reporter with a copy of the policy. Generally, a truthful straightforward explanation of why information cannot be released will be accepted.

#### Unknown information

If a quick explanation cannot be provided the reporter should be given an explanation for the delay and be told approximately when the information will be available. If the answer is not known, the reporter should be told simply that the exact information is unknown and it will be necessary to obtain an answer. This must be done at the earliest opportunity, and the answer provided to the reporter.

#### Exclusive stories

Frequently when a reporter asks a particular question or group of questions, he or she is "enterprising" a story on his or her own initiative for the exclusive use of the reporter's employer. The department should never volunteer the same information to competing media or issue a release on the same material until the reporter has used the story.

In the event a second reporter initiates basically the same inquiry, while the questions must be answered, the second reporter must be told that the information has already been given to someone else (who should not be identified) and cannot be considered to be exclusive. Then the first reporter must be advised of the circumstances of the second inquiry.

#### News releases

Occasionally a reporter will learn of a story being developed by the department or agency for release at a later date. In this event, it is proper to advise the reporter that the information is being obtained and approximately when it will be ready for release to all media on an equal basis. When the release is ready, the releaser should be absolutely certain that the reporter who inquired gets it and that no other news agency receives it first.

#### Play fair

A media relations officer who plays one news agency against another or shows favoritism is asking for real trouble. On the other hand, if the officer deals fairly with all reporters from all media, the results will be beneficial.

#### Cover ups

Once in awhile things go wrong, and news tends to put the department in a bad light. Such situations should never be covered up, because this only makes matters worse. Hard as it may seem, it is best to volunteer information when things have gone wrong. The media cannot be expected to cooperate with the department if the department does not cooperate with them. Failure to release information on an unfavorable development will be interpreted as lack of integrity. Voluntarily providing the facts offers an opportunity to include any favorable or extenuating factors, and it ensures that no reporter covers the story as an exclusive. This is important because media tend to give more prominent play to an exclusive story than a general release. In addition, all the facts should be released at once so the unfavorable publicity is covered in just one day and not extended over several days by the disclosure of additional facts.

#### Do's and Don't's of Good Media Relations

Do's

Be friendly, polite and even tempered.

Be helpful. Only by meeting the needs of news outlets can you get their help in meeting yours.

Be accurate. Every name, fact and figure should be right. Be prompt. Nothing is "deader" than old news. Nothing is ruder than deliberate delay.

Be frank. You may not be able to tell everything you know. If that's the case, say so.

Be thorough. Make sure to include every significant fact.

Be patient. Good relationships take time and persever-

#### Don't's

Don't lie. Not ever, under any conditions.

Don't bluster, threaten or demand.

Don't lose your temper.

Don't exaggerate the importance of your news.

Don't deliver opinions that aren't relevant to the facts, or only make you out to be self-important.

Don't see a plot against the department if a story gets less than you think it's worth, or doesn't reproduce the facts you gave to the paper.

Don't blame a reporter for his paper's policies.

Don't be self-important.

Don't expect miracles.

Don't give up!

#### **Media credentials**

The Supreme Court on numerous occasions has held that a reporter has no greater right to criminal justice information that the public generally. However, in Los Angeles Free Press, Inc. v. City of Los Angeles (9 C.A. 2d 448 [1970]), the court held that law enforcement agencies, through the issuance of press identification cards, may determine which members of the media are to be allowed access to crime or disaster scenes. Granting priority to members of the media who regularly reported law enforcement and fire news was viewed as a reasonable classification under the equal protection clause of the Fourteenth Amendment.

The 1970 appellate court Free Press decision would seem, however, to be of dubious authority today in light of more recent decisions. Rejecting a newspaper's application for a press pass because its coverage of law enforcement is occasional and political might be perceived as unacceptably content sensitive.

Many departments throughout the country issue special credentials to members of the media as an identification mechanism. It is to be understood, however, that the card confers no special privileges or authority; it merely identifies the bearer as a bona fide representative of an established medium. If cards are to be issued, several guidelines are recommended:

- 1. Cards should be issued only to bona fide news gathering personnel (reporters, editors, photographers, camerapersons, soundpersons) employed by accredited media. Accreditation usually is based on such criteria as breadth and types of coverage. Publications which deal in single subjects (beauty care, gardening, etc.) ordinarily would not qualify for credentials, nor would any medium which did not include law enforcement news within its coverage.
- Clearance of personnel varies from complete criminal background and fingerprint checks, to reliance on media stipulations of duties performed by persons for whom cards are requested. At minimum, the cardholder usually is requested to provide a photograph and/or personal description for inclusion on the card.
- 3. Media cards should be issued for specified periods, usually one, two, or three years. Relative frequency of renewals helps purge persons no longer employed as media representatives.
- Because freelance reporters and photographers do not represent a specific medium, some other form of verification as to status usually should be required. Letters from media which use materials produced by a freelancer, or such other evidence of bona fide news coverage as the law enforcement agency feels acceptable, are common requirements.
- 5. Credentials remain the property of the department, and holders should be instructed that upon terminations of their employment, the card must be surrendered. The department may revoke the card for cause: Criminal conduct, fraudulent representation, or such other abuses as the department defines.
- 6. Some agencies issue a student media card (so

- identified by imprint) to authorized representatives of college media. Ordinarily, such cards expire with the end of the school term.
- 7. Issuance of media cards should not bar acceptance of another law enforcement agency's card as acceptable identification of a legitimate newsperson.
- 8. Requests for cards should be formalized to the extent that media are required to submit names in a stan-dardized manner, over the signature of a responsible official. The departmental media relations officer should be the recipient of requests, and arbiter of any disputes regarding issuance, revocation, etc.

## 5 Media Relations Officer

#### Introduction

A law enforcement agency should designate an officer or unit to maintain regular liaison with the media. In small agencies this task may be handled by the agency head. Medium- and large-sized agencies may designate a staff officer or employ a civilian public information director as news media relations officer. In any case, given the sensitive and vital nature of the task, the individual charged with the responsibility should be a member of the personal staff of the departmental director.

Access to the director is essential to assure that the media relations officer is privy to all policy decisions and can speak for the director, as occasion dictates. Although the department recognizes the need for a media relations officer by establishment of the position, this does not imply that other department members are prohibited from dealing with media. Rather, all members are authorized, whenever feasible or warranted, to disseminate information to the media on request.

#### Selection

There are many factors to consider prior to the selection of a media relations officer. This person should be highly motivated, articulate, outgoing, and self-assured. Whether the person chosen is a man or a woman the news media relations officer should be thoroughly knowledgeable concerning departmental policies and procedures, be professional in bearing and demeanor, and be capable of dealing with stressful pressure situations.

Additional qualities to look for are the ability to write for public consumption, have a knowledge of media requirements, and be able to speak comfortably before a group. Also, since public speaking is such a major part of the job, the media relations officer should be encouraged to participate in a Toastmasters Club or similar learning organization.

#### **Duties and Establishment of Procedures**

In general, the most important function of the media relations officer is to maintain open communications with the news media. Specifically, however, the media relations officer must provide clear-cut procedures for exactly how this information is made available. There are several major procedural areas which must be developed and maintained properly. These are:

1. Code 20. A procedure must be established to provide for notification of all news media agencies immediately whenever a major incident occurs. "Code 20" is the trigger for notifying the agencies of such newsworthy events as disasters, riots, accidents, and major crimes. Normally, the media relations officer will be directly involved in Code 20 situations and will frequently report to the scene to establish a media command post. It is important that methods of handling these types of incidents be established before they occur to prevent confusion and misinformation from circulating. Field officers through occasional briefings should also be trained in Code 20 procedures in advance.

The actual media notification process could be handled in several ways. The most reliable and efficient system to date is the establishment of a News Media Hot Line. This Hot Line is a one-way telephone system connecting a law enforcement agency with all the subscribing news agencies. The cost of this system is shared by the news agencies and provides for instant and simultaneous notification of the subscribing news agencies.

In actual practice, the media relations officer, dispatcher, or authorized officer picks up the Hot Line Phone and makes a verbal statement alerting the news agencies of a Code 20 situation and hangs up. On the other end are speakers broadcasting into the news room or being recorded by a telephone answering device. This system guarantees that every one gets the same information at the same time. Further information on this system can be obtained by contacting the telephone company.

The other method of notification is through a telephone answering service. News media agencies using this method hire a 24-hour answering service. The law enforcement agency calls this answering service with a code 20 message. The answering service responds by calling all of the subscribing agencies and relays the message. In any case, no matter which method is used there should be clear-cut rules and procedures established to identify who shall alert the media and under what circumstances they are alerted.

2. Major Incidents. Occasionally, a spectacular incident will attract the attention of all the local news media agencies plus the agencies outside the immediate vicinity. Procedures should be established to meet and control this kind of situation. Such procedures may include reporting to the scene to create media liaison, establishing a media command post, arranging press conferences, etc.

Often numerous requests coming in by telephone will require the media relations officer to work in the office to handle the news media while at the same time setting up close liaison with personnel at the scene to maintain a flow of current information. If the media relations officer is required to work at the scene of the incident, arrangements should be made for supplemental media liaison at the office to answer telephone inquiries.

In the case of major ongoing stories, a media relations officer will also receive multiple inquiries from various media agencies. Occasionally, this produces a situation where the media relations officer's response to a question reveals a fact that had not been disclosed to any other medium before. Opinions vary to the law enforcement agency's responsibility to call the other media agencies and advise them of this information. It is, however, important that the agency be aware of the possible problems which can arise and to deal with this situation.

3. General Procedures and Duties. Procedures should be developed for fulfilling media requests for information from the field or at the office after normal business hours. These would be times when the media relations officer is either not required to respond to the field incident or is unavailable. Departmental employees should be trained so that at any time a particular officer in charge will be able to provide expeditious and factual information to the news media. It is also important during these media contacts that the responding officers know what information is releasable and what is not.

In general, a media relations officer must prepare to interact with the news media on any issue and be able to answer questions promptly and courteously. If immediate answers cannot be supplied, the media relations officer must know where to go to find the answers. It is

also beneficial if the media relations officer can research and prepare news releases on any departmental programs which will reflect favorably on the department when

Finally, the media relations officer should work to better the rapport between departmental employees and new media representatives, particularly those who normally have occasion to respond to media inquiries. Good news media relations will make everyone's job easier. To achieve this, however, will require clear cut departmental procedures, training, and hard work.

#### Summary

- 1. Selection of a media relations officer:
  - In small agencies, it would be the agency head.
  - · Larger agencies should employ a staff officer or hire a civilian public information expert.
  - · Free access to the department head is a must.
- 2. Qualities:
  - · Highly motivated and outgoing.
  - · Articulate and self-assured.
  - · Knowledgeable in department policies and procedures.
  - · Professional bearing and demeanor.
  - · Capable of handling stress and pressure.
  - Ability to write for public consumption.
  - · Knowledge of media requirements.
  - Ability to identify newsworthy requirements.
  - Possess public speaking skills.
  - Well-groomed and neat in appearance.

#### 3. Duties:

- Establish a notification procedure, Code 20.
- Create procedures for information flow during major
- · Create procedures for providing information on major ongoing stories.
- Develop and distribute a field media policy.
- Train officers on news media policies.
- · Establish and maintain favorable law enforcementmedia relations.

## 6 News Interviews

#### Introduction

Meet the press?... who me? It could happen. On any given day you might be asked to meet with a media representative. This chapter includes several guidelines that will help you handle the assignment with the same professionalism you bring to your regular duties.

It is generally contended by the news media that public agencies do not tell their story well. Perhaps the most common complaint of journalism about law enforcement agencies is that the decision makers stand aloof from the media. Shielded by secretaries, staff officers, sergeants and lieutenants - so the impression goes - the decision makers insulate themselves from the media. When they do lower the drawbridges - so the criticism goes - they often do so for self-serving purposes and when they do, they generally don't know how to talk with journalists and lack understanding of the role, process and problems of the media.

For law enforcement agencies, the answer to this criticism is a policy of accessibility and responsiveness - a willingness to deal with media and to provide answers to the maximum extent possible.

On a given day in a given situation, any member of a law enforcement agency may be asked to talk with a media representative. The request may come directly from the media, or from the media relations officer. How do you prepare for this meeting and what are some things you should consider? Whether the interview will amount to a few questions on the telephone or a long, face-to-face discussion, you should be aware of the fundamentals- including your department's rules, the media's rules and the do's and don'ts of the interview itself.

The don't's usually are spelled out within the law (covered in "The Law" section of this manual) or departmental policy. The latter ordinarily will instruct personnel not to indulge in personalities, discuss matters of a political nature, divulge confidential information, or offer opinions on matters of policy. Most other information not affected by these guidelines is open for discussion.

The rules of the media in an open society cannot be concisely stated. In the U.S., they involve attitudes and processes of news selection, gathering, and publication, which push to the outer limits of free speech, as guaranteed by the First Amendment. Healthy debate is going on today within the profession concerning the roles and rules of journalism.

However, the rules by which ethical journalists live professionally are suggested in a statement of their goal: They want to be the first to tell you accurately, briefly, and responsibly (in print or on the air) everything they think you want or need to know. They want to tell you, for example, about new developments in the areas of your interests professional, political, recreational, community, or personal.

That means they competitively seek the "truth," which is comprised of a collection of hard facts, thoughtful speculation (both theirs and yours), clarifying background information, and informed opinion. They seek these ingredients in as free a marketplace as possible, from informed sources they like to be able to name but will protect if the marketplace is not so free.

Narrowing down to the field of law enforcement, journalists want to be the first tell the public (you) factually and reliably what law enforcement people are doing or thinking. Most officers do well in interviews - better than they usually think they will. After all, you probably are a good source or the reporter wouldn't be interviewing you. However, you'll feel more confident if you are aware of some

#### **Guidelines for a News Interview**

Attitude

Decide what your attitude is in relation to the news media both generally and specifically. Be aware of and compensate for negative biases because they have a way of showing up in print and being reflected on television.

Never lecture newspeople about what you think their professional responsibilities and shortcomings are. Talk with journalists as equals, neither taking nor handing out any "guff."

#### Be Mentally Accessible

Welcome media inquiries. Newspeople are of a special and sensitive sort. Avoiding (or appearing to avoid) them arouses their negative instincts, just as it would yours. Don't pass negative judgment on the newsworthiness of the subject of the inquiry. Journalists have survived by deciding what's news, when it's news.

#### Anticipate Sensitive Situations

Appropriate personnel should be aware of delicate or unfavorable circumstances or events as they develop. Avoid waiting until they attract media attention. Having to play catch-up or patch-up places your department at a disadvantage in telling its side of the story. If a sensitive story does break and you're taken by surprise, be a little wary. Do not disclose vital information to reporters before you realize you have done so. Haste is a problems in these situations. If time can be gained without having it appear as a cover-up, then your facts and position can be properly portrayed later.

#### Understand News Media Needs

Read the chapter in this manual on media requirements. Since interviews are most often conducted by the broadcast media try to become expert at knowing what films well or sounds interesting over the radio. Remember, television reporters need visual aids to give extra life to a story. Also, before you are taped, take a moment to think of what to say and don't read off a prepared script.

#### Do Your Homework

Review disclosable facts and figures, and get briefed, if necessary, on matters likely to be discussed. Don't ask for written questions in advance. Some reporters may volunteer questions in advance, but most will only indicate, in general terms, what they want to ask; spontaneity is usually vital to a good interview.

#### Collect Your Thoughts

Allow a few minutes in your schedule just before every interview. Use this time to clear your mind. Resolve to avoid using clichés and repetition. Remind yourself what areas of the subject are sensitive. If you wouldn't like to see a statement in print or hear it on the air, resolve to avoid saying

#### Off the Record

Avoid going "off the record" unless absolutely necessary. Reporters need publishable material. If it's necessary, ask to go "off the record" before making your statement. If you can't answer on the record, mention why you can't. Never wait until after the interview to try to place parts of the interview off limits.

#### Understand Adversary Role

Understand the adversary role of representatives of the news media. They see themselves as guardians of the public interest as opposed to special interests. Expect some tough, provocative and skeptical questions. How you respond to these is likely to determine the success of the interview. If part of a questions seems to be an insinuation, deal first with the insinuation in a casual way and then go on with the answer to the question. Avoid being uptight or defensive. If a question is loaded, just say there's no way you could win by answering it and let it go (the reporter will know it's loaded). Remember that journalists aren't cheerleaders for your department, they usually feel the department is big enough to take care of itself.

#### Be Candid and Credible

Never knowingly make misleading or deceptive statements. Acknowledge mistakes and problems, and tell what's being done to correct or solve them. Avoid trying to hold an untenable position or put a false veneer on an embarrassing situation. Admit self-serving statements or puff assertions you can't substantiate objectively.

If an inquiry involves policy, or a sensitive issue, or you don't know the answer, tell the reporter you'll check and get right back or have someone else get back to him. Then you follow through and make sure it is completed.

#### Respect a Reporter's Duty

Never take a friendly reporter for granted. Also don't ask for special favors from reporters who are personal friends. Respect their professional integrity and impartiality and don't expect editorial favors. Keep in mind that some reporters who purr the loudest bite the hardest.

Always conduct yourself so as to keep your department's lines of communication open with reporters and with the news media. Remember that reporters and publications respond to different situations and may cast themselves as an obnoxious adversary in one news situation and as a helpful friend in the next.

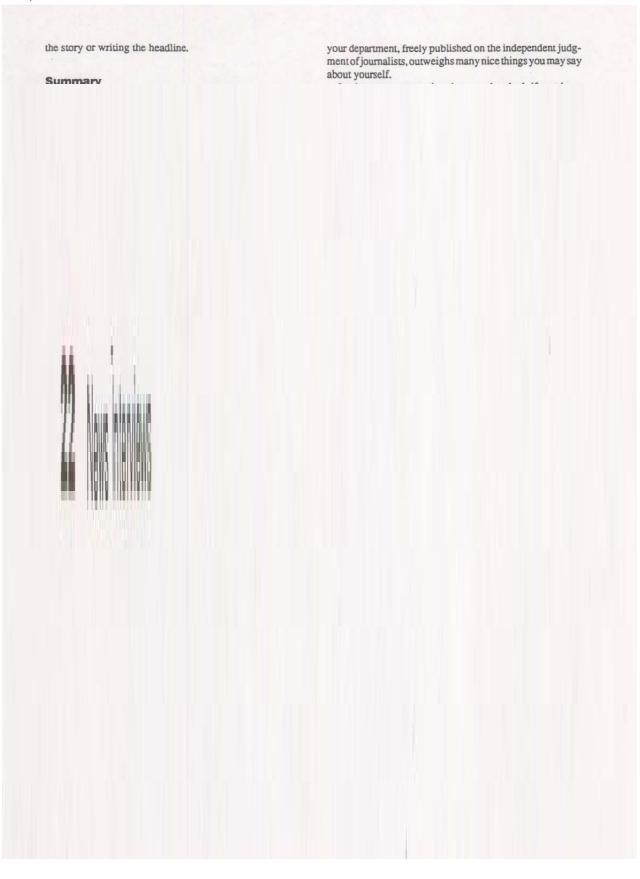
#### Avoid Bothersome Requests

After the interview, don't ask to see or edit the reporter's copy. They and their editors are jealous of the prerogatives under the right of free speech and freedom of the press (even to be incorrect). Deadline pressures also usually preclude such procedures. Avoid asking reporters what they're going to write. Offer to be available for clarifications or confirmation of facts, but don't show apprehensiveness or distrust. Don't call them afterwards with undue second thoughts.

Also, avoid asking or bothering reporters to send copies of the paper when your story appears. Detail yourself to buy the paper and watch for it. Avoid asking why your interview hasn't yet appeared. When it does, don't be disappointed if it's been boiled down to a single reference or two in a roundup story.

#### Errors

Promptly correct published mistakes, misleading statements or serious misinterpretations. Do so well before the deadline for the publication's next edition. If material errors or misinterpretations aren't corrected or challenged without delay, they gain credence and may even have other ramifications for your department. However, avoid overreacting or being overly sensitive. "I was misquoted," is an overworked complaint to newspeople. Be a little philosophical about slight distortions or questionable semantics. Remember that the reporter wasn't responsible for editing



## 7 News Releases

#### Introduction

Spontaneous events, major disasters, accidents and criminal incidents generally do not lend themselves to written releases. Events move so quickly that the media relations officer or departmental spokesperson usually will be able to respond and nothing more. However, when the department seeks to publicize an event, process, internal achievement, etc., a news release provides the best avenue to advise the public through the media.

Through the preparation of written news releases, the department's views and interpretation of a news event can sometimes be presented along with the facts. Often the news media will publish or broadcast the information from a professional news release exactly as it is written. Because of this it is important to write news releases in a manner that is standard in the news industry. To help identify what is standard, guidelines will be presented in this chapter to aid in the preparation of a professional news release.

#### Format

The release must be dated, contain the name of the department and provide the name, address, and phone number of the person responsible (media relations officer or commanding officer). At least two inches of space between the heading and the first line of the release should be blank. The news release should be typed, double-spaced, on one side of the paper only, with ample margins. Hyphenating words at the end of lines should be avoided. The release should be brief, but if more than one sheet is required, the word "more" or "continued" should be typed at the bottom of the first page. The second page should be identified with the first page in case they become separated. The end of the release must be clearly indicated by "-30-" or "#" or "(end)" centered below the last line.

#### Content

There are several elements that must be kept in mind while writing a news release. The first of these is the "lead." The lead is found in the first paragraph and it contains the most important fact of the news release. The balance of the content following the lead provides the answers to the fundamental questions of: who, what, when, where, and as appropriate, why and how.

Also, while writing remember that the language should be basic. Sentences should be short and direct with no more than eight lines to a paragraph. The facts must be accurate, all spelling correct, and the release must be as brief as possible while still including all of the essential facts.

One of those essential facts which is often omitted is the source of the information. The source, usually the commander or department head should always be stated in each release. Also, if another organization assisted in some way mention their organizational unit's name.

After each news release is written it should be doublechecked before it is distributed. In particular, these questions should be answered: Are the dates correct? Are names spelled correctly? Are ages, addresses, and titles correct? Have any words been inadvertently omitted? Are there misspelled words to be corrected?

#### **News Release Responsibility**

The commander is responsible for every news release issued on his behalf. Therefore, he should review, edit, and approve each release before it is distributed to the media.

#### Distribution

Once a news release has been reviewed and approved, distribution to the news media is all important. Personal delivery is paramount. Reporters receive dozens of releases in the mail daily, with the majority thrown in the trash unopened.

Distribution should be made as soon as the release is ready. The story will lose its value and chance of use if delivery to the media is delayed. Delivery to all media should be made as close as possible to the same time.

After a release has been issued, some reporters will have additional questions. Personal delivery allows for an interchange of information with the reporter. Often, the personal delivery and discussion between the reporter and agency representative enhances the message of the press release and is apparent in the story.

The issuing agency should have a response strategy prepared. Sometimes the department head will handle inquiries; often it will be the public affairs officer. If neither is available, an alternate response process should be established.

Public contact and telephone personnel should be aware of the importance of media inquiries, making sure that

contact with an appropriate response person is provided the media representative. A copy of all releases should be provided these personnel prior to the news media receiving their copies.

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210

(562) 951-4455

Code: HR 2002-13

Date:

April 18, 2002

To:

Presidents

From:

Jackie R. McClain, Vice Chance

Human Resources

Richard West, Executive Vice Chancellor and

Chief Financial Office

Subject:

Compliance with California Commission on Peace Officer Standards on Training (POST) and Control of POST Fund

Training Reimbursements

This policy outlines the minimum training requirements for sworn peace officers and dispatchers as mandated by the California Code of Regulations, POST Administrative Manual, California Penal Code and the California Code of Regulations.

This policy will also establish minimum guidelines for the control of POST training reimbursement funds as mandated by the Statewide Administrative Manual.

#### Compliance with POST Training Requirements

All swom police officers and dispatchers must be provided the minimum training as mandated by POST Section 1005. Each department should establish a department training plan to insure that all sworn officers and dispatchers receive the minimum POST mandated training.

Title 22, Article 2, Section 100016 of the California Code of Regulations states that first aid and CPR training shall be provided to all lifeguards, firefighters and peace officers, unless their duties are primarily clerical or administrative.

The California Penal Code Section 13518 requires that every police officer, except those whose duties are primarily clerical or administrative, shall meet the training standards prescribed by the Emergency Medical Services (EMS) Authority for the administration of first aid and CPR. In addition, satisfactory completion of periodic refresher training or appropriate testing in CPR and other first aid as prescribed by the EMS Authority shall also be required.

Those campuses that have implemented the use of Automated External Defibrillators, shall comply with the California Code of Regulations, Title 22, Division 9, Chapter 1.8, and Sections 100031-10039. Every authorized individual using the defibrillators shall have met the training standards required by the code. Departments should establish policies and procedures for the use of the defibrillators to insure proper maintenance and use of the defibrillators.

#### Control of POST Training Fund Reimbursements

The California Department of Justice through the division of the California Peace Officers Standards on Training (POST) reimburses campus police departments for certain approved types of training pursuant to California Penal code sections 13507 and 13522. Monthly checks are mailed directly to the CSU police departments and campus procedures need to be established to comply with the Statewide Administrative Manual (SAM) to insure the reimbursements are received, prevent misappropriation or loss of the funds.

Campuses should develop a system of accounting that when a sworn or qualifying member of the police department is scheduled and sent to training, that the campus estimate pursuant to POST Administrative Manual (PAM) Section E, the amount of the reimbursement to be received from POST and that the records are reconciled upon receipt of the reimbursement check. Each employee must submit a POST Training Reimbursement Request (TRR) form at the training class. POST reimburses the departments based upon five designated plans as outlined in PAM section E-2. Each campus has the authority to decide how the reimbursement account is set up, and the usage of the training funds pursuant to the campus POST training plan. Each campus must insure compliance with the account agreement as approved by campus authorities.

Pursuant to SAM Section 8023, CSU Police Chiefs shall insure that all checks, money orders, and warrants received for deposit be restrictively endorsed for deposit as soon as practical after receipt, but no later than the end of the working day. There should be a method in place whereby a supervisor can verify that the accurate reimbursement is received; that the appropriate deposit was made and receipts maintained; that the records be maintained to verify a timely deposit and reconciliation.

Pursuant to SAM 20500, CSU Police Chiefs shall insure that a satisfactory system of internal accounting and administrative controls shall include the segregation of duties appropriate for proper safeguarding of assets, liabilities, revenues and expenditures.

#### JRMcC/RW:jj

cc: Vice Presidents, Administration & Finance Vice Presidents, Student Affairs Police Chiefs The California State University
Office of the Chancellor
401 Golden Shore
Long Beach, CA 90802-4210
(562) 951-4411

Date:

January 12, 2001

Code: HR 2001-01

To:

CSU Presidents

From:

Jackie R. McClair

Vice Chancellor Human Resource

Subject:

Uniform Allowances for Management Personnel Plan (MPP) Public Safety Employees

Effective January 1, 2001, the current Uniform Reimbursement Allowance plan for Management Personnel Plan (MPP) Public Safety employees, established as an Accountable Plan per IRS Code, will be replaced by a Non-Accountable Plan.

Public Safety employees within the MPP (Police Chiefs and Lieutenants) shall be responsible for the purchase and maintenance of uniforms required for employment. Employees who wear a uniform shall earn a uniform allowance of \$57.00 per qualifying month of service where the uniform is worn either full-time or part-time. Per Non-Accountable Plan Procedures, employees are not required to supply supporting documentation (i.e., receipts, statements, etc.) to be reimbursed for uniform purchase(s).

The total uniform allowance earned by an employee shall be paid in a lump sum in October of each calendar year. Employees who have been employed on the campus for less than one (1) year shall receive payment/reimbursement on a pro rata basis in October of each calendar year.

Uniform Allowance payments will be subjected to the following withholding allowances per federal and state withholding laws: 28% for Federal, 6% for State, 6.2% for Social Security and 1.45% for Medicare. Uniform allowance payments, however, shall not be reported as compensation towards retirement contributions to the California Public Employees Retirement System (CalPERS).

(over)

#### Distribution:

Executive Vice Chancellor, CFO
Vice Presidents, Academic Affairs
Vice Presidents, Administration
Associate Vice Presidents/Deans, Faculty Affairs
Human Resources Directors
Directors of Public Safety
Budget Officers
Benefits Officers
Payroll Managers
Director, SOSS

HR 2001-01 Page 2

If you have any questions, please contact Pamela Chapin in Human Resources Administration at (562) 951-4414. This letter is also available on the Human Resources Administration's web site at: <a href="http://www.calstate.edu/tier3/HR-Adm/memos.html">http://www.calstate.edu/tier3/HR-Adm/memos.html</a>.

JRM/mh

#### 7.0 PROPERTY DISPOSITION AND SURVEY

When a campus unit determines equipment in its possession has become obsolete or surplus to its needs, the Unit shall submit a completed Property Survey Request to the Property Office. Property disposition may be through one of the following methods. The Unit is responsible for the physical transfer of property to its intended destination.

- 1. Property that is obsolete or no longer serviceable
  - unit may request the item be removed from the active database, but be retained it for parts and salvage. Unit is responsible to insure all non-useable remains are properly recycled or disposed of.
  - Unit may survey the item as junk. Unit is responsible to insure the item is properly recycled or disposed of.
- 2. Property that is serviceable but no longer required for use by campus unit
  - a. Property may be transferred to another campus unit. In this event a Property Relocation Form must be included with the Survey Request showing the new location and bearing a signature from the receiving party.
  - b. Property may be transferred to another state agency. In this event an acceptance letter from the agency must be submitted with the Survey Request.
  - c. Item may be used as trade in against the purchase of new equipment. The Survey Request shall include the purchase order number used to acquire the new equipment, which must show the value obtained for the trade in.
  - d. Item may be delivered to the Swap Shop property re-utilization program. The Property Survey form must accompany the item when it is delivered to the Swap Shop.
  - e. Items that retain sufficient value, but for which there are no interested units on campus may be placed at auction by the Property Office.

The Campus Unit originally assigned responsibility for property retains responsibility and is accountable for property until all required documentation is received and acknowledged in the Property Office.

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#### 8.0 SURVEYS

#### Replacement and Non-Replacement Equipment

The accountable UNIT shall forward a requisition to the Purchasing Department. The requisition will list the state numbers of equipment to be replaced. Purchasing will forward a copy of this requisition to the Property Office which will then prepare a Property Survey Report.

- The <u>Survey Report</u> will be submitted for approval to the University Controller and the University Property Board.
- If the survey is approved, one (1) copy of the report will be attached to the requisition with other documentation and forwarded to the appropriate Buyer.
- When the replacement item is received, accepted, and a State property tag affixed, the disposal
  of the surveyed item will occur.
- All signed disposal slips, original survey, and other pertinent documents shall be forwarded to the Property Office for removal from the Property Office records.

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### 9.0 EQUIPMENT SECURITY, MAINTENANCE, AND UTILIZATION

Units shall take reasonable precautions to adequately safeguard University property. Security measures will vary depending upon the nature and use of the property. Space containing "pilferable" property shall be maintained under lock and key when unoccupied. Items such as typewriters and computer terminals shall be affixed to desks/tables by bolting or security cable to the degree practicable. Also to the degree practicable, small expensive items shall be kept in locked cabinets/desks. Property should not be removed from a UNIT unless it is covered appropriate documentation such as a Transfer Form, Survey Form, or a Property Check-out Form.

All equipment will be properly maintained and receive preventative maintenance as recommended by manufacturers. Maintenance records should be maintained as applicable.

Property that is not utilized should be reported to the University Property Board for redistribution.

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#### 10.0 UNIVERSITY PROPERTY BOARD

The Board is appointed by the President or his designee with the Director of Procurement serving as its Chair. The Manager of Procurement Services provides staff support.

The purpose of the Property Board is to safeguard University property. It has the responsibility of reviewing Property Department, Public Safety, College and Department procedures to approve all surveys of equipment, and has the authority to ascertain responsibility and prescribe follow-up action related to missing property items.

The Property Office maintains the files of the University's Property Board, assists the Chair in the preparation of the agenda and prepares the minutes of each meeting.

When designated by the Chair of the University Property Board, a meeting will be held to consider the items on the agenda. After the meeting adjourns, minutes are prepared, and the Property Office carries out the directives of the Board. Items considered by the Board include:



BAKERSFIELD

July 28, 2000

CHANNEL ISLANDS

CHICO

**MEMORANDUM** 

support organizations.

DOMINGUEZ HILLS

TO:

CSU Presidents

FRESNO

FROM:

Charles B. Reed/

Chancellor

FULLERTON

SUBJECT:

Executive Order No. 753 - Allocation of Costs to Auxiliary

hould by Road

Enterprises

HAYWARD HUMBOLDT

LONG BEACH

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

POMONA

SACRAMENTO

SAN BERNARDINO

SAN DIEGO

SAN FRANCISCO

SAN IOSE

SAN LUIS OBISPO

SAN MARCOS SONOMA

STANISLAUS

The attached Executive Order No. 753 assigns responsibility to the campus chief financial officer to ensure that auxiliary enterprises are charged for allowable direct costs plus an allocable portion of indirect costs associated with facilities, goods, and services provided by the University funded from the General Fund. The chief financial officer is required to document the charges in an annual written cost allocation plan. This revised policy supersedes several existing policies and coded memoranda including BA 83-30 regarding chargeable services to self-

In accordance with the policy of the California State University, the campus president has the responsibility for implementing Executive Orders where applicable and for maintaining the campus repository and index for all Executive Orders.

Should you have any questions regarding this executive order, please contact Mr. Bradley Wells, Assistant Vice Chancellor, Financial Services, phone (562) 951-4540.

CBR:bww

Distribution: Chief Financial Officers

Chancellor's Office Staff

Executive Order No. 753

#### THE CALIFORNIA STATE UNIVERSITY

Office of the Chancellor 401 Golden Shore Long Beach, California 90802-4210

Executive Order No.: 753

Title: Allocation of Costs to Auxiliary Enterprises

Effective Date: July 28, 2000

Supersedes: No prior executive order; Coded Memoranda BA 83-30,

ABS 78-22, ABS 66-60, BP 67-73, BP 78-36, BP 77-62,

BP 63-62, BP 83-36, BP 86-69, BA 84-25.

#### Policy

Auxiliary enterprises shall be charged the allowable direct costs plus an allocable portion of indirect costs associated with facilities, goods, and services provided by the University funded from the General Fund. Costs allocations shall be determined in accordance with a written cost allocation plan approved annually by the campus chief financial officer.

#### Definitions

Auxiliary Enterprises – a program, activity, or fund source used to furnish facilities, goods or services to faculty, staff, or incidentally to the public. An auxiliary enterprise typically charges a fee directly related to, although not necessarily equal to, the cost of the facilities, goods or services. The distinguishing characteristic of an auxiliary enterprise is that it is managed on an essentially self-supporting basis. Examples are faculty, staff, and student housing, food services, college stores, faculty clubs, parking, and student health services. Auxiliary organizations are also considered an auxiliary enterprise.

*Direct costs* – Costs that can be readily assigned to a particular cost objective with a high degree of accuracy.

Indirect costs – Costs that cannot be readily assigned to a particular cost objective without effort disproportionate to the benefits received sometimes described as operation and maintenance of plant costs and general administration and general expenses.

Operation and maintenance of plant – Administration, supervision, operation, maintenance of the institution's physical plant such as janitorial and utility services,

Code: HR 2004-04

Supersedes: HR 2002-24 Policy update provides revised annual report requirements.

### THE CALIFORNIA STATE UNIVERSITY

Office of the Chancellor 401 Golden Shore Long Beach, CA 90802-4210 (562) 951-4411

Date:

February 3, 2004

To:

**CSU Presidents** 

From:

Jackie R. McClain Vice Chancellor

Human Resources

Subject: Crime Statistics Reporting Requirements

California State University (CSU) police departments are required to report numerous crime statistics. Comprehensive consistent reporting to the State of California, Office of the Chancellor, campus administrators and other appropriate agencies is critical. Current key reporting requirements are highlighted below for reference.

State Department of Justice Reports

As recognized California law enforcement agencies, CSU police departments are required to report crimes to the State Department of Justice monthly. The Department of Justice forwards the statistics to the Federal Bureau of Investigation and the statistics are published annually in the U.S. Department of Justice Uniform Crime reports titled "Crime in the U.S."

#### Chancellor's Office Annual Reports

CSU police departments are required to report crime, arrest, and property loss/recovery statistics to the Chancellor's Office annually. These reported statistics are used to compile an annual systemwide report for the CSU Presidents. The systemwide CSU Police Coordinator is responsible for collecting the campus annual crime statistics, tabulating the data and distributing the annual crime statistics report to campus presidents, vice presidents and public affairs managers for public distribution.

The attached CSU Statistical Report must be mailed to the Chancellor's Office to the attention of the Police Coordinator by February of each year.

#### Distribution:

Chancellor **Executive Vice Chancellors** General Counsel Vice Presidents, Academic Affairs Vice Presidents, Administration

Vice Presidents, Student Affairs Associate Vice Presidents/Deans, Faculty Affairs Human Resources Directors Police Chiefs SOSS Director

HR 2004-04 Page 2 of 2

Jeanne Clery Disclosure

The Jeanne Clery Act, Disclosure of Campus Security Policy, and Campus Crime Statistical Act, 20 U.S.C. Section 1092, requires each campus to provide an annual report of campus crime statistics and security measures in a report published and distributed by October 1 of each year. Additionally, the published report must be forwarded to the Chancellor's Office to the attention of the Police Coordinator by October 1st of each year.

If you have any questions about the reporting policy, please contact the CSU Police Coordinator at (562) 951-4418 or (619) 594-6905. This memorandum is also available on the Human Resources Administration's Web site at: <a href="http://www.calstate.edu/HRAdm/memos.shtml">http://www.calstate.edu/HRAdm/memos.shtml</a>.

JRMcC/cr

Attachment

### HR 2004-04 ATTACHMENT

CALIFORNIA ST	ATE UNIVERSITY STATISTICAL REPORT
Campus	
	Calendar Year

## PART I OFFENSES

Violent Crimes (Actuals)	
Homicide	
Rape	
Robbery	
Aggravated Assault	
Property Crimes (Actuals)	
Arson	
Burglary	
Larceny/Theft	
Motor Vehicle Theft	
TOTAL PART I OFFENSES	

### PART II OFFENSES

Simple Assaults (from Return A, 4E)	
Vandalism – 594 PC or appropriate sections	
Weapons: Carrying, Possessing, etc. – 12020(a) PC, 626.10 PC or appropriate sections	
Other Sex Offenses	
Drug Abuse Violation – 11357(a) H&S, 11350 H&S or appropriate sections	
Driving Under Influence – 23152(a) VC	
Liquor Laws – Muni Codes 25662 B&P, 25620 B&P, 25657 B&P, 25658 B&P or appropriate sections	
Drunkenness – 647(f) PC	
Disorderly Conduct – 415 PC, 647(d) PC, 415.5 PC or appropriate sections	
Forgery & Counterfeiting 470 PC, 648 PC or appropriate sections	
Fraud – 537 PC, 532 PC or appropriate sections	
Embezzlement – 503 PC or appropriate sections	
Stolen Property: Buying, Receiving, Possessing - 496 PC or appropriate sections	
All Other Part II Offenses	
TOTAL PART II OFFENSES	

# CALIFORNIA STATE UNIVERSITY STATISTICAL REPORT OTHER OFFENSES

Camp	ous	
	Calendar Year	
Traffic Accidents	On Campus	
	Off Campus	
Property Loss	State	
	Personal	
	Total Property Loss	
Property Recovered	State	
	Personal	
	Total Property Recovered	
Medical Assists	Alcohol and Drug Related	
	Other Medical Assists	
Suicide	Attempts	
	Suicide	
Domestic Violence		
Hate Incidents		
Hate Crimes	Race	
	Gender	
	Religion	
	Sexual Orientation	
	Ethnicity	
	Disability	
Total Crimes (Actuals)	Part I (exclude simple assaults; include arsons)	
	Part II (include simple assaults)	
	Total Crimes	
Adult Arrests/Citations	Part I	
	Part II	
	Misdemeanor Vehicle Code	
	Other Arrests (Local Code/Warrants)	
	Total Adult Arrests	
Juvenile Arrests/Citations	Part I	
	Part II	
	Misdemeanor Vehicle Code	
	Other Arrests (Local Code/Warrants)	
	Total Juvenile Arrests	

### THE CALIFORNIA STATE UNIVERSITY Office of the Chancellor

401 Golden Shore Long Beach, CA 90802-4210 (562) 951-4411

Date:

February 3, 2004

To:

**CSU Presidents** 

Code: HR 2004-03

Supersedes: HR 2002-14

Policy update provides contact information for current systemwide CSU Police Coordinator.

From:

Jackie R. McClain Vice Chancellor Human Resources

Subject: Major Incident Reporting Requirements

In addition to the normal presidential notice to the Chancellor of major incidents, presidents need to ensure their campus police chiefs and/or appropriate staff report as soon as possible all serious and/or fatal injuries and emergency incidents to General Counsel and Risk Management at the Chancellor's Office. Additionally, the systemwide CSU Police Coordinator needs to be notified. The procedure for reporting a Major Incident is

A Major Incident is any incident involving the campus and its students, faculty, or staff which may be newsworthy or potentially sensitive. Major incidents include serious crimes such as homicide, rape, robbery, assault, burglary (involving large sums of money or valuables), arson, bombs, bomb threats where buildings need to be closed, riots, disturbances, embezzlement of funds or misuse of funds, serious or fatal injuries or illnesses or suicides. Major incidents also include disasters or emergencies, such as fire, earthquake, power outage or hazardous materials spill where there is a significant campus impact.

If you have any questions, please contact me or the CSU Police Coordinator at (562) 951-4418 or (619) 594-6905. This memorandum is also available on the Human Resources Administration's Web site at: http://www.calstate.edu/HRAdm/memos.shtml.

JRMcC/cr

Attachment

#### Distribution:

Chancellor **Executive Vice Chancellors** General Counsel Vice Presidents, Academic Affairs Vice Presidents, Administration

Vice Presidents, Student Affairs Associate Vice Presidents/Deans, Faculty Affairs Human Resources Directors Police Chiefs SOSS Director

## The California State University Public Safety Major Incident Report

A "major" incident is any incident involving the campus, students, faculty and/or staff that may be newsworthy or potentially sensitive. Major incidents include crimes such as homicide, rape, robbery, assault, burglary (involving large sums of money or valuables), arson, bombs, bomb threats where buildings need to be closed, riots, disturbances, embezzlement of funds or misuse of funds, serious or fatal injuries or illnesses or suicides. Major incidents also include disasters or emergencies, such as fire, earthquake, power outage or hazardous materials spill.

## Major Incident Reporting Process

- CSU Presidents, or their campus police chiefs (includes public safety directors), are to report all serious and/or fatal injuries and emergency incidents to the offices of General Counsel and Risk Management at the Chancellor's Office.
- ♦ Campus Police Chiefs also are to notify the systemwide CSU Police Coordinator of major incidents, by telephone or email, as appropriate.
- ♦ The CSU Police Coordinator will notify the Vice Chancellor of Human Resources who will in turn inform individuals and/or departments within the Chancellor's Office, as appropriate.
- ♦ As time permits, the Police Chief or designee is to telephone or email the CSU Police Coordinator a report of what occurred, using the attached Report of Major Incident form as a guide. The report may be brief, but should be made at a time when accurate facts have been obtained.
- If the incident is ongoing, telephone or email reports should be provided periodically, as needed.
- The final Report of Major Incident should be in writing and mailed or faxed to:

CSU Police Coordinator – John Carpenter, Chief Office of the Chancellor 401 Golden Shore, 4<sup>th</sup> Floor Long Beach, CA 90802-4210

Phone: (562) 951-4418 / (619) 594-6905 Fax: (562) 951-4890 / (619) 594-6653

Email: carpenter@sdsu.edu

- Police Chiefs will ensure that administrative information is directed as required to the State of California, the Chancellor's Office, campus administrators and other entities, as appropriate.
- ♦ Police Chiefs are responsible for retrieving information and updating data files within the California Law Enforcement Telecommunication System and monitoring and analyzing campus information to ensure compliance with relevant campus and CSU procedures.

## The California State University Public Safety Major Incident Report

To: CSU Police Coordinator	
From:	
Campus	
Incident Details	
Date of Incident://	Time of Incident:
Type of Incident:	
Synopsis:	
Victim Information: ☐ Yes ☐ No	
Name:	☐ Student ☐ Faculty/Staff ☐ Other
Injury: ☐ Yes ☐ No Description:	
Age: Sex: Status-Location:	
Additional Information:	
Suspect Information: ☐ Yes ☐ No	
Name:	☐ Student ☐ Faculty/Staff ☐ Other
Custody: ☐ Yes ☐ No Charges:	
Age: Sex: Status-Location:	
Additional Information:	



## **CHAPTER 1 Administration**

<u>Number</u>	<u>Title</u>
1-1	Organizational and Direction
1-2	Authority and Jurisdiction of the Department
1-3	Implementation of CSU Police Systemwide Guidelines
1-4	Number Not in Use
1-5	Media Relations
1-6	Line Inspections
1-7	Planning and Research/Crime Analysis
1-8	Fiscal Management and Agency Owned Property
1-9	Administrative Reporting
1-10	Emergency and Incident Reporting



NUMBER: 2-1 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Mar. 3, 2006, Apr. 3, 2006, Feb. 11,

SUPERSEDES: A-6 REVIEWED/REVISED:

2009, May 21, 2009, Feb. 3, 2010, Apr. REVIEWED/REVISED: 19, 2010, Mar. 4, 2015, Jan. 12, 2016,

Mar. 18, 2016, Dec. 16, 2019

SUBJECT: INTERNAL AFFAIRS INVESTIGATIONS

I. PURPOSE: A relationship of trust and confidence between members of the department and the community is essential to effective law enforcement. Law enforcement officers must be free to exercise their best judgment and to initiate enforcement action in a responsible, lawful and impartial manner without fear of reprisal. Penal Code Section 832.5 requires that any department that employs peace officers establish a procedure to investigate citizens' complaints against its personnel and make a written description of the procedure available to the public. Every person has a right to file a complaint and all alleged or suspected violations of law, ordinances, department orders and University rules must be investigated.

The University Police Department acknowledges its responsibility to establish a complaint system and disciplinary procedures, which not only will subject the officer to corrective action when there is improper conduct, but also will protect the officer from unwarranted criticism when official duties are properly discharged.

Additionally, it is not the purpose of the citizen complaint process to be utilized for the investigation or adjudication of criminal complaints made against citizens by officers. The issue of guilt or innocence is appropriately addressed by the criminal courts.

### II. POLICY:

- A. It is the policy of this department to provide prompt, just, open and expeditious disposition of complaints/allegations of wrongdoing regarding the conduct of officers and employees of this department. All complaints including anonymous complaints against the department or its employees will be investigated.
- B. The Citizen Complaint Form will be available at the University Police Department website and the department lobby.

### III. DEFINITIONS:

- A. Citizen Comments: Any positive or negative comment received from a citizen.
- B. Complaint: A statement made alleging that a department member (sworn or non-sworn) has

- engaged in an act constituting misconduct. Members of the public and departmental personnel can make complaints.
- C. Complainant: The person who files a complaint with the department alleging the commission of a major violation or infraction by a member or members of the department, and includes any aggrieved party and any person or group who assists in filing the complaint.
- D. Conclusions/Findings: Results of an investigation of any allegation including observations and conclusions of the investigating officer.
- E. Disposition: The status assigned to a case by the Chief following the conclusion of the investigation.
- F. Infraction: A violation of departmental rules and regulations defining transgressions that are not major violations.
- G. Major Violations:
  - 1. Any violation or statutes and ordinances defining criminal activity.
  - 2. The use of unnecessary or excessive force.
  - 3. Abuse of authority.
  - 4. Conduct, which violates a person's civil rights.
  - 5. The use of abusive or insulting language or conduct, which is derogatory of a person's race, religion, lifestyle, or national origin.
- H. Member: Both sworn and civilian employees of the department (includes temporary and part-time positions).
- I. Misconduct: Under these procedures, it is shown by a preponderance of the evidence that a member of the department has;
  - 1. Violated any rule, procedure, or lawful order of the department.
  - 2. Violated any of the provisions of the city/county charter or of any section of State or merit plan rules relating to employee conduct in office.
  - 3. Violated any law, whether codified by city/county statute, state or federal statute, or constitutional provision.
- I. Removal: The termination or a member's employment with the department.
- J. Rules and Regulations: The administrative acts promulgated by the Chief, which are designed to regulate departmental standards of conduct and appearance.
- K. Suspension: The temporary removal of a member from active employment for a definite period of time.
- L. Witness: A person who can produce evidence relevant to an alleged major violation or infraction.

### IV. PROCEDURES:

- A. Classification of Complaints complaints will be classified in one of two ways:
  - 1. Administrative Review
    - a. The review of an incident or violation of department policy to determine what action, if any, is necessary or if a recommendation to the Chief of Police for an

- internal investigation is warranted.
- b. Administrative reviews (AR) are usually initiated internally by department personnel. (Examples include disciplinary measures and reviews that are the purview of Sergeants or a Lieutenant.)
- c. Administrative reviews may also be completed on citizen's complaints for complaints that do not involve allegations of any violation of statutes or ordinances defining criminal activity or any violations of department policy.
- d. Administrative Reviews are documented on a memorandum form.
- e. Administrative Review will be maintained within the Offices of the Chief of Police and given a numerical file number which has AR before the number. For example, AR-2004-01, which would reflect the first administrative review for the calendar year 2004.

## 2. Internal Affairs Investigation

- a. An investigation into an allegation of misconduct initiated by a citizen's complaint or any investigation into an allegation of serious misconduct by an employee of the department.
- b. Internal affairs (IA) investigations will be assigned for investigation by the Chief of Police.
- c. Internal affairs investigations are usually documented on a Citizen's Complaint Form, but may be documented on a memorandum form.
- d. Internal affairs investigations will be maintained within the Offices of the Chief of Police and will be given a numerical file number, which has IA before the number. For example, IA-2004-01, which would reflect the first internal affairs investigation for the calendar year 2004.

## 3. Cases of interest of the Department/University

- a. There are instances wherein this Department/University is advised of situations that do not meet the criteria set forth in paragraphs IV, 1 and 2 above. Instances such as pending litigation for injuries received where no officer misconduct is alleged; other lawsuits against the Department/University; or, other situations of substantial interest to this Department/University are a few examples.
- b. These files will be maintained within the Offices of the Chief of Police and given a numerical litigation file (LF) number, which has LF before the number. For example, LF-2004-01, which would reflect the first litigation case received for the calendar year 2004.

### 4. Citizen comment files

- a. These files will contain comments from citizens regarding recognition of staff; suggestions; or, other items of interest that are not concerning a complaint or litigation matter.
- b. These files will be maintained within the offices of the Chief of Police and given a numerical citizen comment (CC) file number, which has CC before the number. For example, CC-2004-01, which would reflect the first citizen comment

- for the calendar year 2004. Citizen commendations will also be posted on the Commendation Board located in the Squad Room.
- c. Supervisors receiving positive feedback about an employee shall forward information to the appropriate Division Commander via a memorandum.

## B. Receiving Complaint Responsibilities:

- 1. Allegations of misconduct may be received at any time of the day or night and may originate from within or outside the department.
- 2. Complaints shall be accepted from any source, whether made in person, by mail, e-mail or by telephone. Employees receiving complaints shall use the San Francisco State University Police Department Citizen Complaint Form.
  - a. Any employee receiving information alleging misconduct or inadequate service shall not attempt to dissuade the person from making the complaint, even if the employee feels the complaint is of minor importance.
  - b. A request for clarification or explanation of a particular procedure is not a complaint.

## 3. Complaint Origin

- a. If a complainant will not make a written complaint, the department member with whom the complaint was lodged will complete a written summary and forwarded to the appropriate Division Commander via the chain of command.
- b. All anonymous complaints will be investigated.
- c. Third party complaints of serious allegations shall be investigated.
- d. A parent or legal guardian can lodge a complaint on behalf of their juvenile dependent.
- e. Complaints based on hearsay information of employee misconduct, shall be routed to the employee's immediate supervisor for determination if there exists a preponderance of evidence to warrant an investigation.
- 4. Employees receiving complaints should refer the complainant directly to a supervisor who will accept the complaint.
  - a. If a supervisor is not readily available, any officer will take the complaint.
  - b. It is not advisable to request a citizen come back later or telephone when a supervisor will be available.
  - c. Employees receiving complaints will:
    - 1) Screen the complaint to make sure that department personnel are involved;
    - Ascertain if there is validity to the complaint, as opposed to the lack of understanding of agency procedures. Sometimes a complaint may be resolved by a simple explanation of agency procedures.
    - 3) If a complaint involves an alleged infraction on the part of a department employee(s), the Supervisor shall review the complaint and make every possible effort to resolve the allegation at intake, forwarding the complaint and

- his/her findings to the on-duty Lieutenant or Captain.
- 4) If the complaint cannot be resolved at this level, the supervisor will forward the complaint to the on-duty Lieutenant who will review it and forward it to the Chief via the appropriate Operations Division Commander for assignment of investigation.
- 5) In the event of a major violation the Division Commander receiving the complaint shall record all pertinent information and undertake a preliminary investigation of the incident. He/she will take whatever action is appropriate and required given the severity of the situation (arrest, suspension, temporary relief of duty, etc.), and immediately notify the Deputy Chief and the Chief of Police of the nature of the complaint and the action taken.

## C. Investigation Responsibility:

- 1. The responsibility for coordinating the internal affairs function is assigned to the Deputy Chief, who has the authority to report directly to the Chief. The Deputy Chief, at the discretion of the Chief shall assign the rank at which an internal affairs investigation shall be commenced. The Deputy Chief or the Chief of Police shall select the investigator. Only department internal affairs investigators that have taken the POST Internal Affairs Investigations Course shall be assigned to citizen complaint cases. Investigations may be conducted by the Deputy Chief, Division Commanders, Captains, Lieutenants or Sergeants.
- 2. At the discretion of the Chief, an external investigator may be hired for Internal Affairs Investigations if significant public interest to the campus such as allegations of racism, excessive force and racial profiling. The Chief shall select the investigator(s).
  - a. Complaints may be investigated by the Deputy Chief, Division Commanders, Captains, Lieutenants, Sergeants or an assigned Detective.
  - b. Any major violation shall be investigated by the appropriate Division Commander or Deputy Chief. Major violations include:
    - 1) Any violation or statutes and ordinances defining criminal activity.
    - 2) The use of unnecessary or excessive force.
    - 3) Abuse of authority.
    - 4) Conduct, which violates a person's civil rights.
    - 5) The use of abusive or insulting language or conduct, which is derogatory of a person's race, religion, lifestyle, or national origin.
  - c. Types of complaints investigated by line supervisors (Sergeants) shall be infractions: A violation of departmental rules and regulations defining transgressions that are not major violations.
- 3. All complaints received by line personnel shall be forwarded through the duty supervisor to the appropriate Operations Division Commander for review as the Internal Affairs function coordinator.
- 4. The Division Commander receiving the complaint will notify the Chief of Police of

the receipt of the complaint and depending on the seriousness of the complaint, the investigation may be assigned either internally or externally for investigation. Major violations shall be reported to the Chief of Police immediately, followed with a written summary of the allegations within 48 hours.

- 5. Complaints received directly by the Chief may be assigned for investigation at the Chief's discretion.
- 6. At no time will an investigation be assigned to an individual who is either a party in the complaint or a primary witness.

## D. Notifying Parties of a Complaint:

## 1. The Complainant

- a. The complainant will be given a copy of the completed complaint form at the time the complaint is filed. The process/procedure for investigating complaints are attached to the form in the form of flow charts for clarity (Attachment A). A copy of this order will be provided to the complainant upon request.
- b. When appropriate, the assigned investigator will provide periodic status updates to the complainant by telephone and will document such in the investigation ; i.e. extension of investigation.
- c. At the conclusion of the investigation, the Chief of Police (or designee) will provide the complainant with a written complaint disposition.
  - 1) The complainant shall be advised of the disposition within 30 days (Penal Code 832.7) and will include advice that the complaint was thoroughly investigated and the letter must advise of the disposition.
  - 2) The exact nature of discipline should not be included, however a reference may be made to "appropriate" action having been taken in the case of a sustained finding.

## 2. The Accused Department Member(s)

- a. Shall be notified of the complaint as soon as practical and shall either be given a copy of the complaint or a written statement of the allegations.
- b. Shall be advised of their employee rights and responsibilities relative to the investigation. The employee shall be instructed in writing to review General Order 2-1 and Government Code Section 3300 in preparation for the Internal Affairs interview.
- c. Article 9 of the Collective Bargaining Unit will be followed and the complaint will be investigated within 30 days unless an extension is needed due to the complexity.
- d. The Chief of Police may suspend an in-progress investigation if there's pending arbitration between the accused employee and the University due to a worker's compensation claim or similar circumstances.
- e. Confidentiality of all information shall be maintained during the investigative process.
- f. The Peace Officers Bill of Rights Government Code Section 3304(f) requires notification within 30 days of the decision to impose discipline.

3. The Division Commanders will notify the Chief of Police either verbally or in writing of the receipt of any complaints against the agency or its employees.

## E. Employee Rights during an Investigation:

- 1. If the complaint against a department member is both an allegation that the department rules were violated, and an allegation of criminal conduct, the investigation will be bifurcated.
- 2. In a criminal investigation, the officer has a right not to answer questions that would incriminate him or her, and they are entitled to all the rights of any other suspect.
- 3. In an administrative investigation, the officer does not have a right to refuse to answer questions when the questions relate to good order and efficiency of the agency.
- 4. The Public Safety Officer Procedural Bill of Rights Act, Government Code Section 3300(AB301) applies to all administrative investigations into officer misconduct.
- 5. The interview of any department member shall be conducted at a reasonable hour, preferably when the member is on duty, unless the urgency of the investigation dictates otherwise. If such an interview occurs during off-duty hours of the employee being interviewed, the employee shall be compensated for his/her off-duty time.
- 6. The employee shall be permitted to take notes and to bring his/her own recording device and record any and all aspects of the interview.
- 7. Employees shall have the right to be represented by a representative of his/her choice, who may be present at all times during the interview. The representative shall not participate in the interview, except to counsel the employee. The employee may request a postponement of the initial interview to contact a representative of his/her own choice.
- 8. No officer of this department shall be compelled to submit to a polygraph examination. Polygraph examinations and voice stress analysis shall be administered to employees only with their consent and upon approval of the Chief, and then only after it's application to the complainant.
- 9. There shall be no compelled financial disclosure except where pursuant to lawful process, conflict of interest is indicated or special assignment subject to bribes.
- 10. Any disciplined employees have the right to appeal.
- 11. Searches:
  - a. State-owned desks, lockers, storage space, rooms, offices, equipment, work areas and vehicles are the sole property of the State of California, subject to inspection deemed necessary by the Chief of Police or other authority.
  - b. No officer shall have his/her locker or other space for storage that may be assigned to him/her searched except:
    - 1) In his/her presence;
    - 2) With his/her consent;
    - 3) If a valid search warrant has a been obtained; or
    - 4) He/she has been notified that a search will be conducted.
- 12. An employee shall not be required (unless subject to a random test procedure)

to submit to a medical, laboratory, or field sobriety examination unless specifically directed and narrowly related to a particular internal affairs investigation. This includes a blood, breath or urine test for the purposes of determining the presence of a narcotic, drug, or alcohol unless:

- a. The employee exhibits objective symptoms of being under the influence of alcohol, and/or narcotic or drug; or
- b. There is a reasonable and articulated suspicion that the employee ingested or absorbed by the body in any other manner an alcoholic beverage, narcotic, or drug.
- 13. Any telephone call made or received on a department telephone is the business of the Chief of Police and not confidential. Due to the very nature of the complex problems, which face law, enforcement and the need for accuracy in reporting, those using police telephones shall reasonably expect monitoring and/or recording of incoming and outgoing calls.
- 14. Photographs of all employees will be maintained in their department personnel file. With the exception of a criminal prosecution, employees of this department will never be compelled to participate in a line-up. If necessary a photograph of an employee may be taken during the course of an internal affairs investigation.

## F. Investigation Procedures:

- 1. All interviews concerning the investigation should be recorded.
- 2. The complainant and all witnesses will be interviewed.
- 3. It is the responsibility of the assigned investigator to thoroughly investigate the case and submit a completed investigation report as provided under these procedures. All relevant information obtained by the investigator shall be entered in the investigation report.
- 4. The investigation shall not be delayed or suspended because of any concurrent civil or criminal proceeding to which the complainant is a part, unless:
  - a. The complainant requests such a delay, and there is no reason to believe that the alleged conduct of the accused member is of a serious or continuing nature.
  - b. Upon the explicit advice of the University attorney or under the direction of the Chief.
- 5. The investigator assigned to investigate a complaint against an employee(s) shall conduct a thorough, accurate and objective investigation within thirty days. If the investigation cannot, for good cause, be completed within this time period, the investigator may be granted an extension (upon showing of good cause) by the Chief. The extension shall not exceed 7 calendar days, although consecutive extensions may be permitted. Exceptions to the 7-day rule may be granted by the Chief of Police in cases where external investigators have been hired. All requests for extensions will be documented and maintained in the investigative file.
- 6. The investigative report shall be organized into the following four sections:

- a. Complaint This section of the report shall consist of a summary of the complaint as made by the complainant. Each alleged act of misconduct, as set forth in the complaint, shall be itemized. Reference shall be made to those rules, procedures, orders, statutes, or constitutional provisions that would be violated if the allegations are taken as true.
- b. Investigation This section shall consist of a chronological summary of the investigation. Included shall be pertinent facts obtained through interviews with the complainant, accused member(s), and all available witnesses. Summaries of written statements made by the above persons, description and analysis of physical evidence obtained, and all other information relevant to the investigation, shall be included.
- c. Conclusions/Findings The results (conclusion of fact) of the investigation of any allegation including the observations and conclusions of the investigator shall be placed in this section. This shall include one of the dispositions as noted below. Also the reason for the findings in connection with each allegation shall be set forth in this section.
- d. Recommendations This section shall include recommendations for discipline or additional training if any deficiencies were noted in the course of the investigation.
- e. The investigation is deemed completed only when the Chief of Police has accepted the investigative report and has no additional input.
- 7. Each allegation in the complaint will be classified with one of the following dispositions
  - a. Unfounded— When the investigation indicates the act complained of did not occur.
  - b. Exonerated— When the investigation indicates the act occurred but that the act was justified and proper.
  - c. Not Sustained— When the investigation discloses insufficient evidence to clearly prove or disprove the allegations made.
  - d. Sustained— When the investigation discloses that the act complained of did occur and constitutes misconduct or improper job performance.
- 8. Upon receipt of a completed investigation, the Chief of Police shall
  - a. Order further investigation, if necessary.
  - b. Determine if any violation of law, department policy or rules and regulations has occurred, as well determine if additional allegations exist that require further investigation. The Chief is not bound by the findings in the investigation by a subordinate, but may make new and separate findings based on the investigation results.
  - c. Make a decision for disciplinary action or other disposition, based on the findings and the employee's record of service.
  - d. Inform the accused in writing of the results of the investigation and disposition.
  - e. Direct that results and disposition concerning the investigation be preserved in the employee's personnel file.

### 9. Maintenance of IA Records

- a. Investigative reports, writings, and files of every complaint shall be maintained in a separate and secure file in the Offices of the Chief of Police. The Assistant to the Chief of Police is responsible for maintenance of files. These records shall remain confidential.
- b. Every sustained case which has resulted in a counseling form, letter of reprimand, suspension, loss of pay, demotion in rank, or termination shall require a written explanation of the disciplinary action taken along with a summary of the complaint to be placed in the employee's personnel file. This shall become a permanent part of the affected employee's personnel file.
- c. If there are two or more employees involved in a citizen's complaint, individual summaries shall be prepared for each employee regarding his/her involvement and the disposition, then placed in each employee's personnel file. Each employee involved in a citizen's complaint will receive a copy of the summary.
- d. Once completed and filed, only the Chief, Deputy Chief, Division Commanders, Captain or Lieutenants of Operations or Investigations shall have access to an IA record, except where:
  - 1) Access is required by law or court order; or
  - 2) Information contained in the file is relevant to a subsequent investigation or litigation.
- e. All citizen complaints and investigative reports concerning sworn personnel are maintained in a confidential file in the Office of the Chief of Police to protect the rights of complainants, witnesses, and departmental personnel as provided in section 832.7 of the California Penal Code. Citizen complaints and investigative reports concerning sworn personnel are retained for a period of at least five years as provided by section 832.5 of the California Penal Code, except as noted below which will be maintained indefinitely:
  - 1) Records of dismissal for cause.
  - 2) The commission of a chargeable public offense.
  - 3) Pending litigation.

Administrative reviews and other government records must be maintained for a period of two years.

Records that are maintained for exceptional circumstances beyond the five-year retention period are retained in the complaint file for as long as it is in the public interest, or as necessary for public safety. An employee of the department, who was the subject of a citizen complaint and subsequent investigation, is notified when the file(s) are purged or destroyed.

f. The Assistant to the Chief shall complete an annual summary of citizen complaints, which shall include the number and types of complaints filed and dispositions.

## 10. Arrests of Department Members:

- a. When a member of this department is arrested by this department or another jurisdiction, the Chief of Police shall be notified immediately. If the Chief is unavailable, the Deputy Chief of Police in his/her absence, the Watch Commander shall be notified.
- b. The Watch Commander shall proceed to the place of confinement and if the seriousness of the charges warrants, advise the member that he/she is suspended immediately, (with pay) pending further investigation. If suspended, the employee shall be relieved of department property in his/her immediate possession, and such property shall be delivered to the Chief. Steps will be immediately taken to obtain the departmental weapon, badge and identification card of the involved employee, if it is not in his/her possession.
- c. A preliminary investigation shall be conducted immediately and results communicated to the Chief.
- d. If the cause for arrest was serious and justified, a departmental investigation shall be instigated immediately, through the Chief.

## 11. Annual Statistical Summary of Internal Affair Investigations

- a. The Chief of Police or his/her designee shall complete an annual statistical summary based upon the internal affairs records of internal affairs investigations and citizen complaints and shall include the number and types of complaints filed and dispositions.
- b. The annual statistical summary shall be based upon the internal affairs records which is to be made available to the public and agency employees when requested.

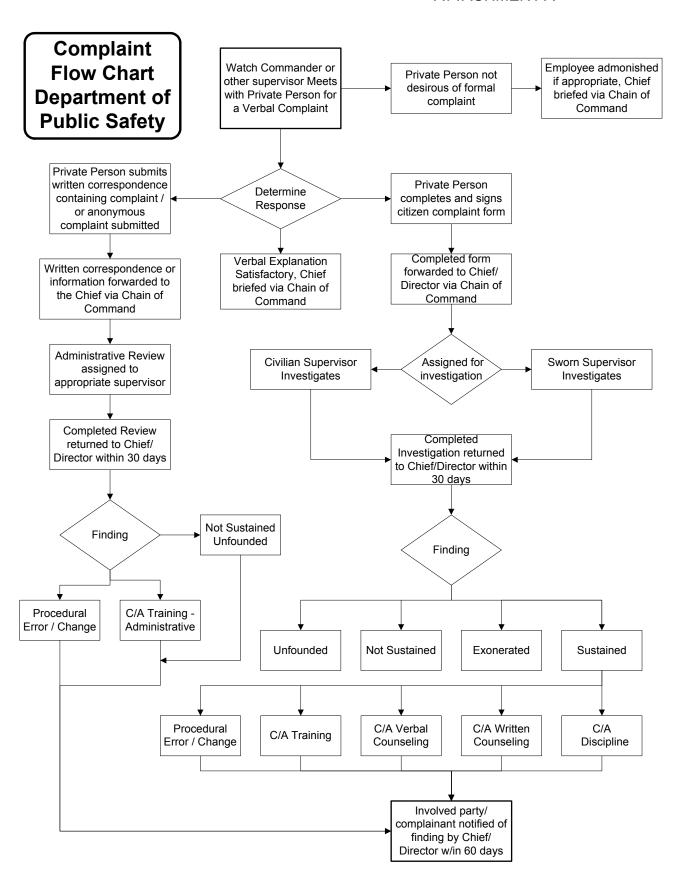
## V. APPENDICES:

- A. Systemwide Guideline Chapter 22- Internal Affairs Complaint and Investigations
- B. CPOA Internal Affairs Manual

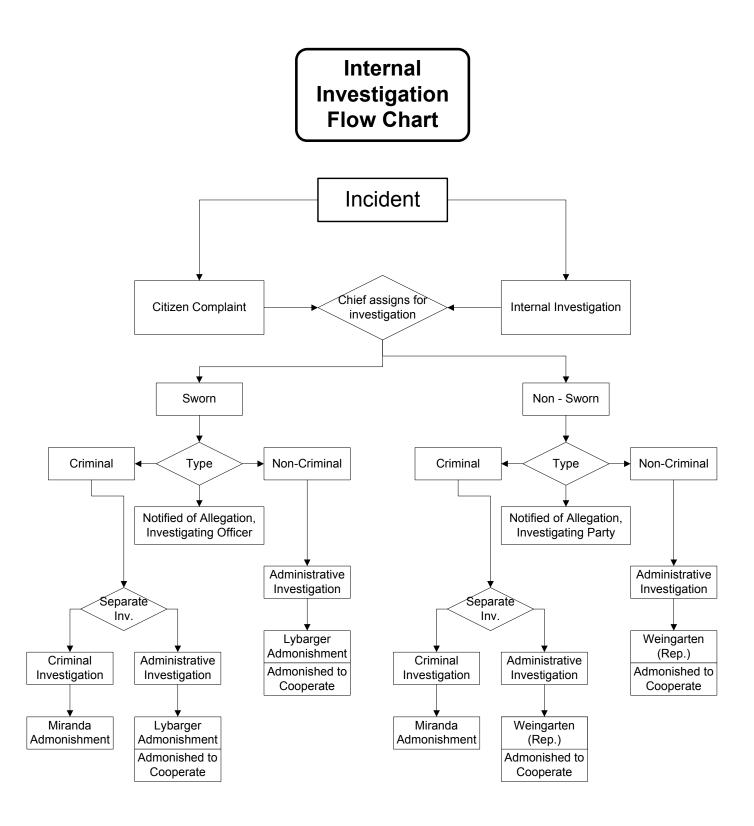
## VI. ATTACHMENTS:

- A. Complaint Process Flow-Chart
- B. Internal Investigation Flow-Chart
- C. Citizen Complaint Form
- D. Miranda Advisement
- E. Lybarger Admonishment
- F. Garrity Admonishment
- G. Internal Affairs Complainant Form
- H. Internal Affairs Notification Letter to Subject
- I. Peace Officer Bill of Rights Notification

## ATTACHMENT A



## ATTACHMENT B



## ATTACHMENT C

# POLICE DEPARTMENT CITIZEN COMPLAINT FORM

## **BUSINESS TELEPHONE** I hereby certify that the above facts are true and correct. I acknowledge that under California Civil Code 47.5, civil action can be brought against me for knowingly filing a false complaint. DATE OF BIRTH DATE OF BIRTH CAR NUMBER SIGNATURE OF PARENT (IF UNDER 18 YEARS OF AGE) RACE TIME BADGE NUMBER DATE OF BIRTH TELEPHONE TELEPHONE TELEPHONE DATE DATE **EXPLAINED** WITNESS NAME (FIRST, MIDDLE, LAST) WITNESS NAME (FIRST, MIDDLE, LAST) ADDRESS (STREET, CITY, STATE,ZIP) ADDRESS (STREET, CITY, STATE, ZIP) ADDRESS (STREET, CITY, STATE, ZIP) POLICY AND PROCEDURE PERSON RECEIVING COMPLAINT SIGNATURE OF COMPLAINANT NAME (FIRST, MIDDLE, LAST) LOCATION OF OCCURRENCE OFFICER INVOLVED (NAME) DESCRIPTION OF EVENTS

## San Francisco State University Police Department



## Complaint Procedure

San Francisco State University Police Department (415) 338-7200

## Reginald Parson Chief of Police

## Complaint Procedure

The University Police Department welcomes valid complaints about the department's service or its personnel. Your constructive comments provide an open channel of communication between the department and the campus community which enables us to maintain the highest standards possible.

This policy exists in order to ensure thorough investigation of all complaints given to the department by members of the campus community.

If your complaint involves an officer, you'll be asked his/her name, badge number and car number. If you don't have this information, just explain what occurred and when it occurred (date, time, and location of the event).

Valid complaints help us to protect the community from possible misconduct. At the same time, a thorough and impartial investigation procedure protects those employees who perform their duties properly.

Reginald Parson, Chief of Police

## Classification of Complaints

Any complaint can be made without giving your name. Understandably, you cannot be informed as to the result of your complaint if you remain anonymous. However, if you make your identity known, you will be advised of the disposition of each complaint.

After a thorough investigation, your complaint will be classified with one of the following dispositions:

- 1. **Unfounded**–When the investigation indicates the act complained of did not occur.
- 2. **Exonerated**—When the investigation indicates the act occurred but that the act was justified, lawful, and proper.
- 3. **Not Sustained**—When the investigation discloses insufficient evidence to clearly prove or disprove the allegations made.
- 4. **Sustained**—When the investigation discloses that the act complained of did occur and constitutes misconduct or improper job performance.

## University Police Department

## Location:

Lot 19 (Parking Lot on North State Drive between Lake Merced Blvd. and Winston Drive)

## Telephone:

Emergency - 24 hours 911

If you are on the main campus and using a cell phone, dial (415) 338-2222 for the University

Police. Business - 24 hours (415) 338-7200

Personnel Complaints (415) 338-7828

## Mailing Address:

San Francisco State University Police Department 1600 Holloway Avenue San Francisco, CA 94132-4045

## Web Site Address:

http://www.sfsu.edu/~upd

## **Email Address:**

upd@sfsu.edu

There are **three** ways you can submit a complaint to the University Police Department:

- You may go directly to the University Police Department and make your complaint.
- 2. By telephone to the Chief of the University Police Department at (415) 338-7828. After discussing the matter with you, you will be sent a citizen complaint form to fill out.

SIGNATURE

3. Mail a letter with your complaint to Reginald Parson, Chief of Police, University Police Department, 1600 Holloway, San Frandisco, CA 94132-4045.

For more information, call (415) 338-7200

0210

## SUMMARY OF COMPLAINT PROCESS

AFTER YOUR COMPLAINT IS FILED, A POLICE DEPARTMENT MEMBER ASSIGNED BY THE CHIEF OF POLICE WILL PROMPTLY GATHER ALL INFORMATION PERTINENT TO EACH ALLEGATION OF MISCONDUCT IN THE COMPLAINT. THE FINAL DISPOSITION ON THE CASE WILL BE MADE BY THE CHIEF OF POLICE. YOU WILL BE NOTIFIED BY LETTER AT THE CONCLUSION OF THE INVESTIGATION. WHEN COMPLAINTS ARE FOUND TO BE SUSTAINED, THE CHIEF OF POLICE SHALL DETERMINE AND ADMINISTER APPROPRIATE CORRECTIVE ACTION.

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A PEACE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE THE RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS MUST BE RETAINED FOR AT LEAST FIVE YEARS.

I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT.

PHONE COMPLAINT
THE ABOVE STATEMENT (IN BOLD) WAS READ TO COMPLAINANT.

PERSON RECEIVING COMPLAINT

## ATTACHMENT D



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



## **MIRANDA WAIVER**

- 1. You have the right to remain silent.
- 2. Anything you say may be used against you in court.
- 3. You have the right to an attorney before and during questioning.
- 4. If you cannot afford an attorney, one will be appointed for you before questioning, if you wish.

Do you understand each of these rights that I have explain	ed to you?
Response	
Having your rights in mind do you wish to answer any ques	stions?
Response	
I have read and received a copy of the above adviseme	ent.
Employee Signature	Date
Witnessing Supervisor	 Date

## ATTACHMENT E



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## LYBARGER WARNING

(ONLY if Miranda is not waived.)

- Once the Miranda rights have been given, the "LYBARGER" admonsihment is applied and the employee must be informed of the following:
  - 1. While you have the right to remain silent with regard to any criminal investigation, you **do not** have the right to refuse to answer my administrative questions.
  - 2. This is an administrative investigation, I am, therefore, now **ordering** you to discuss this matter with me.
  - 3. If you refuse to discuss this matter, your silence can be deemed in subordination and result in administrative discipline, up to and including termination.
  - 4. Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding.

Employee Signature	Date
Witnessing Supervisor	Date

I have read and received a copy of the above advisement.

## ATTACHMENT F



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## **Garrity Admonishment**

(To be given after the Miranda and Lybarger admonishments)

1. You are advised that any statements that you make, under the compulsion of the threat of discipline or termination, cannot be used in any subsequent criminal proceedings.

I have read and received a copy of the above advisement.			
Employee Signature	Date		
Witnessing Supervisor	Date		

## Attachment G



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## **September 27, 2002**

Mr. John Doe 123 Frisco Street San Francisco, CA. 94132

Dear Mr. Doe,
This letter is to inform you that the San Francisco State University Police Department has reviewed you complaint against Officer
I wish to assure you that your complaint was thoroughly investigated. I personally make the final decision in all matters of this nature. Please be advised that your allegations against Officer can/cannot be sustained. I am not at liberty to discuss any details of the investigation with anyone due to the California Penal Code and the California Attorney General's opinion. The related sections are 832.5, 832.7, 832.8 and of the California Penal code and 1043 and 1046 of the California Evidence Code.
If you have any further questions, contact my office at (415)338-2747 during regular business hours.
Sincerely,

## Attachment H



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## Memorandum

TO:		Date	e:
FRC	DM:		
SUE	BJECT: Notification of	al Affairs Investigation	
cond		o notify you that an internal affairs investig aint that has been received alleging violat	
Spec	cifically alleged is	<u>.</u> .	
	complaint was made by olainant or any witnesses	You are hereby ordered not to ase.	contact the
	nally be complete with thi	assigned to conduct this investigation. The date of the memorandum unless you please refer them to me.	
	se review General Order s interview.	Government Section Code 3300 in prepa	ration for the internal
	re read and received a co connel file.	s notification. I understand that a copy wi	ll be forwarded to my
Sign	ed	Date	-
Witn	essing Supervisor	Date	-
cc:	Personnel file I.A. File		

SFSU PD 02-09

## Attachment I



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## PEACE OFFICER BILL of RIGHTS NOTIFICATION

"The date of this interview is	The location is the	room or Division. "The time is"
"This investigation is under the direction	and command of	."
"Present in the room is	."	
"This interview is being conducted beca erence to personnel complaint #	use (list in which complainant	violations here, if desired)," or "This interview is in ref- alleges
all your answers are to be truthful, know	ringly making false or misleading sta	nnswer all questions asked of you completely, and that atements during this interview will be considered a on. Do you understand this admonishment?"
"At this time, I'll advise you of your rights	s as per AB 301."	
A. "You have the right to have a represe "AND YOU HAVE CHOSEN  1. An attorney. 2. An association member, or 3. Anyone else not connected with this		ng this interview:
B. "You have the right to make your ow	n tape recording of this interview.	
C. "You will have access to the departm any further interrogation at a subsequence."		w if further proceedings are contemplated or prior to
D. "After the interview you are entitled to deemed confidential."	o a transcribed copy, of any notes, o	r to any reports or complaints, except those that are
E. "You will be questioned by no more t	han two interrogators at one time du	uring the course of this interview."
F. "If this interrogation is occuring during procedures and you wil not be release		pensated in accordance with regualr department issed."
G. "This interview session will be for a reto your own personal physical necession."		all the circumstances and you will be allowed to attend
H. "Do you understand these rights?"		
	result in administrative discipline up	of you in a truthful and accurate manner, failure to do to and including termination of your employment with
"Did you have an opportunity to review t	he report?" "When did you?"	
"Is this report correct and true as you re	late it?"	
"(Employee/Officer), I am going to order representative or myself. Do you under		investigation with anyone other that your



APPROVED Regarde Pa NUMBER: 2-2

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: Mar. 4, 2015, Aug. 10, 2015, Dec. 11, SUPERSEDES:

2019

SUBJECT: STANDARDS OF CONDUCT AND DISCIPLINE

I.PURPOSE: This policy is intended to provide employees of the CSU Police Departments with guidelines for their conduct in order that they may participate in meeting the goals of each Department in serving the community. This policy shall apply to all sworn and non-sworn members of this Department (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

## II. POLICY:

- A. Every employee of the CSU Police Departments shall conform to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or offduty, may be cause for disciplinary action. Every employee will be given a copy of this policy through the written directive system.
- B. An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.
- C. It shall be the policy of this department to abide by all State, CSU and SFSU discipline policies and procedures and work cooperatively with SFSU Human Resources Employees for advice and direction.

III. DEFINITIONS: None

## IV. PROCEDURES:

A. Conduct which may result in discipline:

The legal basis for disciplinary action in the CSU is found in Section 89535 et. seq. of the California Education Code, specifically Section 89535 sets out the causes for employee

discipline. The following list comes within one or more of causes for disciplinary action and constitutes a portion of the department's disciplinary standards. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

### 1. Attendance

- a. Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
- b. Unexcused or unauthorized absence on scheduled day(s) of work.
- c. Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

## 2. General Conduct

- a. Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- b. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
- c. Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- d. Engaging in potentially dangerous "horseplay" resulting in injury or property damage or the reasonable possibility thereof.
- e. Unauthorized possession of, loss of or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- f. Failure of any employee to report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- g. Failure of any employee to report activities, which have resulted in official contact by any other law enforcement agency.
- h. Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.
- i. Engaging in any conduct, which constitutes harassment based on race, gender, disability, sexual orientation, religion, or any other protected status.
- j. Knowing violation of a person's civil rights.

### 3. Discrimination

 a. Discriminating against any person because of race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, disability or medical condition.

## 4. Intoxicants

- a. Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties.
- b. Unauthorized possession or use of intoxicants, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance.
- c. Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties.
- d. Unauthorized possession or use of a controlled substance or other illegal drug.

## 5. Performance

- a. Unauthorized sleeping during on-duty time or assignments.
- b. Refusal, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable excuse.
- c. Concealing or attempting to conceal defective work.
- d. Disobedience or insubordination.
- e. The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- f. Knowingly making false, misleading or malicious statements, which are reasonably calculated to harm or destroy the reputation, authority or official standing of the department or members thereof.
- g. The falsification of records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- h. Wrongfully loaning, selling, giving away or appropriating any Department property for the personal use of the employee or any unauthorized person(s).
- The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.
- j. The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- k. Any knowing or negligent violation of the provisions of the Department Manual, Operating Procedures or other written directive of an authorized supervisor.
- I. Work related dishonesty, including attempted or actual theft of Department property, services or the property of others.
- m. Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on or off duty).
- n. Failure to disclose material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form.
- o. Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- p. Offer or acceptance of a bribe or gratuity, misappropriation or misuse of public

- funds, exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct, unlawful gambling or unlawful betting on department premises or at any work site.
- q. Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the department.
- r. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty or on departmental property except as expressly authorized.
- s. Engaging in political activities during assigned working hours except as expressly authorized.
- t. Violating any misdemeanor or felony statute.
- u. Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the department or its members.
- v. Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- w. False or misleading statements to a supervisor.

## 6. Safety

- a. Failure to observe posted rules, signs, and written or oral safety instructions while on duty and/or within department facilities or failure to use required protective clothing or equipment.
- b. Knowingly failing to report any on-the-job or work related accident or injury within 24 hours.
- c. Substantiated employee single serious incident or an unsafe or improper driving habits or actions in the course of employment.
- d. Failure to maintain good physical condition sufficient to adequately perform law enforcement duties.

## 7. Security

a. Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

## B. Discipline Procedures:

- The Department has a responsibility to its members and the community to seek out and discipline those whose conduct discredits the department or impairs operational effectiveness.
  - a. Discipline has as its immediate purpose the channeling of individual effort into effective and productive action. It may involve encouragement, inspiration,

- training, or the imposition of negative sanctions.
- b. Negative sanctions administered internally may range from a warning, where the immediate effect is on the individual, to termination, where the positive result is the reassurance to other employees of the unacceptable limits of misconduct.
- c. Policies, procedures, rules, regulations and written and oral directives are promulgated as guidelines to acceptable and desired objectives. When violations of such directives occur, members of the department will be subject to disciplinary action.

## 2. Nature of Discipline

- a. A well-disciplined public safety agency is a department whose members voluntarily conform to all department policies, procedures and rules. It follows that the best-disciplined department is the least in need of corrective action. Nevertheless, a violation of the department's policies, procedures, rules or the law, may require disciplinary action.
- b. Discipline may include instruction, training, or counseling which modifies the behavior of an individual or may be punishment. However, the use of punishment as a disciplinary technique will be resorted to only when other forms of discipline have failed or the gravity of the violation dictates its use for the good of the Department.
- c. Discipline will be utilized in a positive manner and implemented progressively where appropriate to meet the requirements of the department.
- d. General conduct subject to disciplinary action by any member or employee of the San Francisco State University Police Department includes:
  - 1) personal actions that reflect against the reputation of the department or the University;
  - 2) any offense punishable under the laws or statutes of the United States, the State or local University regulations;
  - 3) violations of any provision of the rules and regulations of the department;
  - 4) disobedience of any lawful order; or
  - 5) incompetent performance of assigned duties.

## e. Specific conduct subject to disciplinary action

- In concert with California State University rules and Education Code Section 89535, a member of the Department may be made the subject of disciplinary action whenever a member's conduct so warrants.
- 2) Examples of conduct which may result in disciplinary action include, but are not limited to, the following:
  - a) The commission of a crime.
  - b) Use of intoxicants in violation of the rules and regulations of this Orders Manual.
  - c) Illegal use of narcotics or drugs.
  - d) Willful neglect of duty.

- e) Willful disobedience of orders.
- f) Absence from duty without leave.
- g) Conduct unbecoming an officer.
- h) Use of unreasonable and unnecessary force.
- i) Sleeping on duty.
- j) Accepting or soliciting a bribe.
- k) Soliciting gratuities.
- I) Use of police badge, uniform, business card or identification card for personal gain.
- m) Aiding and abetting a prisoner to escape.
- n) Appropriating for one's own use property, evidence, or items received in the course of duty.
- o) Falsification of reports, official records, or communications.
- p) Divulging confidential information that may be detrimental to an investigation or another person without first obtaining consent from a supervisor.
- q) Feigning sickness or injury to escape duty.
- r) Willful rough and careless handling of State property.
- 3. Identifying acts of misconduct Acts of misconduct by department members are brought forward through the following means:
  - a. Complaints by citizens.
  - b. Complaints by other department members.
  - c. Observations by supervisory members of the department.
  - d. Findings arising from audits or investigations.
  - e. Complaints and/or information received from other law enforcement or criminal justice agencies.
  - f. Complaints against Department members will be handled in accordance with General Order 2-1.
  - g. Disciplinary actions available When corrective action is indicated by the finding, one or more of the following actions may be taken by the Chief of Police subject to the provisions of the California State University, California Education Code and when necessary, the approval of the President and/or the Chancellor of the California State University.
    - 1) Counseling. (Written Documentation)
    - 2) Training.
    - 3) Oral reprimand.
    - 4) Written reprimand.
    - 5) Suspension.
    - 6) Demotion.
    - 7) Dismissal from the Department.
    - 8) Departmental authority for disciplinary action.
  - h. Supervisory personnel may administer one or more of the following:

- 1) Counseling
- 2) Training
- 3) Oral reprimand
- 4) Written recommendations for other disciplinary actions
- i. It is recognized that any supervisor may directly discipline (excluding, suspension, demotion, or termination) an employee of lesser rank or classification for an observed infraction, regardless of the employee's direct chain-of-command. Whether the supervisor exercises this authority or relays the information to the employee's direct chain-of-command will be contingent upon the circumstances.
- j. Observed infractions committed by an employee of equal or higher rank or classification shall be directed to the reporting employee's supervisor.
- k. Officer-in-Charge [O.I.C.] may not initiate any actions, but may make recommendations to the immediate supervisory.
- I. Final department disciplinary authority and responsibility rests with the Chief of Police.

## 4. Relief from duty

- a. In case of a situation in which the possibility of proposing termination, suspension, or demotion of a permanent employee is indicated, but where the Department needs time to conduct an investigation before proposing such action, or in a situation where immediate removal of an employee from the job is needed to avoid disruption of work for the protection of persons or property, or for similar reasons, the employee may be relieved of duty with pay only after consultation and approval from the Chief of Police, Vice President for Student Affairs & Enrollment Management and the Human Resources Department official.
- b. Normally, the highest-ranking supervisor on duty shall have the authority to invoke this regulation in situations of disruption, although it is recommended that administrative review be sought in advance when time permits. Supervisors invoking this regulation should be prepared to justify fully their actions and shall notify the Chief, Deputy Chief or Commander(s) at the earliest opportunity.
  - 1) The Chief, Deputy Chief, Commander(s), Captain(s), or Commanding Officer of Investigations shall determine if this regulation is to be invoked in situations where an investigation is to occur.
  - 2) Nothing in this regulation shall give supervisors of this department the authority to relieve from duty or escort from campus employees of other departments, although officers may be called upon to assist Supervisors of other departments to enforce management rights.
- c. Informing the person being disciplined The member or employee being disciplined will be informed of the charges and penalties assigned at the time such action is taken.
- 5. Appeals from penalties. Appeals from penalties imposed as disciplinary measures may be taken as provided in California State University personnel procedures.

- a. It is recognized that employees may disagree with a personnel related process or some element of a document. In addition to the automatic administrative review system, which also allows the employee to make specific remarks and offer individual perceptions, a system of appeal and/or grievance exists.
- b. Employee appeals are not required to be related to any article found within the SUPA or CSUEU agreements. It is the intent of this section to attempt to work out employee disputes internally, without processing through Human Resources.
  - Appeals of proposed suspensions, demotions, or terminations shall be made first to the reviewing supervisor and through the chain-of-command to the Chief.
  - 2) Appeals of performance evaluations shall be made to the reviewing supervisor. If the Chief initiated the action, the employee may file a rebuttal with Human Resources. Appropriate administrative action will be determined at that office.
  - 3) Appeals of letters of counseling/reprimands, guidance/discipline forms and other processes shall be made to the reviewing supervisor.
  - 4) Appeals beyond the internal levels, specified above, shall be filed with the Human Resources. Appropriate administrative review and action will be directed from that office.
- 6. Endorsement and forwarding of disciplinary reports.
  - a. Each level in the chain of command must endorse and forward reports bearing on disciplinary matters received.
  - b. Such endorsement may be one of approval, disapproval, or recommendation for modification.
  - c. No member or employee will alter or cause to be altered facts or elements in the disciplinary report.
  - d. Disciplinary reports in transit through the chain of command will not be delayed but must be reviewed, endorsed and forwarded as soon as possible.
- 7. Use of counseling and training.
  - a. Counseling and training are intricate parts of the discipline process.
  - b. For first time minor infractions Supervisors should document that the employee has been counseled about the incident.
    - 1) This counseling will be documented utilizing a written memorandum.
    - 2) Counseling memorandums will be placed in the Employee's department personnel file but will not be forwarded to Human Resources.
    - 3) Counseling memorandums will be removed from the employee's department file, if there is no reoccurrence of any related performance problems, after 18 months.
  - c. Remedial training can help to ensure that disciplinary issues that may be related to insufficient training do not reoccur.

- 1) Any employee, sworn or non-sworn, may request remedial training in a function or practice in response to a disciplinary investigation or action.
- 2) Immediate supervisors may at anytime suggest remedial training in specific relation to a forwarded disciplinary action.
- 3) Immediate or other supervisors of higher rank and authority may conduct remedial training on a practice/procedure as a method of reducing disciplinary actions before they are necessary.
- 8. If a non-probationary employee's misconduct results in dismissal, the following information will be provided to the employee:
  - a. A written statement citing the reason for dismissal;
  - b. The effective date of the dismissal:
  - c. A statement of the status of fringe and retirement benefits after dismissal.
- 9. Maintenance of records of disciplinary actions.
  - a. All disciplinary records, with the exception of Counseling Memorandums, will be forwarded to Human Resources for inclusion in the employee's permanent personnel file.
  - b. Copies of records forwarded to Human Resources will be maintained in the employee's department personnel file, which will be maintained in the Chief's office.
  - c. No records of discipline may be placed in an employee's file that does not have the employee's signature attached. If the employee refuses to sign acknowledging receipt, the supervisor will note this and sign and date the item.
  - d. Disciplinary records may not be purged from an employee's personnel file without the approval of the Chief of Police.
- C. Investigation of Disciplinary Allegations:
  - Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with the Department's Personnel Complaint Procedure, which contains the safeguards of the Public Safety Officers Procedural Bill of Rights (Government Code Section 3000 et. seq.).
- D. The Pre-discipline (Skelly) Review:
  - 1. This pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the designated reviewer after having had an opportunity to review the supporting materials and prior to imposition of discipline. The following guidelines apply:
    - a. This review is not intended to be an adversarial or formal hearing.
    - Although a union representative or legal counsel may represent the employee, the review 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 reviewer to consider.
- d. In the event a further investigation is conducted, the employee shall be provided with the results of the further investigation and given an opportunity to respond prior to the imposition of any discipline.
- e. The reviewer shall thereafter render a timely written decision to the employee and the appointing authority imposing, modifying or rejecting the recommended discipline.
- f. Once the reviewer has issued a written decision, the discipline shall become effective.

## E. Resignations Prior to Discipline:

- 1. In the event an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.
- 2. The tender of a resignation by itself shall not serve as grounds for the termination of pending discipline.

## F. P.O.S.T Discipline Hearing:

- 1. Although evaluation and counseling memoranda are not disciplinary and are not governed by those procedures, written reprimand on disciplining are guarded by this paragraph.
  - a. In situations where the imposed discipline is a written reprimand the employee's right to appeal shall be limited to the a review with the Chief of Police. In conducting the meeting the Chief shall follow the standards for the Pre-discipline (Skelly) review, noted above.
  - b. In situations where the imposed discipline is a suspension, demotion, or dismissal of a non-probationary employee, the employee shall have the right to an evidentiary hearing before a hearing officer at the State Personnel Board as printed in Section 89539 of California Education Code. The employee must file a request with the Board within 30 days of being served with the motion of discipline.

## G. Misconduct of Probationary Employees:

1. In the event that a probationary employee is released from employment during the probationary period solely for unsatisfactory performance or the failure to meet department standards, the employee has no right to appeal under Education Code Section 89535 because the action is not a disciplinary action and has no right to the Article 7 Grievance Procedure under the MOU (MOU, Article 11.5). Release from employment (rejection during probation) is the right given the employer to evaluate the performance of a probationary employee to determine whether the employee should be given permanent status. Thus, an employee may be released from employment during this period at the sole discretion of the CSU (MOU, Article 11.5).

Unsatisfactory performance or failure to meet department standards are among may reasons to release an employee. Nevertheless, in those rare instances when probationary employees are suspended or demoted (are disciplined), the following shall be considered:

- a. The employee shall only be entitled to appeal the decision in the same manner as set forth in the (Skelly Review) procedure above, except that evidence may be received. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.
- b. At all times during any investigation of allegations of misconduct involving a probationary police officer, such officer shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies.
- c. A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.
- d. The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employer and will require proof by a preponderance of the evidence.
- e. In the event that the employer fails to meet its burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.
- f. In the event that the employer meets its burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond that provided by the reviewing Officer.

## V. APPENDIX:

A. SFSU Practice Directive P206 Progressive Discipline Guidelines

VI. ATTACHMENT: None



APPROVED: Reginal Pa NUMBER: 2-3

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

March 3, 2006, Jan. 12, 2016, Dec. SUPERSEDES: A-8

REVIEWED/REVISED: 11, 2019

SUBJECT: GRIEVANCE PROCEDURES

I. PURPOSE: To restate grievance procedures as stipulated in the Unit 8 contract to ensure that all Unit 8 employees have a clear understanding of the process.

II. POLICY: It shall be the policy of this Department to attempt to resolve grievances expeditiously and fairly. The SUPA Contract establishes controlling language in the handling of grievances.

## **III. DEFINITIONS:**

- A. Complaint: The term "complaint" as used in this Article shall refer to a concern of an employee, which arises from the application of a term of this Agreement.
- B. Grievance: The term "grievance" as used in this Article refers to a written allegation by an employee that there has been a violation, misapplication, or misinterpretation, of a specific term(s) of this Agreement.
- C. Grievant: The term "grievant" as used in this Article refers to a:
  - 1. Permanent employee(s);
  - 2. Probationary employee(s); and
  - 3. Temporary employee(s) employed at least thirty (30) consecutive days immediately prior to the event giving rise to the grievance who allege(s) in a grievance that he/ she has been directly wronged by a violation of specific term(s) of this Agreement. The term "grievant", as used in this Article, may refer to the Association when alleging a violation of Article 5, Association Rights, as provided for in this Agreement.
- D. Immediate Supervisor: The term "immediate supervisor" as used in this Article refers to the appropriate non-bargaining unit supervisory or management person to whom the employee is accountable.
- E. Representative: The term "representative" as used in this Article shall be an employee or representative of the Association, who at the grievant's request may be present at Levels I through IV. Representation of the employee at Level V shall be by an "Association Representative."
- F. Respond and File: The terms "respond" and "file" as used in this Agreement refer to personal delivery or deposit in the U.S. mail, postage prepaid. If mail delivery is used, it shall be by

certified, return receipt requested mail and the certified receipt date shall establish the date of response or filing. If personal delivery is used, the calendar date of delivery shall establish the date of response or filing.

#### IV. PROCEDURES:

A. Employees may file a grievance when that employee believes there has been a violation of the contract agreement between the Board of Trustees of the California State University and the Statewide University Police Association pursuant to Article 7.2 of the SUPA Bargaining Agreement. The following is the grievance procedure established in Article 7 of the current agreement between the Board of Trustees of the California State University and the Statewide University Police Association (Units 8 – Public Safety –SUPA).

#### B. Level I – Informal Review:

- 1. An employee shall have the right to present a complaint and to have the complaint considered in good faith. The employee shall discuss the complaint with the immediate supervisor no later than twenty-one (21) days after the event-giving rise to the complaint, or no later than twenty-one (21) days after the employee knew or reasonably should have known of the event giving rise to the complaint. Both the employee and the immediate supervisor shall sign a document verifying the date the informal discussion took place.
- 2. The employee, whenever possible, shall attempt to resolve the complaint informally with the immediate supervisor.
- 3. The immediate supervisor shall provide an answer to the employee no later than fourteen (14) days after the Level I meeting.
- 4. A resolution of the complaint at the informal level shall not be precedent setting.

#### C. Level II – Formal:

- 1. If the complaint is not resolved through Level I informal discussions, the employee may file a Level II grievance with the Chief of Police no later than twenty-one (21) days after the response of the immediate supervisor at Level I. The grievant shall state clearly and concisely on a grievance form provided by the CSU.
  - a. The specific terms(s) of the Agreement alleged to have been violated;
  - b. The action grieved, including names, dates, places and times and how it violated a specific term(s) of this Agreement;
  - c. The remedy sought;
  - d. The name and classification of the grievant and his/her signature;
  - e. The name of the representative, if any; and
  - f. The date of submission.
- 2. The Chief of Police shall hold a meeting with the grievant at a mutually acceptable time and location no later than fourteen (14) days after the receipt of the grievance. The Chief of Police shall respond in writing to the grievant within twenty-one (21) days of the Level II meeting.

#### D. Level III:

- 1. In the event the grievance is not settled at Level II, the grievant may file the Level III grievance with the Presidents Designee (Associate Vice President for Human Resources) no later than twenty-one (21) days after the Level II response. The grievant shall include in the grievance a written statement indicating the reason that the proposed settlement at Level II was unsatisfactory. The Presidents Designee may hold a meeting with the grievant at a mutually acceptable time and location. The Presidents Designee shall respond to the grievant no later than twenty-one (21) days after the receipt of the Level III grievance; or twenty-one (21) days after the Level II meeting, if a meeting is held.
- 2. The grievant shall present at Level III all issues and written evidence known or which could have been reasonably known. No additional issues may be presented by the grievant after Level III.
- 3. Amendments and/or modifications to the grievance shall not be made by the grievant after the Level III filling date, except by mutual agreement.
- 4. Prior to the Level III response date, the parties may, by mutual agreement, waive all procedures at Level III and expedite the grievance to Level IV. Level IV time limits shall commence on the date the agreement to expedite was reached.

#### E. Level IV:

- 1. In the event the grievance is not settled at Level III, the grievant may file a Level IV grievance with the Office of the Chancellor no later than twenty-one (21) days after receipt of the Level III response.
- 2. A designated individual in the Office of the Chancellor may hold a meeting with the grievant and or with the Grievant's representative at a mutually acceptable time and location. The designated individual in the Office of the Chancellor shall respond to the grievant no later than twenty-one (21) days after the receipt of the Level IV grievance; or twenty-one (21) days after the Level IV meeting, if a meeting is held.
- 3. If the grievance has not been settled at Level IV, then within twenty-one (21) days after receipt of the Level IV written decision or the expiration of the time limits for making such decision, upon the request of the grievant, the Association may request arbitration by giving notice to that effect, by certified mail, return receipt requested, directed to the Office of the Vice Chancellor for Faculty and Staff Relations.
- F. Level V Arbitration: Unless the specific language of the Agreement is in conflict, the arbitration procedure shall be conducted in accordance with the rules of the AAA, subject to the provisions below:
  - 1. The parties agree to the following arbitrators: Richard Anthony, Byron Berry, Mei Bickner, Alexander Cohn, Joe Gentile, and Paul Greenberg. The panel members shall be designated to serve in alphabetical rotation, provided the next panel member reached has an available hearing date within sixty (60) days of notification. The parties may add or delete panel members by mutual agreement.
  - 2. For all grievances scheduled for hearing before an arbitrator, the parties shall participate (either in person or via telephone) in a mandatory settlement conference

- at least 30 days prior to the last day to cancel the arbitration without incurring a cancellation fee. At least five (5) days prior to the scheduled date of arbitration, the parties shall attempt to prepare a submission to arbitration signed by both parties setting forth the issue(s) and specific provision number(s) in dispute. Should the parties fail to agree upon a submission, the arbitrator shall determine the issue(s) after the parties' opening statements and prior to the taking of evidence or testimony.
- 3. Either party to the Agreement may peremptorily challenge one panel member at any time during the term of this Agreement and such panel member shall be removed from the panel and replaced with a new mutually acceptable replacement.
- 4. The arbitrator shall have no authority to add to, subtract from, modify, and amend the provisions of this Agreement, or make an award which either expressly or in effect recommends promotion or awards permanent status to an employee.
- 5. The award of the arbitrator may or may not include back pay provided; however, that any back pay award shall not be in excess of six (6) months' salary less any amount that the employee may have received during that period, including unemployment compensation. Under no circumstances may interest be included in an award.
- 6. A final decision or award of the arbitrator shall be made within thirty (30) calendar days after the close of the hearing. Such decision or award shall be binding upon the SUPA, the CSU, and the employee(s) affected thereby.
- 7. The cost of the arbitration, excluding advocate, unilateral withdrawal, postponement, or cancellation fees, shall be borne equally by both parties. Expenses for witnesses; however, shall be borne by the party who calls them.
- 8. The standard of review for the arbitrator is whether the CSU violated, misapplied or misinterpreted a specific term(s) of this Agreement.
- 9. If an arbitrability question exists, the arbitrator shall determine the arbitrability question prior to hearing the formal presentations of the parties on the merits of the grievance.
- 10. Any grievance filed into arbitration shall be considered withdrawn by the Association if it has not been scheduled for an arbitration hearing within six (6) months of the filing to arbitration from Level IV.

#### G. General Provisions:

- 1. Failure of the grievant to comply with the time limitations of this Article shall render the grievance null and void. Failure by the immediate supervisor, Chief of Police, President, or designated individual in the Office of the Chancellor to timely respond under this Article shall permit the grievance to be filed at the next level.
- 2. Time limits set forth in this Article may be extended by mutual agreement.
- 3. The processing of grievance filed and unresolved prior to the effective date of this Agreement shall continue under the provision of the grievance procedure as amended by this Agreement.
- 4. A grievance settled by a campus at Levels I, II, or III shall be non-precedential unless otherwise agreed to by the parties in the settlement agreement..
- 5. The parties may agree to consolidate at any level grievances on similar issues.
- 6. A representative who is an employee of the campus shall be provided reasonable release time solely for the purpose of representing the grievant at a grievance meeting at that campus. This shall not apply to the use of Association leave under

- Article 5, Provision 5.11 of the Agreement.
- 7. Grievance records shall be filed separately from an employee's personnel file and shall be considered confidential.
- 8. If an arbitration hearing is scheduled during the regular work time of an employee, reasonable release time shall be granted to the employee(s) involved to appear at the arbitration hearing, provided that such release time is requested with sufficient advance notice prior to the date of the hearing. When an arbitration hearing is scheduled or continues outside an employee's scheduled work time, the employee shall not receive release time. The provisions of this Article shall also apply to a reasonable number of witnesses at an arbitration hearing who are employees.
- 9. There shall be no tape recording of grievance meeting by either the CSU or the Association at any level of the grievance procedure. However, this shall not be interpreted to diminish any rights provided under the Public Safety Officers Procedural Bill of Rights (Government Code Sections 3301 et seq.).
- 10. The grievant's name and campus shall be included in all correspondence related to all grievances. Further, the CSU shall inform the Association of the grievance number assigned to SUPA grievances at the time that such numbers are assigned. Hereafter, the Association shall use the CSU grievance number in all subsequent correspondence related said grievance.

#### H. Maintenance and Review of Grievance Records:

- 1. The Chief of Police will be responsible for the coordination of grievance procedures and for the maintenance and control of grievance records.
- 2. The Chief will conduct a documented analyze of grievances to note trends, discover agency problems and aid in taking steps to minimize such grievances in the future.
- 3. Grievance files will be maintained by the Assistant to the Chief in the Office of the Chief of Police.

# I. Examples of Items not Subject to Article 7 Grievance Procedures:

- Per 11.5 of the Agreement, termination of an employee prior to completion of a probationary period, an employee may be released from employment at the sole discretion of the CSU and without recourse to Article 7, Grievance Procedure, of this Agreement..
- 2. Per 12.2 of the Agreement, the composition, deliberations, and recommendations of the interview board and the decision on appointments for police officer vacancies.
- 3. Per 21.9 of the Agreement, the decision to grant or deny a PBSI Performance based step increase, including the number of steps granted.

### J. Appeals:

- It is recognized that employees may disagree with a personnel related process or some element of a document. In addition to the automatic administrative review system, which also allows the employee to make specific remarks and offer individual perceptions, a system of appeal and/or grievance exists.
- 2. Employee appeals initiated under this section are not required to be related to any article found with the SUPA or CSUEU agreements. It is the intent of this section to

attempt to work out employee disputes internally, without processing through Human Resources.

- a. Appeals of proposed suspensions, demotions, or terminations shall be made first to the reviewing supervisor and through the chain-of-command to the Chief.
- b. Appeals of performance evaluations shall be made to the reviewing supervisor. When the Chief is the rater, the employee may file a rebuttal with Human Resources. Appropriate administrative action will be determined at that office.
- c. Appeals of letters of counseling/reprimands, guidance/discipline forms and other processes shall be made to the reviewing supervisor.
- d. Appeals beyond the internal levels, specified above, shall be filed with the Human Resources. Appropriate administrative review and action will be directed from that office.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 2-4 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004 Dec. 14, 2005, May 11, 2006, Oct.

17, 2006, Feb. 28, 2007, June 25,

SUPERSEDES: REVIEWED/REVISED: 2008, Mar. 1, 2010, Mar. 2, 2011,

Apr. 21, 2011, Apr. 11, 2013, Jul.

SUBJECT: RECRUITMENT, SELECTION AND PROMOTION 31, 2013, Feb. 5, 2015, Jan. 12,

2016, Dec. 11, 2019

I. PURPOSE: To establish procedures and clarify responsibilities for the Department's recruitment, selection and promotional processes.

II. POLICY: The University Police Department, in it's recruitment and selection process will identify and employ those individuals who best possess the knowledge, skills, and abilities (KSA) to perform the duties of the positions. Emphasis on recruitment and selection of quality applicants, in full compliance with the law, should yield benefits in terms of a lower rate of personnel turnover, fewer disciplinary problems, higher morale, better community relations, and more efficient and effective services.

Promotion is the process of selecting the supervisors and managers who will shape the future of the Department. Every promotional process conducted by this Department will be administered fairly and impartially, utilizing testing and evaluation mechanisms, which evaluate past performance as well as future potential through the use of job-related criteria.

#### III. DEFINITIONS:

- A. ADA: American with Disabilities Act
- B. Candidates: Persons seeking employment who have completed a formal application.
- C. Equal Employment Opportunity: The provision of equitable opportunities for employment and conditions of employment to all employees regardless of race, color, age, sex, religion, national origin, or physical impairment.
- D. FCRRA: Fair Credit Reporting Reform Act of 1996.
- E. Formal Application: A written form used to express interest in employment and to request information on a person's basic occupational qualifications, work experience, educational background, training, and special skills or abilities.
- F. P.O.S.T.: Peace Officer Standards and Training
- G. Permanent Status: The period of employment in a position following the completion of a probationary period.
- H. PHS: Personal History Statement
- I. Probationary Period: A phase of the selection or promotional process represented by some form

of conditional employment.

- J. Recruitment Activities: A systematic method of seeking potentially qualified job applicants.
- K. Recruitment/Basic/Entry-Level Training: The orientation of new officers to their jobs and the development of basic law enforcement skills.
- L. Recruitment Literature: Written materials or brochures designed to attract qualified applicants for jobs.
- M. Selection Criteria: Rules, standards, procedures, or directives upon which a judgment or decision concerning employment can be used.
- N. Selection Materials: All written tests, test scores, answer sheets, study materials, evaluations, ratings, questionnaires, reports, and forms used in the selection process that have a bearing upon the employment decision.
- O. Selection Procedure: Any established method or combination of methods used in any way as the basis for an employment decision.
- P. Selection Process: The combined effect of components and procedures leading to the final employment decision.
- Q. Trained Background Investigator: Individuals who have completed the P.O.S.T. Background Investigator's Course may conduct a background investigation on the authorization of the Chief of Police.

#### IV. PROCEDURES:

#### A. Recruitment:

#### 1. Responsibilities

- a. While the ultimate responsibility for recruitment rests with the University's Human Resources Department, this Department will actively conduct and participate in its recruitment processes.
- b. The Associate Director for Operations, Parking & Transportation will be the primary liaison with Human Resources on recruitment issues.
- c. Commanding Officers assigned to assist with recruitment, selection and promotions and are required to be knowledgeable in personnel matters, especially equal opportunity.

# 2. Equal Employment Opportunity

The University Police Department is a proactive service oriented agency that continually recruits and trains professionals to maintain a staff that is sensitive and responsive to the needs of the diverse student population on campus. Recruitment steps will be:

- a. directed towards the goal of approximating within the sworn ranks of the department the demographic (ethnic and gender) composition of the University community;
- b. to recruit and retain diverse group of sworn and non-sworn personnel to meet the changing needs of the campus community; and
- c. recruitment plan for sworn and non-sworn personnel that includes the following

#### elements:

- 1) A statement of objectives:
  - a) Improve recruitment strategies and practices to get a diverse pool of applicants.
  - b) Analyze university demographics in an effort to recruit police and non-sworn personnel to effectively reflect the diverse ethnic/racial/gender composition of the campus community.
  - c) Recruit minorities and women in proportion to service population.
  - d) Select best-qualified candidates based on established professional standards, considering needs of the agency and qualifications of applicant.
  - e) Maintain standards that meet or exceed California Police Officer Standards and Training (P.O.S.T.).
  - f) Provide competitive salaries and benefits for department personnel to attract applicants and compete with other law enforcement agencies' salaries and employment benefits.
- 2) A plan of action designed to achieve these objectives:
  - a) Post current recruitment/job openings in different newspapers and magazines to get a diverse pool of applicants applying for police officer and non-sworn positions.
  - b) Create Job Announcements that shall be distributed to diverse groups and available via the SFSU web site.
  - c) Assign officers/sergeants to speak and recruit at police academies.
  - d) Secure diverse representation from the campus community to compose the board of selection of Police Officers in an effort to create better partnerships and meet recruitment goals.
  - e) Offer higher than minimum salary step to entry-level police officer positions to compete with other agencies' salary.
  - f) Allow upward mobility by promoting department personnel based on years of service experience and qualifications.
  - g) At the completion of each recruitment, a justification for the selection(s) made and an analysis of the process shall be conducted in writing via forms provided by Human Resource Management.
  - h) Included in all job announcements shall be:
    - i. Basic P.O.S.T. requirements; and
    - ii. Any specialized or "preferred" skills, knowledge, abilities, or qualifications.
- 3) Procedures to evaluate the progress toward attainment of the objectives and to revise and reissue the plan:

- a) An examination should be made of applicants by race and gender. The recruitment plan should examine advertisements and other recruitment efforts to target under represented groups.
- b) An annual analysis will be completed on the recruitment plan to assess if the progress towards the objectives are being met and to identify deficiencies in the current time sworn workforce as compared to the service population.
- c) The recruitment plan may be revised, as needed to meet objectives.
- d) The recruitment plan should take into account national and state statistics in formulating a representative workforce.
- 4) This University also has an Equal Employment Opportunity Plan, which is intended to ensure equal opportunities for minorities and women.
  - a) It is agency policy that all individuals shall be given equal opportunity for employment, regardless of race, sex, creed, color, age, religion, national origin, or physical impairment.
  - b) The procedure for filing complaints relating to equal employment opportunities (EEO).
    - i. A complaint may be filed at any step of a recruitment process directly with a member of the review panel or Human Resource Management.
    - ii. The complainant will be encouraged to file the substance of the allegation in writing, but it is not required.
    - iii. Any complaint received will be forwarded to the Classifications and Employment Manager in the Human Resources Department for Investigation and follow-up as an independent process review.
  - c) The Fiscal Services Analyst will maintain a list of employees by name and gender to ensure consistency with campus demographics.
- 5) Job Announcements and Publicity
  - a) To ensure equal opportunity is a reality, the department will:
    - i. advertise as an "Equal Opportunity Employer;"
    - ii. advertise open positions on the SFSU web site; and
    - iii. provide applications through the department and Human Resources Department website.
  - b) This Department's job announcements and recruitment notices for all personnel will:
    - i. Provide a description of the duties, responsibilities, requisite

skills, educational level, and other minimum qualifications or requirements;

- ii. Post in publications like:
  - Black Careers Now
  - Hispanic Hotline
  - California Women Peace Officers Association (WPOA)
  - Northern California Asian Peace Officers Association
- iii. Advertise entry-level job vacancies through use of the University web-page, printed fliers and classified advertisements;
- iv. Advertise this Department as an equal opportunity employer; and
- v. Advertise official application filing deadlines.
- vi. Notice of Recruitment- (SUPA Article 12)-When a vacancy for a sworn police officer position occurs on any campus, notice of recruitment shall be posted on all campuses for at least 14 days.
- c) This Department will attempt to seek a broader dissemination and greater exposure of recruitment information, by distributing fliers at:
  - i. All area police academies;
  - ii. The Criminal Justice Department on campus;
  - iii. Women's organizations; and
  - iv. Job fairs.
  - v. Internet sources
  - vi. San Francisco Chronicle
- d) During the recruitment process the Department or the Department of Human Resources will maintain contact with all applicants from initial application to final employment disposition.
  - i. All phases of the process will be expedited as much as possible to ensure the Department does not lose qualified candidates.
  - ii. At the completion of each phase, those candidates who pass will be immediately contacted and have an appointment set for the next phase.
- e) Applications for all positions will not be rejected for minor omissions or deficiencies that can be corrected prior to the testing or interview process.

- 1. All elements for the selection process for all positions within this Department will use only those rating criteria or minimum qualifications that are job related.
- 2. All elements for the selection process for all personnel will be administered, scored, evaluated, and interpreted in a uniform manner.
- 3. At the time of their formal application, candidates for all positions will be informed, in writing, of:
  - a. All elements of the selection process;
  - b. The expected duration of the selection process; and
  - c. This department's policy on reapplication.
- 4. The Human Resources Department will notify in writing all candidates for positions with this department, who are determined to be ineligible for appointment once the position is filled.
- 5. The elements of the selection process for all personnel shall be as follows:
  - a. Screening of Applications
    - 1) Minimum qualifications include high school diploma or GED, U.S. citizenship, at least 21 years of age (for sworn personnel), CA driver's license.
    - 2) Preference will be given to college level courses or diploma, previous law enforcement experience, and/or graduation from a P.O.S.T. Basic Academy.
  - b. Physical Agility Test (For sworn personnel only)
    - 1) The test will consist of the current POST and CSU approved course.
    - 2) All elements will be scored on a pass/fail basis.
    - 3) When a CSU campus interviews an applicant who is a permanent employee in Bargaining Unit 8 at another CSU campus, the campus with the opening may waive the physical agility and written test required of new hires.
    - 4) At the discretion of the Chief of Police, the physical agility may be waived for candidates who are currently or were recently employed as peace officers (police lateral applicants) and recent P.O.S.T academy graduates (P.O.S.T academy graduation certification must be current and valid prior to the testing date).
    - 5) The physical agility test is required for Police Officer Cadet candidates (nonsworn individuals who have not completed the P.O.S.T academy or received a Basic Course Certificate.

#### c. Written Examination

- 1) All entry level police and dispatch candidates will be required to pass a POST Entry-Level Test Battery to determine reading and writing ability.
- 2) At the discretion of the Chief of Police, the written examination may be waived for police officer applicants who have taken and successfully passed the P.O.S.T Basic examination (following the P.O.S.T recommended minimum passing score) and/or holds a valid and active P.O.S.T Basic Certificate

3) The test will be facilitated by the Testing Department and scored by POST.

#### d. Oral Board Interview

- 1) The Recruitment Manager shall appoint an Oral Board to interview qualified candidates. The Board shall be composed of from 3 to 5 community members, and the majority may not be employed by the University Police Department.
- 2) Candidates may be required to respond to a written essay.
- 3) Candidates will be required to respond to a predetermined set of interview questions that are asked of all candidates.
- 4) The panel will recommend to the Chief, at his/her discretion may conduct an interview with the top recommended candidate. The Chief will then select which candidate is to proceed to the background process.

# e. Background Investigation

- 1) Sworn Positions and Police Dispatchers
  - a) A trained background investigator will conduct a thorough background investigation on each recommended candidate for all sworn and police dispatcher positions in accordance with the POST background investigation standards.
  - b) The background investigator will also include a polygraph examination for all sworn applicants.
    - i. the polygraph will be administered by a trained, licensed polygraph examiner.
    - ii. Candidates will be provided with a list of areas from which the polygraph questions will be drawn prior to the examination.
    - iii. The results of the polygraph will not be the single determinant of employment status.

# 2) Non-Sworn Personnel

- a) A background investigation of each candidate for all positions shall include;
  - i. a verification of qualifying credentials
  - ii. a review of any criminal record
  - iii. verification of past employment
  - iv. verification of at least 3 personal references
- f. Conditional Offer of Employment will be extended by the Chief of Police on the condition of successful completion of the background investigation, psychological and medical physical examinations.
- g. Psychological Examination

- 1) Sworn officers and dispatcher candidates shall be examined by the department retained licensed psychologist to determine if they are free from job-relevant psychopathology, including personality disorders.
- The examination will consist of a minimum of two psychological tests and a clinical interview.

#### h. Medical Examination

- 1) Sworn officers and dispatcher candidates shall receive a medical suitability examination that is performed by a licensed physician.
- 2) The medical examination for peace officers shall in addition to testing general health also include a drug screening, vision and hearing tests in accordance with the P.O.S.T Standards.

# 6. Employment Recommendation

- a. Once a candidate successfully passes and satisfies all recruitment requirements for a position, the Fiscal Services Administrative Specialist will complete the Human Resources Employment Recommendation Form (HR-#171) to recommend the candidate selected to fill the position, and forward it to Human Resources Department once signed by the approving officials.
- b. An Employment Representative from Human Resources Department will contact the selected candidate and officially offer the job. The representative providing the official job offer will also inform the candidate about his/her salary level, university benefits orientation, and make sure that the candidate understands the position's job description.
- c. When a candidate accepts the position being offered, the Human Resources Employment Representative will immediately notify the Fiscal Services Administrative Specialist and provide the employee with a "Welcome Packet" that includes all the forms needed to be filled out in order to be added to payroll.
- d. The Fiscal Services Administrative Specialist will then initiate an E-trac transaction to appoint the new employee to begin work.

# 7. Confidentiality and Information Security Plan

- a. All employees, including student workers, with job related responsibilities that require access to confidential information must complete the University on-line Employee and Student Information Privacy Training as required by the federal and state law and regulations and the California State University requirements to:
  - 1) ensure the security and protection of confidential information in the University's custody, whether in electronic, paper, or other forms;
  - 2) protect against threats or hazards to the security or integrity of such confidential information; and
  - 3) protect against unauthorized access to or use of such confidential information.

#### 8. Oath of Office

- a. All police officers will be required to execute and abide by an oath of office prior to assuming a sworn position. The oath of office will be administered by a command officer of the department as designated by the Chief of Police.
- b. A copy shall be maintained in the officer's Personnel file and Department file.
- c. Individuals hired as Cadets, who are required to attend a basic academy, will be sworn in as Police Officers following their successful completion of training.

# 9. Probationary Period

- a. All employees shall serve an initial probationary period of twelve (12) months of continuous full-time credited service.
- b. Time required to complete the POST Basic Academy training or equivalent may be credited service for the completion of the probationary period at the discretion of the Chief of Police.

#### 10. Maintenance and Disposition of Selection Materials

- a. The SFSU Testing Center does not store or maintain any selection/testing material for police officer or dispatcher candidates. When a written test is scheduled, the Testing Center contacts P.O.S.T. P.O.S.T then sends the testing material to the Testing Center. Upon completion of the tests, the Testing Center returns the test to P.O.S.T for scoring. P.O.S.T then notifies the police department of the candidates scores.
- b. If a candidate fails the psychological exam or the medical exam, or the background, the results are filed with all other pre-employment documents for a period of five years. These documents will be stored in Lot 20 storage and purged annually.
- c. The results of psychological and medical exams and backgrounds of hired applicants will be kept in their POST personnel file/confidential file with the rest of their pre-employment records.
- d. The physician conducting the medical exam and the psychologist conducting the psychological exam will maintain copies of exam results. These may be purged according to the policies of the examiners.
- 11. Records of candidates for all positions determined to be ineligible for appointment.
  - a. Human Resources maintain the original copies of all applications in a secure archive. When a process is complete, all copies of applications of those not selected and in the possession of the University Police will be shredded.
  - b. The Fiscal Services Administrative Specialist will maintain a record of each recruitment in a secure file for a minimum of two years. The file will include:
    - 1) A copy of the recruitment report forwarded to Human Resources;
    - 2) A listing of those candidates forwarded for by the committee to the Chief of Police:
    - 3) Interview forms and/or records related to the Chief's interview; and
    - 4) A record of those candidates selected for background processing.

12. Background packages on unsuccessful candidates will be sealed by the Fiscal Services Administrative Specialist and maintained in the secure police department archives for a period of 5 years.

#### C. Promotional Processes:

- 1. When a vacancy for a corporal or sergeant position occurs on campus, it may be filled by promotion in accordance with SUPA contract provision 12.10. If the President decides not to fill a vacant Corporal or Sergeant position pursuant to provision 12.10, the procedure and process in provisions 12.1 and 12.3 shall apply. In such latter instances, it is the policy of the CSU to offer promotional opportunities to qualified bargaining unit members. To this end, the interview board shall recommend to the President the name of every qualified bargaining unit member who has applied for the position and which has successfully completed all components of the testing process. Such a recommendation may cause the total list of qualified applicants to exceed five (5). If a full-time employee applies for a position at the campus on which he/she is currently employed, he/she shall not be required to take a physical or psychological test.
- 2. The Chief of Police shall have the ultimate authority and responsibility for administering the department's role in the promotional process for sworn employees.
  - a. A Field Operations Division Commander can facilitate promotional processes for positions below the rank of Lieutenant.
  - b. Human Resources will facilitate any process for Lieutenant and above.
- 3. Promotion to Corporal or Sergeant from within the bargaining unit on a campus shall be based on the abilities, qualifications and performance of an employee, at the sole discretion of the Chief of Police, and shall not require posting a new position.
  - a. The Chief of Police will advise via memo to all qualified sworn members of the promotional process.
- 4. All applicants for promotion to Corporal and Sergeant will undergo an oral interview. The Chief may substitute an oral panel to determine suitability for appointment/ promotion in lieu of the written examination. The oral panel process must evaluate candidates on job related criteria such as written communication skills, oral communication skills, decision making/problem solving, leadership ability, initiative, and job knowledge.
- 5. When an opening occurs, the Chief of Police will determine whether the opening will be advertised within the CSU only or outside the agency.
  - a. Lateral entry is permitted for police officer, corporal, sergeant and lieutenant.
  - b. All positions will be advertised for a minimum of fourteen (14) days.
  - c. Posting of the official job announcement for sworn personnel promotions will occur 14 days prior to the process.
- 6. All promotional materials (standardized tests) will be securely maintained by the

- SFSU Testing Center located in the HSS building until the day of the process.
- 7. The Chief of Police will post specifics on the promotional process after the advertisement period has closed.
- 8. The following are the phases utilized when promotional processes for sworn personnel are conducted:
  - a. Screening of applications to determine qualifications (promotional potential).
    - 1) All candidates for advertised openings must complete a University employment application. This includes both in-house and lateral entry candidates.
    - 2) All applications will be screened by Human Resources and the Commander to determine if the candidate meets the minimum qualifications for the position.
    - 3) If a large pool of candidates exists, only the candidates with the most desirable qualifications (experience, education, training) will be forwarded for interview.
  - b. Panel Interview and Written Components.
    - 1) The panel will be comprised of from 3 to 5 evaluators who will assess the candidates' suitability for promotion. The majority of the panel members must be from outside the Department.
    - 2) The panel will evaluate the candidates' performance in several exercises, which may include written essay questions, oral presentations, behavioral interviews, group exercises, etc. (abbreviated assessment centers).
    - The process will include uniform questions and rating scales and will assess a defined set of personal attributes. The process results will be recorded on a standardized form.
    - 4) The candidates will be evaluated on job-related criteria such as written communication skills, oral communication skills, decision making/problem solving, leadership ability, interpersonal skills, initiative, and job knowledge.
    - 5) At the conclusion of the interview, the panel will rank the candidates and will submit to the Chief of Police the names of the top three candidates.

#### c. Chief's Interview

- 1) The Chief will interview the top three candidates.
- The Chief will evaluate the candidate's responses to the questions utilizing jobrelated criteria.
- 3) The final determination as to who will be promoted rests with the Chief of Police.
- 9. All elements used to evaluate candidates for promotion in a process are job-related and nondiscriminatory.
  - a. The processes are specifically designed to measure the skills, knowledge, abilities and traits needed to perform the job.
  - b. Prior to a process being instituted, Human Resources shall review all elements to certify job-relatedness and that they are nondiscriminatory.

- 10. Procedures for review and appeal of results of promotional elements.
  - a. All candidates have the right to review the results of the process with the Chief of Police or the individual who served as the facilitator of the process.
  - b. A candidate shall be allowed to review and appeal scores and evaluations related to their performance only.
  - c. Appeals may be reduced to writing and forwarded by the candidate to the Human Resource Department.
- 11. Eligibility lists will be maintained for one year.
  - a. A numerical weight will not be assigned to each eligibility component. A candidate is either eligible or not eligible for the process based on minimum qualifications established.
  - b. A new process will be instituted for additional openings that occur more than one year after a process.
  - c. Eligibility lists, if used, will consist of the ranking established by the interview panel. Years of experience in law enforcement might be used in consideration for promotional purposes.
  - d. When one individual is selected from the top three for promotion, the next individual on the list will be considered in the top three for the next opening.
- 12. Any candidates not selected for promotion may reapply when there is another opening, and their application will be given due consideration.
- 13. Maintenance and Retention of Selection and Promotional Files
  - a. All records of selection and promotional processes will be forwarded to Human Resources and will be maintained in their secure files.
  - b. Eligibility lists from processes can be maintained for one year from the date of the recruitment.
  - c. All completed processes will be maintained in the archive files at Human Resources and access is limited to these files.
- 14. In accordance with the SUPA Agreement, all sworn personnel are required to serve a 12-month probationary period. Management personnel, Lieutenant, Deputy Chief and Chief of Police, are subject to the management personnel policies, which require no probationary period. Title 5, Section 42723(a), states that management employees serve at the pleasure of the appointing authority.

#### V. APPENDIX:

- A. HR 2008-24 Selection and Testing of CSU Police Personnel
- B. SFSU Human Resources Practice Directive No. 105 Recruitment Guidelines

#### VI. ATTACHMENTS:

A. Office of Human Resources Recommendation to Hire Form

## ATTACHMENT A



OFFICE OF HUMAN RESOURCES
Recommendation to Hire

The Recommendation to Hire form information is required to be completed and is maintained in HR, S&RM staff recruitment files. It is imperative that specific job related comments concerning the candidates' qualifications be stated in Section I below and specific justification be included in Parts II and III for the recommended hire

<b>SECTI</b>	ON 1: Recommendation In	nformation					
Job V	acancy#:		Position#:				
Number of Openings: Dept ID: Job Code:							
Classification Description: Skill Level (if applicable):							
I/Search Committee Members have interviewed the following candidates:							
	NAME	SPECIFI	C COMMENTS CONCERNING QUALIFICATIONS	CURRENT SFSU EMPLOYEE			
Α							
В				☐ YES ☐ NO			
С				☐ YES ☐ NO			
D				☐ YES ☐ NO			
Е				☐ YES ☐ NO			
	name) for the following		selection of	(candidate S			
eque	st candidate to start work	as of:	<b>Salary: \$</b> pe	er $\square$ Month/ $\square$ Hour			
)	The No. 2 recommendati for the following reasons	•	e is unavailable) is:				
List 9.3 employee applicants and SPECIFICALLY identify for each, the minimum qualifications as identified in the SF State Careers posting that the employee does not meet. (Attach a separate memo to list all 9.3 employee applicants):							
Sect	ion 2: Authorization & Sigi	natures					
	rtment Name:	Dent Conta					
Depa	in cirricine realine.	DCPC COINC	ict: Ext/Email	l:			



APPROVED: Reginald Parson, Chief of Police NUMBER: 2-5

EFFECTIVE: September 1, 2004

March 3, 2006, Feb. 20, 2008, Feb. REVIEWED/REVISED: 3, 2012, Jan. 12, 2016, Dec. 10, SUPERSEDES: A-10

2019

SUBJECT PERFORMANCE EVALUATION

I. PURPOSE: To establish procedures and clarify responsibilities for the University's Performance Evaluation process.

II. POLICY: It is the policy of this Department to provide performance planning and evaluation which will ensure the best use of human resources available, to ensure that personnel problems are identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of each employee. To help further this policy, the performance evaluation process will be utilized as a tool by Supervisors to further the development of all employees.

#### III. DEFINITIONS:

- A. Performance: Something done or performed. As used: actions taken or omitted with regard to specific tasks or assignments.
- B. Performance Objectives: Statements of operational behavior required for satisfactory performance of a task, the conditions under which the behavior is usually performed, and the criteria for satisfactory performance.
- C. Rated Employee: The employee whose performance is evaluated by a rater.
- D. Rater: The supervisor who evaluates the performance of a subordinate employee.
- E. Rating: The estimate of the value, worth, strength, capacity of, etc.; appraisal. As used: an indication of the quality of performance or attributes.
- F. Remedial Training: Personalized training to correct a specific deficiency, which is usually identified by either (1) testing or other evaluation during training or (2) supervisory evaluation during routine job performance.
- G. Skills, Knowledge, and Abilities: Skills are the proficiency with which an individual performs. Knowledge is a body of information or the understanding gained through learning, education, experience, or associations. Abilities are processes required to perform the various job responsibilities.
- H. Supervision and Control: Direct in-person contact.
- I. Unsatisfactory Performance: Employee behavior or work performance that is substandard and may lead to disciplinary action.

#### IV. PROCEDURES:

# A. Performance Evaluation System:

- Measurement definitions as defined in the Staff Performance Evaluation.
  - a. Superior: Performance in this area is consistently above the required or expected level for the position and there is little room for improvement.
  - b. Above Satisfactory: Always meets expected standards and often exceeds them in the performance of duties.
  - c. Satisfactory: Consistently meets duty requirements and may sometimes exceed requirements.
  - d. Needs Improvement: Usually meets requirements, but has demonstrated performance below necessary for continued success some counseling required.
  - e. Unsatisfactory: Does not meet the standards of performance on most occasions counseling and remedial training have been given often.
  - f. Not Observed or N/A: Does not apply to this employee, or there was no opportunity to observe this particular trait during the rating period.

# B. Definitions of Rating Criteria:

- 1. Technical Knowledge Is the employee well informed on the current laws, which effect the duty assignment? Does the employee make an effort to learn about changes as they occur? Is the employee well informed on current department procedures and adhere to the guidance they provide?
- 2. Dependability Does the employee carry out orders and assigned duties without constant supervision and guidance? Does the employee require constant reminding to complete routine or special assignments?
- 3. Attitude Does the employee show continued interest and enthusiasm for duties? Does the employee reflect a positive feeling toward the job?
- 4. Initiative Does the employee demonstrate creativity and thoroughness when conducting investigations? Does the employee properly utilize unassigned time?
- 5. Leadership Does the employee exert a positive influence on others? The employee should be able to assume a commanding position when assigned a task with coworkers.
- 6. Potential Does the employee seek opportunities for self-improvement? Does the employee possess an interest or special skill which can and should be developed for the benefit of the job?
- 7. Work Relationship Is the employee successful in working with fellow employees; cooperative and helpful when working with others; contribute to a group effort?
- 8. Citizen Relationship Is the employee successful in meeting with citizens; project a good image of self and the department when in contact with a citizen whether or not involved in a hostile situation?
- 9.Appearance Does the employee take pride in dress and appearance? Does the employee's demeanor, manner, and carriage reflect favorably upon self and the Department?
- 10. Physical Fitness Is the employee physically fit as required for the position assigned? Can the employee perform physically during any expected situation, without harm to self or others? Does the employee maintain good physical

condition?

- 11.Communications Is the employee clear and to the point in conveying information and directions to citizens and co-workers? Is the employee understandable when speaking?
- 12. Reports Does the employee turn in reports on time? Are the reports legible and complete? Has the employee expressed the situation with correct grammar and spelling? Are reports returned for corrections? Does the employee use the correct forms without reminder?
- 13. Attendance Does the employee observe assigned work hours? Does the employee repeatedly report for duty late? Does the employee use personal and family sick leave as intended by Department Order?
- 14. Equipment Does the employee maintain personal equipment in working order and in clean condition? Does the employee report Department equipment damaged or broken?
- 15.Adaptability to Campus Law Enforcement- Does the employee accept changes in routine or procedure? Does the employee work well in new or unusual circumstances? Does the employee work well in emergencies?
- 16.Stability- Does the employee work well during times of stress? Does the employee remain calm, collected and in good temperament when faced with a outraged or demanding citizen? Is the employee easily upset?
- 17. Overall Evaluation- Average of all the specific traits.
- 18. For employees with supervisory and administrative responsibility authority

#### a. Measurement definitions:

- 1) Unsatisfactory-Fails to meet minimum standards
- 2) Needs improvement-Marginal performance
- 3) Satisfactory-Meets standards
- 4) Superior-Substantially exceeds standards

#### b. Definitions of Rating Criteria:

- 1) Knowledge of abilities of subordinates-are problems promptly addressed and recommendations for improvement provided.
- 2) Skill in training subordinates-recognize problems and provide training?
- 3) Fairness and impartiality in dealing with subordinates-are employees treated equally, fairly and impartial?
- 4) Decision making/judgment-does supervisor make sound decisions?
- 5) Planning effectiveness-coordination of skills and effective follow-up of work assigned to others. Recognizing needs for improvement.
- 6) Skill in giving and following work assignments-does supervisor delegate, follow-up and review material for accuracy before submitted?
- 7) Quantity of work completed by subordinates-Does supervisor carry their load of work?
- 8) Quality of work completed by subordinates-accuracy of work. Degree of excellence in work performed. Is it neat, accurate and thorough?
- 9) Ability to motivate good subordinate performance-Does employee facilitate

- getting the best performance out of the staff he or she supervises.
- 10) Ability to evaluate employees-Timeliness, accuracy and usefulness.
- 11) Openness and communication with Division Commander, Lieutenant and Chief-ability to act as supervisory team and management up as well as down.
- 12) Anticipates recognizes and solves problems-identify problems and provide solutions?
- 13) Ability to direct and supervise subordinates at crime scene or emergencymake sound and accurate decisions in field?
- 14) Report review and submission of final product-Accuracy, meet deadlines, contains needed information?

#### C. Procedures for Use of Forms:

- 1. At the top of the form, the rater will indicate the review period (actual dates covered by the evaluation), and the evaluation will be based on the performance of the employee during the entire appraisal period.
- 2. The rater will indicate a rating for each of the listed performance criteria. The rating are superior, exceeds duty requirements, meets duty requirements, needs some improvement, needs much improvement and not observed or N/A. At the bottom of the evaluation, the evaluator must give an overall evaluation of the employee's performance.
- 3. The rater is to note comments to support performance factors and ratings. Specific examples must be given for positive achievements, and specific examples must be given that demonstrate the need for improvement and unsatisfactory performance, if any of these areas are noted.
- 4. Goals from the previous evaluation are restated and it is noted how the employee has or has not met the goals. Goals are established for the next rating period. The rater is to note specific training or learning experiences that are recommended for the next review period.
- 5. The rater is to sign the evaluation and the rater's supervisor will sign the evaluation after it is reviewed. After the Chief of Police reviews the evaluation, it will be reviewed with the employee and the employee will be given the opportunity to sign the evaluation. Evaluations are not to be given to employees until the appropriate administrator has reviewed them. A copy of the signed evaluation will be given to the employee.
- 6. Completed and signed performance evaluations will be forwarded to the Human Resources Department for inclusion in the employee's personnel file.
  - a. A copy of the evaluation will be maintained in the Department's personnel file.
  - b. Personnel evaluations will become a part of the employee's permanent record and will be maintained indefinitely.

#### D. Rater Responsibilities:

1. The rater must gather all available information about the employee's performance prior to completing the evaluation.

- a. The employee's personnel file should be checked to reference any commendations or adverse comments.
- b. Other employees and Supervisors who have worked with the employee should be interviewed to solicit information about events during the rating period, which positively or negatively reflect on the employee's performance.
- c. Criteria used for performance evaluation shall be specific to the assignment of the employee during the rating period.
- 2. Raters must keep employees advised throughout the rating period of their observations relative to the employee's performance, to give the employee an opportunity to correct deficiencies and ensure that there are no surprises on the performance evaluation.
- 3. At the conclusion of the rating period, the rater must conduct a career development counseling session with the employee that will include:
  - a. Results of the performance evaluation just completed;
  - b. The level of performance expected, and goals for the new rating period;
  - c. Career counseling relative to advancement, specialization, or training appropriate to the employee's position.

# E. Rater Training:

- 1. All Supervisors will receive a block of instruction on preparation of performance evaluations at a POST approved Supervisor's course.
- 2. Human Resources conducts periodic classes for Supervisors on the completion of the University's performance evaluation process and all Supervisors will attend this training. Whenever the Department revises the performance evaluation form, training will be provided in the new form and any revisions to the process.
- 3. Department managers also attend training provided by Human Resources on the University's performance evaluation process.
- 4. Supervisors will be evaluated on their ability to evaluate and supervise employee's.

# F. Frequency of Performance Evaluations:

# 1. Permanent Employees

- a. Will be evaluated at least annually utilizing the Staff Performance Evaluation.
- b. If their performance is deemed to be unsatisfactory, written notification will be given to them in a timely manner. The employee may be placed on a performance improvement plan.

# 2. Probationary Employees

- a. New officer trainees will be evaluated daily throughout the Field Training Program, utilizing the Daily Observation Reports and the Supervisors Weekly Reports, which are discussed with and signed by the trainee.
- b. At the completion of the twelve-week FTO program the trainee will be evaluated

by the FTO Training Manager with a recommendation as to the release from the formal FTO program. A Staff Performance Evaluation will be completed at six (6) months, nine (9) months and twelve (12) months on the employee until the completion of the probationary year. The final probationary evaluation will indicate whether the employee's performance is such that the employee should be released from probation.

- c. Newly promoted employees serve a one-year probationary period and will be evaluated quarterly utilizing the Staff Performance Evaluation.
- d. Probationary civilian employees must be evaluated quarterly.
- e. If an employee is extended in the FTO program, they should receive daily evaluations and a weekly progress summary.
- 3. The Fiscal Services Administrative Specialist prepares a spreadsheet monthly which lists the evaluation due dates of all employees. The list is provided to all managers and the Assistant to the Chief will advise the managers and the Chief if evaluations are not prepared timely.
- 4. The Assistant to the Chief files all evaluations in the employee personnel file and forwards the original to Human Resources.
- 5. Once an employee is separated from the department, the Assistant to the Chief forwards the department personnel file and training file to Human Resources to be archived.

# G. Appeal Process:

- At the time the employee reviews the evaluation with the rater, the employee may discuss any items that the employee believes are not a true reflection of their performance.
- 2. The rater may revise the evaluation if he/she determines that the points raised by the employee have merit.
- 3. If the rater does not revise the evaluation after discussion with the employee and the employee continues to believe that the evaluation does not reflect their performance, the employee may review the evaluation with the rater's supervisor.
- 4. The rater's supervisor after speaking with the employee and the rater will make a determination if the evaluation will stand as written.
- 5. The employee will be given an opportunity to sign the completed evaluation and may attach written comments to supplement the information, if they wish.
- H. Management Employees (MPP Lieutenants, Captain, Commander, Deputy Chief and Chief of Police)
  - Management employees will be evaluated pursuant to campus policy outlined in Human Resources Practice Directive P530. Each annual evaluation is due to the Vice President for Student Affairs prior to July 30. Evaluations, self-evaluations and a new annual performance plan will be submitted to the Chief of Police prior to June 15 annually.
  - 2. Performance Appraisal for Managers (Human Resources Practice Directive P530) establishes the process and outlines all dimensions rated.

## V. APPENDICES:

- A. SFSU Practice Directive P530 Performance Management Guidelines
- B. SFSU Practice Directive P206 Progressive Discipline Guidelines

#### VI. ATTACHMENTS:

- A. Management Personnel Plan Performance Review Form
- B. Employee Performance Evaluation Form
- C. Employee Performance Evaluation Form- Sworn

#### ATTACHMENT A

## **SFSU Management Personnel Plan Performance Review**

Name:	Evaluation Period:
School/Department:	Position:

## **NARRATIVE: RESULTS REVIEW - POSITION ASSESSMENT**

Provide narrative remarks on the administrator's performance by evaluating:

- The extent to which goals have been achieved;
   The degree to which performance has enhanced overall Division/Department effectiveness; and
- 3. Whether performance has demonstrated commitment and achievement in the areas of work quality, timeliness, planning and problem solving skills, judgment, working relationships, leadership, management of fiscal and human resources, and Affirmative Action. (Attach additional comments if desired.)

# SFSU Management Personnel Plan Performance Review

SUMMARY EVALUATION		
I have evaluated the merit and performan	ce of this management employee as fo	ollows:
Less than Satisfactory (Marginal-minima	al results)	
Satisfactory (Achieves expected results	)	
More than Satisfactory (Frequently exc	eeds expected results)	
Evaluator's Signature / Date		Employee's Signature / Date
Comments		
Comments		
Dean/Director Signature/Date	Associate VP Signature/Date	Cabinet Officer Signature/Date

# SFSU Management Personnel Plan Performance Review

A performance plan is designed to identify program objectives and expected results in the administrator's major areas of
responsibility. Generally, the employee completes a draft of the Performance Plan and reviews it with the Dean/Director
or Cabinet Level Officer. (Attach additional plans if desired.)

or Cabinet Level Officer. (Attach additional plans if desired.)
<u>GOAL</u>
ACTION PLAN
TIME FRAMES
Performance Planning Meeting Date:
Employee's Signature:
Dean/Director:
Associate Vice President:
Cabinet Officer:

# ATTACHMENT B



# PERFORMANCE EVALUATION FORM P530A

PART I: EMPLOYEE INFORMATION
Last Name: First Name:
Classification: Bargaining Unit:
Evaluator:
Department:
Evaluation Period: From (mm/yy): To (mm/yy):
EMPLOYEE STATUS:
O Permanent O Probationary, Ending (mm/yy): O Temporary, Ending: (mm/yy):
EVALUATION TYPE:
O Annual O 3rd Month O 6th Month O 11th Month O Other
PART II: PERFORMANCE REVIEW
Review the seven (7) dimensions of performance. Under each category, comment on the employee's accomplishments and challenges during the evaluation period. Indicate level of performance achieved using the following scale:
5 = Superior 4 = Above Satisfactory 3 = Satisfactory 2 = Needs Improvement 1 = Unsatisfactory
PLEASE NOTE: Individual category ratings must be in whole numbers.
1) Knowledge of policies, procedures, and programs:  Demonstrates organizational awareness; knows administrative policies and procedures; has knowledge of business practices; provides accurate information on policies and procedures; makes information easily accessible to all members of the campus community.
Comments:

#### 2) SKILLS AND ABILITIES:

Select a minimum of four which are applicable to the work assignments. Evaluators may identify other relevant criteria if desired.

- a) ANALYTICAL AND DATA ANALYSIS: Recognizes what information is critical; plans and conducts research and analyses in a deliberate and comprehensive manner, presents results in clear and concise manner.
- b) COMMUNICATION: Writes clearly; edits work for spelling and grammar; presents numerical data effectively; expresses thoughts clearly, verbally and in writing; seeks out and develops productive work relationships; listens with empathy, responds diplomatically; responds accurately and promptly to questions; listens and gets clarification.
- c) LEADING OTHERS: Prioritizes and plans work activities of others to meet unit, department and college priorities and timelines; efficiently; motivates others towards common goals, integrates changes, demonstrates ability to coach, mentor, train and develop others.
- d) INFORMATION TECHNOLOGY: Demonstrates ability to create, edit, format letters, tables and other documents; demonstrates ability to create newsletters or brochures; demonstrates ability to create, edit and format effective slide presentations incorporating video, audio and graphics; demonstrates ability to create and publish a web page using HTML or an easy-to-use authoring application; demonstrates ability to create spreadsheets, use calculations, generate charts and graphs.
- e) JUDGEMENT; PROBLEM SOLVING; AND DECISION MAKING: Gathers relevant data; evaluates information based on appropriate standards; synthesizes facts, concepts and principles; alerts appropriate persons to emerging problems; is willing to make and take responsibility for decisions; consults with appropriate people; supports and explains reasoning for decisions; makes timely decisions.
- f) TEAM WORK: Balances individual and unit responsibilities; gives and welcomes feedback; contributes to building a "user-friendly" environment, ensures cooperation and cohesion, facilitates groups in decision making process.
- g) PROJECT COORDINATION: Develops plans; coordinates projects; communicates changes and progress; completes projects on time and within existing resources.
- h) WORK PRACTICES: (Includes attendance, punctuality, safety, organization of work area): Schedules time off in advance unless an emergency dictates otherwise; follows department procedures for requesting and reporting use of leave; ensures work responsibilities are covered when absent or apprises supervisor of pending responsibilities or upcoming deadlines; arrives at appointments and meetings on time. Utilizes appropriate safety measures, maintains a professional and orderly work environment.
- i) SELF-DEVELOPMENT/CAREER PLANNING: Seeks opportunities for professional development; identifies opportunities to contribute to organizational goals; is willing to learn new skills.
- j) CONTRIBUTIONS TO CAMPUS, CSU, COMMUNITY, IF APPLICABLE: Contributions toward achievement of strategic planning, college, department and unit goals.

Describe and assess a minimum of four skills and abilities	
Comments:	Scale:
O	0
Comments:	Scale:
Comments:	Scale:
Comments:	Scale:

3) QUALITY: Scale: Demonstrates accuracy and thoroughness; displays commitment to excellence; looks for ways to improve and promote quality; applies feedback to improve performance; monitors own work to ensure quality.
Comments:
4) USER FRIENDLY INTERACTIONS:  Acts/behaves in a manner that reflects respect, courtesy and civility, appreciation, empathy, trust, inclusion and consultation. Establishes and maintains effective work relationships; offers assistance and support to co-workers. Understands lines of reporting, responsibility, and accountability. Provides accurate information; makes information easily accessible to all members of the campus community.
Comments:
5) QUANTITY: Scale: Scale:
Completes work in a timely manner; strives to increase productivity.  Comments:
6) PLANNING AND RESULTS:  Prioritizes and plans work activities to meet unit, department and college priorities and timelines; identifies needed resources; plans and utilizes existing and new resources efficiently; accommodates multiple demands for commitment of time energy and resources; adapts to changing priorities, situations and demands; integrates changes.
Comments:
7) CREATIVITY AND INNOVATION:  Engages in creative problem solving; thinks "globally"; knows how to re-engineer processes; is open and receptive to new ideas.
Comments:
8) OVERALL RATING:  Add the ratings and divide by the number of dimensions rated. Describe the employee's overall performance.
Comments:

PART III: PERFORMANCE PLAN					
List the development objectives the employee has act developmental objectives, the activities through which projected timelines:	nieved during the evaluation period. Next, list your now propose the employee should achieve them and the				
Comments:					
PART IV: EVALUATOR'S SIGNATURE					
Evaluator's Name	Evaluator's Signature				
Evaluator's Title	Date:				
PART V: EMPLOYEE'S ACKNOWLEDGEMENT OF EVA	ALUATION				
I have had an opportunity to read and discuss this	performance review with the evaluator.				
I am attaching my comments regarding this evalua	tion.				
I would like to discuss this evaluation with an Appr	opriate Administrator.				
I decline to sign.					
I will submit my rebuttal.					
Employee's Signature	Date				
PART VI: APPROPRIATE ADMINISTRATOR'S REVIEW					
For Probationary employee only, recommend:					
O Grant Permanent Status					
O Reject During Probation (Forward Recon	nmendation)				
Comments (Include date and participants):					
Administrator's Name:S	Signature				
Title: Date:					

# ATTACHMENT C

San Francisco State Uni	versity	1. Employee:								
Department of Public Sa	3	Last Name First Na			ime M.I.					
Department of 1 done 30	alety	2. Class Title		3. Divis	ion			•		
T 1 D (	T 1	2. Class Title		3. DIVIS	1011					
Employee Performance	Evaluation									
		4. Period of Evaluation								
		From:	1	То:						
5. Special Assignments:					uperi					
							factory	,		
. = .					atisfa	-				
6. Evaluation	- · -	0 11	1			_	oveme	nt		
Probationary 🔲	Regular 📙	Special   1 = Unsatisfactory					L			
					N/A = Not Observed or Not Applicable					
Area		Description		5	4	3	2	1	N/A	
1. Technical Knowledge	Knowledge of Cur									
1. Technical Khowledge	~	partment procedures			H	H	H	H	H	
	-	crime scene & proper collecti	on of evidence		Ħ	Ħ	H		H	
	,	1 1								
2. Dependability	Carries out orders guidance	without constant supervision	n and							
3. Attitude		enthusiasm for duties			П	П			П	
	Shows positive attitude toward Dept. mission									
4. Initiative	Appropriate use o	f assigned and unassigned ti	me							
	Progressive use of creativity									
5. Leadership	Performs without supervision and takes charge when no									
	supervision Makes sound decisions									
6. Potential	For increase in responsibility			+	+	<u> </u>				
7. Work Relationships	Is successful in wo	-		+	H	+				
8. Citizen Relationships	Successful in meet			+	H	∺	$\overline{\Box}$		ᆷ	
o. Chizen Kelationompo	- projects good im				ш	Ш		Ш		
9. Appearance	-	ss appearance and creates fav	orable image							
10 . Physical Fitness	Is physically fit for	position / assignments								
11. Communications	Proper use of radio									
	Written communic			14	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
12. Reports	Submitted on time			$\perp$	片	님	Н		片	
	Legible Spelling and gram	mar			H	H	H		H	
	Report returns low				H	H	H	Н	H	
	-	ns without reminder			H	H	H		H	
	Complete / contain proper element of crime				Ħ	Ħ	Ħ	H	Ħ	
13. Attendance	Observes working hours				Ħ	Ħ				
	Proper use of sick leave									
14. Equipment	Maintains department equipment									
	Uses authorized e									
15. Adaptability To	Applies self as p	proactive safety officer								
Campus Law Enforcement										
16. Stability	Performs well di	uring stress and time of en	nergency							
17. Overall Evaluation										

# **Employee Performance Evaluation Page 2**

Narrative:

Needs improvement and superior ratings shall be addressed in narrative, as well as any other comments the writer wishes to address.

I have discussed this report with the employee.			
Sergeant Date	Sergeant	Date	
		assed with me. My signature below do y agreement with the rating.	es
Division Commander Date	Signature of Employee	Date	
Department Head Review			
☐ I agree with the evaluation			
☐ I agree with the evaluation with the following			
☐ I do not agree with the evaluation and I Recommend	d: -		
	Signature	Date	
Distribution: Original - Personnel D	epartment File	ployee	

# **Supervisory Evaluation**

	Next to each category	Superior	Above	Satisfactory	Needs	Unsatisfactory
	indicate the level of	-	Satisfactory	2	Improvement	
	performance achieved using	5	4	3	2	1
	the following scale.					
I.	Knowledge of Characteristics					
	and Ability of Subordinates					
II.	Skill in Training Subordinates					
III.	Fairness and Impartiality in					
	Dealing with Subordinates					
IV.	Decision Making/Judgement					
V.	Planning Effectiveness					
VI.	Skill in Giving and Following Work Assignments					
VII.	Quality of Work Done by Subordinates					
VIII.	Quantity of Work Done by Subordinates					
IX.	Ability to Motivate Good Subordinate Performance					
X.	Ability to Evaluate					
	Employees					
XI.	Openness and Communication					
	with Division Commanders					
	and Chief of Police					
XII.	Anticipates, Recognizes, and					
	Solves Problems					
XIII.	Ability to Direct and					
	Supervise Subordinates at					
	Crime Scene or Emergency					
XIV.	Report, Review and					
	Submission of Final Product					

Comments:
Employee:
Division Commander:



NUMBER: 2-6 APPROVED: Regard Par

EFFECTIVE: September 1, 2004

Reginald Parson, Chief of Police

Nov. 30, 2005, Dec. 6, 2005, Jan. 12, 2006, Sept. 11, 2006, Sept. 20, 2007, Oct. 29, 2007, Feb. 26, 2008, Jan. 15, 2009, May 7,

2009, May 27, 2009, Mar. 5, 2010, Apr. 23,

SUPERSEDES: REVIEWED/REVISED: 2010, Aug. 29, 2012, Jan. 4, 2013, Mar. 4,

2015, Aug. 26, 2015, Jan. 12, 2016, Dec. 11,

SUBJECT: TRAINING AND CAREER DEVELOPMENT 2019

I. PURPOSE: The purpose of this directive is to establish guidelines for training and career development of department personnel.

#### II. POLICY:

- A. The training program shall provide the highest caliber of training of personnel based upon needs, career enhancement, and the mission of the department.
- B. This agency recognizes the training function in the development and evaluation of training needs in order to provide a comprehensive overall training program.

#### **III. DEFINITIONS:**

- A. Attendance: The rules and guidelines establishing attendance regulations and requirements. Attendance to training programs once an employee is notified of a training assignment is mandatory, unless a person is relieved of the requirement by a higher authority.
- B. Career Counseling: The relationship (process) between trained counselor/supervisor and employee that is designed to facilitate an employee's career choices, comprehension of career goals, and achievement of career goals through meaningful and well informed choices.
- C. Career Development Activities: An organized and supervised set of duties or functions designed to stimulate learning, e.g., counseling, training job rotations.
- D. Counseling: The giving of advice; advising. As used: discussions between the rated employee and rater leading to advice to the former concerning performance.
- E. Field Training: A structured and closely supervised program provided to recruit officers to facilitate the application of skills and knowledge obtained in the academy/classroom to actual performance in on-the-job situations.
- F. Field Training Officer (FTO): An officer who has been carefully selected and trained to deliver the field-training program to recruit officers.
- G. In-Service Training: Training in addition to recruit training, which may include periodic retraining or refresher training, career development, promotional training, advanced training, and shift briefing training.
- H. Lesson Plan: A detailed guide from which an instructor teaches. The plan includes goals,

- specific subject matter, performance objectives, references, resources, and method of evaluating or testing the students.
- I. Proficiency: The additional skills, knowledge and abilities that are needed to remain competent in performing the duties and responsibilities of a job.
- J. Recruit/Basic/Entry Level Training: The orientation of new officers to their jobs and the development of basic law enforcement skills.
- K. Reimbursement: Costs reimbursed to employees for attending training programs inside or outside the agency.
- L. Remedial Training: Personalized training to correct a specific deficiency, which is usually identified by either (1) testing or other evaluation during training, or (2) supervisory evaluation during routine job performance.
- M. Shift Briefing: Training or informational sessions of short duration administered to law enforcement officers just prior to, or after, their tour of duty.
- N. Skill: A present, observable competence acquired or developed through experience and/or training.
- O. Skills, Knowledge, and Abilities: Skills are the proficiency with which an individual performs. Knowledge is a body of information or the understanding gained through learning, education, experience, or associations. Abilities are processes required to perform the various job responsibilities.
- P. Specialized Training: Training to enhance skills, knowledge and abilities taught in either recruit or in-service programs. Specialized training may address supervisory, management, and/ or executive development training, or it may include technical and job-specific subjects, e.g., robbery investigation, crime scene processing, sexual assault investigation, etc.
- Q. Task: A unit of work performed by an individual to accomplish the goal of a job.

#### IV. PROCEDURES:

- A. Attendance requirements for employees assigned to authorized agency training programs.
  - 1. Attendance at an assigned training course is required.
  - 2. When an employee cannot attend an assigned course or any scheduled department training due to illness, court subpoena, or some other emergency, that employee must notify the appropriate Field Operations Division Commander as soon as possible.
  - 3. When an employee has missed an assigned training course it will be rescheduled, if possible, for a future session or a similar training course.
  - 4. Certification of completed training shall be submitted to the Assistant to the Chief for update of the employee's training records. This certification will include the subject of the training, an overview of the course (if possible), number of hours, performance tests administered, and special certifications received.
- B. Reimbursement to employees attending training programs in or outside the agency.
  - 1. The University Police Department will reimburse employees attending training programs for such expenses as mileage, meals, lodging, fees, tolls and other related expenses at the rates established in accordance with University policy and the Collective Bargaining agreements.

- 2. There shall be no compensation for travel expense incurred while attending local training classes (within 25 miles) of the campus. There will be no compensation for travel time when attending schools voluntarily.
- 3. Travel time to attend required training out of town which involves overnight travel is counted as hours worked for purposes of computing overtime pay, only up to the amount of time which is equal to the employees normal working hours. If travel takes 12 hours and the employee normally works 8 hours, the amount of comparable time is 8 hours. Mealtime may be deducted from travel time as well. As a general rule, travel to training will be reimbursed at straight time on an hour for hour basis exclusive of meal breaks.
- 4. If the employee is offered public transportation which would require 3 hours of travel time but elects to drive his/her own vehicle or to ride as a passenger in another's car, requiring 8 hours of travel, the employee will only be compensated for the shorter of the two times. In this example 3 hours for computing compensation. The compensation paid for travel is limited to the amount that would be the most economical mode of transportation to the training location.
- 5. Employees shall receive per diem expenses for meals and lodging according to schedules set by the State or P.O.S.T. depending on the school, conference or seminar.
- 6. All reimbursement requests related to business travel claims, uniform allowance for Unit 7 employees, petty cash, hospitality and other business related purchases must be made within 90 days of incurring the expense. Reimbursement requests that are submitted after the 90 day deadline are likely to be denied by the Accounts Payable Department. Late reimbursement requests must then be requested via the Vice President with an acceptable justification. Any late reimbursement request received without the Vice President's approval will be denied.
- 7. The Fiscal Services Administrative Specialist will be responsible for all travel advances and training reimbursements/claims.

# C. Mileage claims for privately owned vehicles:

- 1. Effective July 1, 2003, all employees using a University owned vehicle, a privately owned vehicle, or a state rental vehicle must be authorized by the University to drive on state business by satisfying the requirements of the Driver Safety Program. To satisfy the requirements of the Driver Safety Program, an employee must:
  - a. Possess a valid California or other state driver's license.
  - b. Satisfactorily complete a Defensive Driver Training class once every four years.
  - c. Participate in the DMV Pull Notice Program to verify driving record.
  - d. Use a vehicle that is adequate for the work to be performed and in safe mechanical condition.
  - e. Must use safety seatbelts.
- 2. Employees authorized to use a privately owned vehicle to conduct state/university business must complete form STD 261 (Authorization to Use Privately Owned Vehicles on State Business) to certify the vehicle being used has liability insurance coverage with the minimum amount prescribed by law and that other safety factors

- are in effect. The completed and approved STD 261 form will be retained in the employee's personnel file and will be re-signed and verified annually to certify that it is current. An employee must be listed as an authorized driver by the campus office of Environmental Health & Safety (EHS) in order to be reimbursed for any mileage used during a business travel.
- 3. An employee may obtain a one-time only exemption and temporary authorization from EHS if he/she must drive a university or privately owned vehicle on a state business and has not yet been properly authorized according to the procedures listed above. Once given a one-time exemption, an employee must immediately attend the next Defensive Driver Training class to receive mileage reimbursement for future travel.

#### D. Lesson Plans:

- 1. Lesson plans are required for all training conducted by the department and maintained by the Training Administrator
- 2. Lesson plans will include the following:
  - a. A statement of performance and job related objectives;
  - b. The content of training and specifications of the appropriate instructional techniques (i.e. powerpoint presentation, lecture, practical application/demonstration, simulations, etc)
  - c. Identification of any tests used in the training process.
- 3. It is the responsibility of the instructor to submit a lesson plan to the appropriate Field Operations Division Commander and the Training Administrator. The Training Administrator is responsible for reviewing courses that require submission to the California Commission on Peace Officer Standards and Training (P.O.S.T) for course certification. The department will provide each instructor with guidelines and format for lesson plan development.

# E. Policy concerning written remedial training.

- 1. Remedial training is directed at solving a particular problem and/or improving an area of performance.
- 2. Remedial training will be provided to any employee who has been identified by his/ her supervisor to be deficient in any required area of performance.
- 3. Remedial training can be provided through additional training provided by department supervisors or FTOs or through required attendance at P.O.S.T. inservice training courses.
- 4. Remedial training must be completed in a designated time and with clearly defined and expected results. Officers who are assigned to any remedial training must attend and complete the training. Failure to complete the training may result in disciplinary action.
- 5. At the time an employee is identified as requiring remediation, a timetable will be established by the employee's supervisor for completion of training and improvement in performance. All remedial training recommendations must be approved by the

- appropriate Field Operations Division Commander and must be documented.
- 6. Probationary employees must satisfactorily complete remedial training as a condition of continued employment.
- F. Updating of training records of employees is required following participation in any training programs.
  - 1. The Training Supervisor will maintain and update training records for department employees.
  - 2. Individual training records:
    - a. Date of training;
    - b. Type of training;
    - c. Certificate received, if applicable;
    - d. Attendance; and
    - e. Test scores, if applicable.
  - 3. Department Training records shall include (each training session conducted by the agency):
    - a. Course content (lesson plans);
    - b. Names of personnel in attendance;
    - c. Performance of individual attending as measured by written and or practical examinations, if applicable;
    - d. Course critique:
    - e. Identification of the instructors or outside organization presenting the course.

#### G. Training of Instructors:

- Selection of instructional personnel is critical to the operation of a successful training program. Abilities required for instruction in all programs includes knowledge of the subject areas to be taught and knowledge of methods and practices and teaching theories.
- 2. The appropriate Division Commander will select instructors from outside the department when the needs for training cannot be attained with department members.
- 3. Personnel assigned to the training function and given the responsibility to instruct shall receive training that includes at the minimum:
  - a. Lesson plan development;
  - b. Performance objective development;
  - c. Instructional techniques;
  - d. Testing and evaluation techniques;
  - e. Resource availability; and
  - f. Learning theory.

### H. Recruit Training:

# 1. Basic Academy

- a. Police recruit trainees (cadets) are required by law (Penal Code Section 832) and POST regulations [Section 1005(a) and Chapter D-1, Section 1-1 through 1-3] to attend a POST certified basic academy.
- b. All sworn officers are required to complete a recruit-training program prior to assignment in any capacity in which the officer is allowed to carry a weapon or is in a position to make an arrest. This requires at least 640 hours of recruit training plus an additional Field training and Evaluation Program. The department Field Training and Evaluation Program is field performance based and utilizes written examinations, practical skills and written exercises that evaluate the knowledge, skills and abilities of the recruits.
- c. This department will utilize and have it's recruits attend and successfully complete a P.O.S.T certified basic law enforcement training academy. The Field Training Manager will maintain contact with the recruit throughout training.
- d. All injuries, performance issues, or legal liabilities related to the academy training shall be reported to the appropriate Field Operations Division Commander.
  - Financial responsibilities of the department shall include only the salary of the recruit during the training and any equipment normally supplied to full-time officers.
  - 2) Medical treatment related to injuries shall be covered by the existing medical plan selected by the recruit at the time of hire.
  - 3) At no time is the academy or academy personnel relieved of legal liabilities related to improper actions.
- e. The academies provide each recruit with written information at the time the academy begins.
- f. The FTO Manager will be responsible for tracking the recruit's progress during the academy training. The FTO Manager will act as liaison with the academy staff and provide department input as needed.
- g. Police recruit trainees (cadets) will not be assigned to general law enforcement duties until completion of academy training as prescribed by law.
- h. The recruit training program shall include:
  - a curriculum based on tasks of the most frequent assignment associated duties of officers who have previously completed recruit training; and
  - 2) use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities.

# 2. Post-Academy Training

a. After completion of the academy, the trainee will go through a two-week orientation process. The orientation week will prepare the trainee for the FTO program and the department rules; regulations and procedures will be discussed.

- 1) an overview of the university and the department; and
- 2) a review of the critical department written directives including Use of Force, Patrol Operations, and Preliminary and Follow-up Investigations.
- b. The orientation period must include firearms, impact weapon and arrest and control techniques. The trainee must demonstrate proficiency in all three areas.
- c. Additional training will be completed during this time to prepare the trainee for field duties.

### 3. Field Training and Evaluation Program

- a. Refer to the Department FTO Manual for a complete description of the FTO program.
- b. Corporals and designated officers assigned to Patrol will attend FTO School and will serve in the role of Field Training Officers.
- c. The FTO Program is part of the selection process that combines field training with objective evaluations to ensure that the standards of a competent police officer are met. The program is operated by the Services Division.
- d. The recruit Field Training and Evaluation program is a minimum of 12 weeks in duration and is divided into four phases and includes:
  - 1) a curriculum based on the tasks of the most frequent assignment associated duties of officers who complete recruit training; and
  - 2) use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities.
- e. Extended Training Trainees that may need additional training may be extended in the FTO program for a period of time agreed upon (on a weekly basis) by the FTO's, the appropriate Division Commander, FTO Manager.
- f. All trainees must complete the Department Training Program and view all assigned training videos before a letter of completion will be submitted to the Chief of Police for signature.
- g. If it is the consensus of the FTO's, Field Training Manager and the appropriate Field Operations Division Commander that a trainee is not making expected progress, documentation to that effect will be submitted to the Chief for action and recommendations.

# 4. Selection of Field Training Officers (FTO's).

- a. Personnel interested in becoming field-training officers must submit a memo via the chain of command to the appropriate Division Commander who will review a candidate's suitability based upon good moral character, a consistent attendance record, no adverse evaluations within a year, an oral interview and the recommendation of his/her supervisor. The Field Training Manager, a Division Commander and FTO SAC will coordinate an oral interview with the interested candidate to determine his/her ability to fill available vacancies.
- b. The Field Training Manager will supervise the field-training officers via the FTO

SAC.

- c. The FTO Manager provides a liaison between the academy and the recruit. While attending the Academy, the recruit and Academy personnel are instructed to contact the Training Manager concerning any issues or concerns.
- d. Field Training Officers will attend periodic training arranged through the Field Training and Evaluation Program. Prior to assignment as a FTO an officer shall attend the P.O.S.T. Field Training program.
- e. Rotation of recruit field assignments:
  - 1) Recruits will be rotated between Field Training Officers throughout the program.
  - 2) Assignments will include both day and night shifts to ensure exposure to a variety of duties and environments.
- f. P.O.S.T standardized guidelines will be used to evaluate recruits.
- g. Field training officers will complete daily observation reports. If remedial training is required Field Training Officers will report this to the FTO SAC and/or FTO Manager.
- I. In-Service, Shift Briefing, and Advanced Training.
  - 1. All sworn personnel are required to complete an annual retraining program that includes legal updates.
    - a. In-service training will be conducted according to P.O.S.T guidelines to ensure that all sworn personnel stay current with new public acts, laws, technological advances, and revisions of the department policy manual.
    - b. All training provided or received shall be documented and included in the officer's training file.

# 2. Shift Briefing

- a. Shift briefing supplements will supplement in-service training and will be documented on a course roster or via memo.
- b. Sergeants will supervise shift briefings and ensure the record of training is completed.
- c. A person with special knowledge or skills may conduct shift training.

# J. Specialized Training

- 1. Specialized training is required for proficiency in a variety of assignments and promotions.
- 2. Assignments that may require specialized training are:
  - a. Investigations
  - b. Critical Response Unit
  - c. Field Training Officer

- d. Range Master (Firearms Instruction)
- e. Motorcycle Training
- f. Defensive Tactics Instructor
- g. Bicycle Patrol
- h. Traffic Accident Investigation Training
- i. RAD Instructor
- j. Sexual Assault Investigations Team
- k. Supervisory Course
- I. Management Course
- m. Executive Course
- n. Racial Profiling
- o. First Aid/CPR/AED
- p. NIM/SEMS/ICS
- q. Canine Officer; and
- r. Any other assignment where the Chief of Police deems specialized training is appropriate or required.
- 3. Specialized training should include and take into consideration:
  - a. Development and enhancement of the skills, knowledge, and abilities particular to the specialization or assignment;
  - b. Management, administration, supervision, personnel policies and support services of the function or assignment:
  - c. Agency policies, procedures, rules and regulations specifically related to the function or assignment;
  - d. The requirements or mandates of law; and
  - e. Supervised on-the-job training.
- 4. Retraining is required to maintain certifications for certain specialized assignments. For many assignments this is accomplished through an update training. This retraining shall be accomplished as mandated by the department training plan and POST requirements and will be documented in the employee's training file.
- 5. The department will assist employees in their career development to improve their skills, knowledge and ability, by providing training both formal and informal as needed or requested based on operational needs.

# K. Civilian Training:

- 1. Newly hired civilian personnel will receive the following orientation and training:
  - a. Orientation of the department's role, purpose, goals, policies, and procedures;
  - b. Working conditions, University Rules and Regulations, and Collective bargaining Agreements, if applicable; and
  - c. Responsibilities and rights of the employee and confidentiality agreements.
- 2. Civilian positions in which pre-service and or in-service training is required includes:

- a. Dispatchers, will receive in-service perishable skills training and pre-service P.O.S.T training according to P.O.S.T guidelines.
- b. Parking Officers, will receive orientation and in-service training through the parking department and the Parking Supervisor.
- c. Community Service Specialists will receive in-service training through the appropriate Operations Division commander and the CSS Supervisor.
- d. Fiscal Services and Parking & Transportation employees will receive in-service training for all campus policies and procedures related to personnel/payroll/ attendance, procurement/accounting, and budget transactions and generating reports. The Associate Director for Operations, Parking & Transportation, Fiscal Services Administrative Specialist, Fiscal Services Specialist, Parking & Transportation Manager and Citation Processor will receive training from Human Resources, Fiscal Affairs, and Budget Administration & Operations as needed.
- e. The Records Supervisor will complete an in-service P.O.S.T Records Management Course training and any other training required by P.O.S.T.
- L. Job related training to newly promoted personnel.
  - 1. Specialized or advanced training is provided to individuals who have been promoted or re-assigned, at the discretion of the Chief of Police.
  - 2. This type of training is often provided outside the department and designed to impart higher level supervisory or management skills.
- M. Probationary Period: All employees are on probation for 1 year following completion of entry level training according to rules governing state employees.
- N. Compliance with Systemwide Policy HR 2002-13
  - 1. All sworn police officers and dispatchers must be provided the minimum training as mandated by POST Section 1005.
  - 2. Title 22, Article 2, Section 100016 of the California Code of Regulations states that first aid and CPR training shall be provided to all lifeguards, firefighters and peace officers, unless their duties are primarily clerical or administrative.
  - 3. The California Penal Code Section 13518 requires that every police officer, except those whose duties are primarily clerical or administrative, shall meet the training standards prescribed by the Emergency Medical Services (EMS) Authority for the administration of first aid and CPR. In addition, satisfactory completion of periodic refresher training or appropriate testing in CPR and other first aid is prescribed by the EMS Authority shall also be required.
  - 4. The use of Automated External Defibrillators, shall comply with the California Code of Regulations, Title 22, Division 9, Chapter 1.8, and Sections 100031-100039. Every authorized individual using the defibrillators shall have met the training standards required by the code.

# V. APPENDIX:

A. HR 2002-13 Compliance with California Commission on Peace Officer Standards and Training

(POST) and Control of POST Fund Training Reimbursements.

# VI. ATTACHMENT:

A. Authorization to Use Privately Owned Vehicles on State Business Form

#### ATTACHMENT A

STATE OF CALIFORNIA

# AUTHORIZATION TO USE PRIVATELY OWNED VEHICLES ON STATE BUSINESS

STD. 261 (REV. 3-95)

This approval must be renewed annually.

#### I. CERTIFICATION

In accordance with State Policy (S.A.M. 0753 & 0754) approval is requested to use privately owned vehicles to conduct official State business.

I hereby certify that, whenever I drive a privately owned vehicle on State business, I will have a valid driver's license and proof of liability insurance in my possession, all persons in the vehicle will wear safety belts and the vehicle shall always be:

- Covered by liability insurance for the minimum amount prescribed by State Law (\$15,000 for personal injury to, or death of one person; \$30,000 for injury to, or death of, two or more persons in one accident; \$5,000 property damage). Vehicle Code Section 16020 (effective July 1, 1985) requires all motorists to carry evidence of current automobile liability insurance in their vehicle.
- 2. Adequate for the work to be performed.
- 3. Equipped with safety belts in operating condition.
- 4. To the best of my knowledge, in safe mechanical condition as required by law.

I understand that the mileage rate I claim is full reimbursement for the cost of operating the vehicle, including fuel, maintenance, repairs and both liability and comprehensive insurance.

I further certify that, while using a privately owned vehicle on official State business, all accidents will be reported on form STD. 270 within 48 hours (S.A.M. 2441).

I understand that permission to drive a privately owned vehicle on State business is a privilege which may be suspended or revoked at any time.

DRIVER'S LICENSE NUMBER	STATE	EXPIRATION DATE
EMPLOYEE'S SIGNATURE	PRINT NAME	DATE SIGNED
	II. APPROVAL	
	Use of a privately owned vehicle on State business is appro	oved.
APPROVING AUTHORITY SIGNATURE	TITLE Enterprise Risk Management	DATE APPROVED
	III. RENEWAL	
I have re	eviewed the above certification and approval and certify that the information	provided is correct and valid.
EMPLOYEE'S SIGNATURE	APPROVING AUTHORITY SIGNATURE	DATE APPROVED
I have re	eviewed the above certification and approval and certify that the information	provided is correct and valid.
EMPLOYEE'S SIGNATURE	APPROVING AUTHORITY SIGNATURE	DATE APPROVED
I have re	eviewed the above certification and approval and certify that the information	provided is correct and valid.
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I have re	 eviewed the above certification and approval and certify that the information	provided is correct and valid.
EMPLOYEE'S SIGNATURE	APPROVING AUTHORITY SIGNATURE	DATE APPROVED
I have re	reviewed the above certification and approval and certify that the information	n provided is correct and valid.
EMPLOYEE'S SIGNATURE	APPROVING AUTHORITY SIGNATURE	DATE APPROVED



NUMBER: 2-7 APPROVED: Reynold Ra

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: February 27, 2006, Aug. 14, 2006,

Jan. 4, 2013, Jan. 13, 2016, Dec. 11,

2019

SUBJECT: CLASSIFICATION

I. PURPOSE: To describe the policies and procedures governing the classification of duties and responsibilities for the San Francisco State University Police Department.

II. POLICY: The Department shall maintain a written job classification and description for all positions to identify the important and essential skills, knowledge, and abilities required for successful job performance.

#### III. DEFINITIONS:

- A. Class: A grouping of jobs for which duties, responsibilities, qualifications, and conditions of employment are sufficiently alike to justify the same treatment with respect to personnel practices.
- B. Class Specifications: An official statement or guideline about the general duties, responsibilities, and qualifications involved in the kinds of jobs included in the same class.
- C. Classification Review: Analysis of the specific duties and responsibilities of a position to determine if it is properly classified.
- D. Function: A general term for the required or expected activity of a person or an organizational component.
- E. Job: One or more positions with duties and responsibilities that are identical in all significant respects so that a single descriptive title can be used to identify the work done by incumbents.
- F. Job Description: An official written statement setting forth the duties and responsibilities of a job, and the skills, knowledge, and abilities necessary to perform it.
- G. Job Related: A procedure, test, or requirement either predictive of job performance or indicative of the work behavior expected or necessary in the position.
- H. Organizational Chart: Visual representation of the reporting structure of the department in which the subject position is located. The organizational chart is considered part of the Job Description and should be attached to Human Resources forms used in the classification studies and hiring requisitions.
- I. Performance: Something done or performed. As used: actions taken or omitted with regard to specific tasks or assignments.
- J. Performance Objectives: Statements of operational behavior required for satisfactory performance of a task, the conditions under which the behavior is usually performed, and the

- criteria for satisfactory performance.
- K. Position Audit: Action taken the Human Resources Management Classification Reviewer to secure additional information on the nature of the duties and responsibilities assigned to a position in order to clarify the job description. An audit usually consists of a conference with the employee and/or supervisor, and observation of the duties or inspection of materials.
- L. Proficiency: The additional skills, knowledge, and abilities that are needed to remain competent in performing the duties and responsibilities of a job.
- M. Skill: A present observable competence acquired or developed through experience and/or training.
- N. Skills, Knowledge, and Abilities: Skills are the proficiency with which an individual performs. Knowledge is a body of information or the understanding gained through learning, education, experience, and associations. Abilities are processes required to perform the various job responsibilities.
- O. Task: A unit of work performed by an individual to accomplish the goal of a job.
- P. Task Analysis: A systematic, structured process for dissecting a job into its basics parts. A task analysis identifies the important or essential elements of a job, the key work behaviors, and the knowledge, skills, and abilities required for these work behaviors.

#### IV. PROCEDURES:

# A. Task Analysis:

- 1. A written task analysis of every class of full-time employee in the agency is conducted, maintained on file, and includes:
  - a. The work behaviors (duties, responsibilities, functions, and tasks);
  - b. The frequency with which the work behaviors occur; and
  - c. How critical the job-related skills, knowledge and abilities are.
- 2. The task analysis information is collected through the use of the Position Description form available through Human Resources, which includes:
  - a. Job summary and purpose of position;
  - b. Major responsibilities and list of duties for each responsibility;
  - c. Requirements of the position to include licenses, certificates, unique work conditions and special skills, knowledge and abilities.
  - d. Employment conditions to include physical, mental and environmental factors; and
  - e. The purpose and nature of work relationships.
- 3. The task analysis process is an on-going program that occurs when a position is filled via recruitment. The Position Description form is completed prior to recruitment and announcement of a position and Human Resources performs a work behaviors study, frequency which tasks occur review, and critical analysis of job related skills, knowledge and abilities survey to insure the position is appropriately classified.
- 4. Job Task analysis studies are also performed on a California State University system-wide basis, coordinated by the Chancellor's Office Human Resources

Administration Department. Job standards are developed through three main criteria or resources:

- a. Issues and needs expressed in a campus survey conducted in reference classifications:
- b. Feedback from human resource and public safety subject experts; and
- c. A review of current position descriptions submitted by campuses.

#### B. Job Classification:

#### 1. Written classification plan

- a. Each job is structured and categorized within a "job class" on the basis of similarities in duties, responsibilities, and qualification requirements.
- b. Each job is further broken down into a "job position" that encompasses the duties and responsibilities for specific positions.
- c. Job classifications exist for every job within a class and are maintained in the California State University System Classification and Qualification Standards and can be found in the CSU web page at http://www.calstate.edu/tier3/HR-Adm/classstandards.html.
- d. Provisions for relating compensation to classes shall be accomplished by two methods:
  - 1) The Office of the Chancellor establishes classification and compensation standards within a range for each class; and
  - 2) The campuses have delegated responsibility for final decisions on individual classification and compensation based on the position specifications and the employee's qualifications/performance.

#### 2. Provisions for reclassifications

- a. Either the employee or Management can initiate requests for reclassification study. A Classification Study Request form must be completed.
- b. The employee will prepare a job description on the Position Description form.
- c. The employee and supervisor will review the job description to establish agreement with respect to content.
- d. A current organizational chart and the job description must be attached to the Classification Study Request form.
- e. Human Resources will review all documents, interview the incumbent and supervisor if necessary and render a decision on the requested reclassification.

#### C. Police Series:

1. The Police series encompasses those positions whose primary function is to ensure the protection and public safety of California State University (CSU) students, faculty, staff, property, and members of the general public who visit the campus. Incumbents assigned to this series must successfully complete a certified Peace

- Officer Standards and Training (P.O.S.T.) program and become a sworn peace officer, licensed to carry firearms.
- 2. Positions are allocated to levels within the series on the basis of the nature and variety of work, including the:
  - a. Difficulty and complexity of assignments;
  - b. The degree of supervisory control exercised over the position;
  - c. The availability and scope of guidelines and authority controlling actions;
  - d. The purpose, level, and nature of interpersonal working relationships; and
  - e. The nature and extent of supervisory responsibility for the work of others.
- 3. Incumbents in the Police series have primary responsibility for patrolling the campus, maintaining order, controlling crowds, protecting individuals and property, conducting investigations, gathering evidence, making arrests, and writing reports.
- 4. All Police positions in this series require at least:
  - a. A working knowledge of federal and state laws;
  - b. Ability to identify and evaluate sensitive and/or dangerous situations and take appropriate action quickly and calmly;
  - c. Ability to make clear, concise written and oral reports of observations and actions taken;
  - d. Ability to establish and maintain effective working relationships with campus personnel, students, community agencies, and the public; and
  - e. Ability to meet physical and mental demands of the job.
- 5. Additionally, Police incumbents may be delegated responsibility for additional assignments to meet unique department needs. Examples include: range master, field training officer, investigations, bicycle patrol, defensive tactics instructor and critical response team member.

# D. Job Descriptions:

- 1. The Department maintains current job descriptions covering all employees.
- 2. A job description for each job within the agency is available to all personnel through the Office of the Chancellor's web site or Human Resource Office on campus and can also be obtained from the Fiscal Services Administrative Analyst's office. The positions include:
  - a. The Police series:
    - 1) Police Cadet;
    - 2) Police Officer;
    - 3) Police Corporal;
    - 4) Police Sergeant;
    - 5) Lieutenant;
    - 6) Captain;
    - 7) Commander

- 8) Deputy Chief and
- 9) Chief of Police.
- b. The Non-sworn series:
  - 1) Associate Director for Operations, Parking & Transportation
  - 2) Fiscal Services Specialist
  - 3) Personnel Services Specialist
  - 4) Fiscal Services Support
  - 5) Dispatchers;
  - 6) Records personnel;
  - 7) Community Service Specialist;
  - 8) Information Technology Consultant
  - 9) Any student or part-time personnel (all receptionists, and CARE Escorts)
  - 10) Crime Prevention Specialist
  - 11) Parking Control Officers
- E. Role of the Department in the development and maintenance of the class specifications within the classification plan.
  - 1. The Office of the Chancellor is responsible for the establishment of the Systemwide classification plan.
  - 2. All members of the department may prepare and forward through the chain-of-command changes and additions to the current plan via written justification.
  - 3. Bargaining Unit members may forward through their representatives information related to the classification plan at anytime, including recommendations for changes is compensation, position titles, the establishment of new classes, and reclassifications as they deem appropriate.

#### V. APPENDIX:

- A. HR 2001-19 Non Represented Classifications and Standards: Police Officer Cadet Non-Represented, Police Officer-Intermittent/Non-Represented
- B. Practice Directive P320 Classification Program for Non-Faculty Bargaining Units
- C. CSU Systemwide Classification Standards for Sworn Personnel and Dispatchers

#### VI. ATTACHMENT: None



NUMBER: 2-8

APPROVED: Keynold Pa

Reginald Parson, Chief of Police

Oct. 17, 2005, March 21, 2006, Oct. 29, 2007, Oct. 7, 2008, May 29, 2009, Jan. 14, 2010, Oct. 29, 2010, Apr. 30, 2012, Jul. 5, 2012, Aug. 13, 2012, Nov. 30, 2012, Jan. 11, 2013, Jan. 18, 2013, Mar. 26, 2013, Nov. 21, 2013, Apr. 24, 2014, Jun. 12, 2014, Jul. 15, 2014,

REVIEWED/REVISED: Mar. 4, 2015, Oct. 8, 2015, Jan. 13, 2016, July 1, 2016, Aug. 12,

2016, Apr. 20, 2017, May 23, 2017, June 7, 2017, Mar. 27, 2018, Apr. 13, 2018, Jun. 19, 2018, July 13, 2018, Aug. 10, 2018, Jan, 15,

2019, Feb. 27, 2019, Dec. 5, 2019

EFFECTIVE: September 1, 2004

SUPERSEDES: D-21

SUBJECT: UNIFORMS

I. PURPOSE: To establish the policy and procedure for uniforms.

#### II. POLICY:

- A. The personal appearance of all employees shall be of the highest standard. All employees shall maintain their appearance consistent with the highest ideals of this department.
- B. University Police, Parking Control Officers, Community Service Officer's, CARE Employees and Dispatchers will:
  - 1. Wear the prescribed uniform and equipment during their tour of duty.
  - 2. Keep their uniform clean, pressed, and in good repair with shoes and leather gear polished.
  - 3. Wear only the prescribed items with their uniforms.
- C. Officers assigned to plain-clothes detail will:
  - 1. Maintain a uniform in a clean and serviceable condition. The uniform shall be ready for immediate use.
  - 2. Wear the prescribed civilian clothing.
- D. Supervisors will inspect their employees periodically to ensure compliance with this order.
- III. DEFINITIONS: None
- IV. PROCEDURES:
  - A. General Regulation:
    - 1. Clothing will be clean and pressed. Shoes or boots with leather highly polished.
    - 2. Officers will be inspected daily before their tour of duty to see that uniforms meet the standards of this Order.

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- 3. Only police uniforms and equipment furnished by the department or approved by the Chief of Police should be worn.
- 4. Police stars (star patches) and name tags or name tapes (jackets), shall be worn on the outer garment, i.e., shirt, jacket, raincoat.
- 5. Partial uniforms will never be worn.
- 6. Officers in uniform are at all times subject to these provisions.

#### B. Uniform Classes:

- 1. DRESS, CLASS A Management
  - a. 8 Point service cap
  - b. Blue shirt
  - c. Tie, black with plain gold tie clasp
  - d. IKE Jacket
  - e. SFPD blouse coat- To only be worn at non-CSU events
  - f. Trousers with trouser belt
  - g. Socks, black
  - h. Dress shoes
  - i. Personal Firearm
  - j. Gloves (white, as specified)
  - k. Other Department required equipment, when specified

### 2. DRESS, CLASS A - All other Officers

- a. 8 Point service cap
- b. Blue shirt
- c. Tie, black with plain gold tie clasp
- d. Ike iacket
- e. Trousers with trouser belt
- f. Socks, black
- g. Dress shoes
- h. Basketweave duty belt with holster, speed loaders/magazine holders and cuff case and service firearm
- i. Gloves (white, as specified)
- j. Other Department required equipment, when specified

#### 3. DRESS, CLASS B - All Officers

- a. 8 Point service cap
- b. Navy blue shirt, long sleeve
- c. Tie, black with plain gold tie clasp
- d. Nylon jacket
- e. Trousers with trouser belt
- f. Socks, black
- g. Shoes, black
- h. Basketweave duty belt with all other equipment and service firearm
- i. Approved baton

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- j. Gloves (as specified)
- k. Other Department required equipment, as specified

#### 4. DRESS, CLASS C - All Officers

- a. Navy blue shirt, long sleeve
- b. Trousers with trouser belt
- c. Approved black t-shirt
- d. Socks, black
- e. Shoes, black
- f. Equipment belt with all other leather equipment and service firearm
- g. Approved baton
- h. Gloves, black (as required)
- i. Other Department required equipment, when specified

#### 5. DRESS, CLASS D - All Officers

- a. Navy blue shirt, short sleeve
- b. Trousers with trouser belt.
- c. In addition to Dress Class C worn

#### 6. DRESS, CLASS E - K-9 Officers

- a. Dark Navy Blue TDU or PDU pants(pants can be bloused)
- b. Dark Navy Blue TDU Shirt or PDU Long Sleeve Shirt
- c. Black boots with a plain toe that is capable of accepting a high shine.
- d. In addition to Dress Class C worn

#### 7. DRESS, CLASS F - Bicycle Officers

#### a. Police Officers:

- 1) Dark Blue shirt, short sleeve
- 2) Navy blue bike shorts or pants
- 3) Approved helmet and safety glasses
- 4) Black ankle high socks for shorts and black crew socks for pants
- 5) Black athletic shoes
- 6) Duty belt with all issued safety equipment
- 7) Duty firearm
- 8) Approved baton
- 9) Black bicycle riding gloves
- 10) Navy Blue Jacket with "POLICE" in bold letters centered in the back of the jacket: Example- Manufacturer, Allita
- 11) Other department required equipment when specified

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#### b. CSS, Non-sworn Personnel:

- 1) Light Blue shirt, short sleeve
- 2) Navy blue bike shorts or pants
- 3) Approved helmet and safety glasses
- 4) Black ankle high socks for shorts and black crew socks for pants
- 5) Black athletic shoes
- 6) Duty belt with all issued safety equipment
- 7) Black bicycle riding gloves
- 8) Black jacket, waterproof, Police patrol-style, or equivalent:
  - a) "Community Service Officer" will be visible to the rear of the jacket in yellow print, 1 1/4-inch capitalized Block letters, Bold
  - b) For PCOs, "Parking Services" will be visible to the rear of the jacket in yellow print, 2-inch capitalized Block letters, Bold
- 9) Other department required equipment when specified
- c. Other non-sworn personnel
  - 1) Waterproof Tactical Soft Shell, black available for wear by personnel assigned to the Community Liaison Unit and EOC Division
- 8. DRESS, CLASS G Motorcycle Officers
  - a. Dark blue shirt, short sleeve or long sleeve
  - b. Dark blue motorcycle pants (breeches/britches)
  - c. Black leather motorcycle patrol boots
  - d. Black leather gauntlet style motorcycle gloves
  - e. Day or evening motorcycle safety glasses
  - f. White, with black lower band, "Snell" DOT approved motorcycle helmet (or equivalent) with radio communications headset
  - g. Equipment belt with all other duty equipment and service firearm
  - h. Approved baton
  - i. Black leather motorcycle patrol jacket (weather permitting)
  - J. Black Tour Master Flex LE jacket, with outer shell on or off (weather permitting)
  - k. Other department required equipment when specified
  - I. Officer(s) assigned to a dual purpose motorcycle shall be provided a BDU with cloth star and name tag, motorcross boots, motorcycle helmet, protective gloves, protective jacket and remote microphone and earpiece. It shall be mandatory that all riders wear knee pads.
- 9. DRESS, CLASS H Battle Dress Utility (BDU'S)
  - a. 5.11 Dark Navy Blue TDU pants or Flying Cross Navy Blue Pants (pants will be tucked into the boots)
  - b. 5.11 Dark Navy Blue TDU Shirt or Flying Cross Long Sleeve Shirt
  - c. Black lace up Boots

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- d. Baseball Hat (with the approval of the Watch Commander)
- e. Black approved t-shirt
- f. Other equipment (36" riot baton, black leather protective gloves, riot helmet, Camelbak)
- 10. Dress, Class I Inclement Weather Uniform
  - a. This uniform shall be authorized for wear, when the following conditions are met:
    - 1) Weather.com (www.weather.com) advises that there is a 40% (or greater) chance of rain for zip code 94132 or the city of San Francisco.
  - b. 5.11 Dark Navy Blue TDU pants, TDU jumpsuit or Flying Cross Navy Blue BDU Pants (pants will not be tucked into the boots)
  - c. 5.11 Dark Navy Blue TDU Shirt or Flying Cross BDU Long Sleeve Shirt
  - d. Black Lace up Boots
  - e. Baseball Hat
  - f. Equipment belt with all other leather equipment and service firearm
  - g. Approved baton
  - h. Gloves, black (as required)
  - i. Other Department required equipment, when specified or required
- 11. Dress, Class J Alternative Patrol Duty Uniform (5.11 PDU's)
  - a. This uniform shall be authorized for wear, for everyday (non-special event) Patrol Functions or as an alternative to "Class I" Inclement Weather Uniform.
  - b. 5.11 Dark Navy Blue "PDU" pants, (pants will not be tucked into the boots or bloused)
  - c. 5.11 Dark Navy Blue "PDU" Shirt (Log or Short Sleeve)
  - d. Black Lace up Boots
  - e. Baseball Hat (optional)
  - f. Equipment belt with all other leather equipment and service firearm
  - g. Approved baton
  - h. Gloves, black (as required)
  - i. Other Department required equipment, when specified or required

#### 12. OPTIONAL UNIFORMS

- a. Department Issued Polo Shirts and Khakis
  - 1) Sworn Personnel may wear the soft uniform consisting of the department issued polo shirt and khaki style pants when on a special assignment or training. If this uniform is worn, sworn personnel in daytime assignments shall keep business attire in the locker should the duty assignment necessitate a change of clothes. Polo shirts are not to be worn with pants other than without approval. Khaki style pant colors authorized are Tan, Khaki, Black or Blue.

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#### b. Uniform Sweater

1) Officers may wear the navy blue Command Sweater with star tab and shoulder patches, without epaulets.

- 2) A small loop may be sewn onto the weak shoulder in order to accommodate the portable radio microphone extender.
- 3) Utility pouch locations can be tailored to the Officer's needs and comfort.

  Badge will be of the embroidered variety, as well as the name tape, worn in the traditional locations.

# c. Load Bearing Vest

- 1) Officers may wear a combination Load Bearing Vest/ ballistic vest carrier over their short or long sleeve uniform shirt.
- 2) The vendor of this vest is BPS Tactical. In all cases, the carrier material of the LBV should match, as close as practical, the coloration of the duty uniform Class C-J, (LAPD Navy Blue) and mimic the outward appearance of the specified duty shirt.
- 3) Utility pouch locations can be tailored to the Officer's needs and comfort.

  Badge will be of the embroidered variety, as well as the name tape, worn in the traditional locations.
- 4) A short or long sleeve "Armorskin base shirt" Blauer or similar make in Navy blue can be worn under the LBV. Appropriate department patches and sleeve rank (Corporal/ Sergeant) or Collar rank (sewn or metal, Lieutenant to Chief) are to be sewn/pinned in place.

# d. Department Training Uniform

- Sworn personnel may wear a training uniform for such purposes as range or other department training sessions to keep the patrol BDU/TDU from excessive wear.
- 2) The uniform will be available for voluntary, individual purchase.
- 3) The authorized uniform shall be the 5.11 Tactical Series, Olive Drab with cloth name tapes and subdued collar rank insignia. Any similar style and color uniform by a different manufacturer must get approval by the Chief.
- 4) The department will furnish the Green/Black subdued shoulder and star patches.
- 5) All uniform accessories such as hats, belts, gloves and footwear shall first be approved by the Range Master/Course Instructor prior to use.

### C. Uniform Shirts:

- 1. All buttons will be buttoned except collar buttons.
  - a. Shirts shall be of the type that meet L.A.P.D. color specifications, both long and short sleeved.

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1) Material: 100% wool or 65% Dacron polyester and 35% avril rayon or 54% polyester, 44% wool and 2% Lycra. Note: No 100% polyester shirts will be worn.

- 2) Velcro tabs for pockets; colorfast; Permacrease
- 3) Manufacturer: Flying Cross Long Sleeve Style #20W9586 for Male and #120W9586 for Female or Short Sleeve Style #70R9586 for Male and #170R9586 for Female (or equivalent SFPD Style) or 5.11 style class 'B' style long or short sleeve shirts.
- 4) Black buttons will be worn on uniform shirts for all ranks. The black buttons will be worn on the epaulets and pockets.
- 5) Pockets shall be free from all items that produce obvious bulges or protrusions.
- 6) Pens or pencils shall be of a conservative, non-offensive type. Black ink shall be used in all pens.
- 7) Only insignia, pins, or medals approved by the Chief of Police shall be worn. These are:
  - a) Shooting, K-9 and FTO pins shall be worn 1/8" centered above the name tag with a maximum of two pins at any one time. If two pins are worn, they will be worn side by side 1/2" apart.
  - b) 10851 pin, 23152 pin, Valor, Life Savings, Merit pins shall be worn directly under the star and centered above the pocket flap with a maximum of three pins. To be worn in a row.
  - c) Nametag shall be worn above the right pocket flap. Bottom of nametag will be against and in line with top seam of pocket and centered in the middle of the pocket.
  - d) Flag bars will be provided by the department and shall be worn below the department issued star along with other service ribbons.
  - e) Approved cloth motor "wings" patch shall be worn on the sleeves of the uniform shirt centered below the department patch and/or rank insignia for officers assigned to Traffic.
  - f) Circumstances and command approval will dictate when full medals will be worn on the lke Jacket, (under the star centered above the pocket flap. Up to three medals can be worn at one time).
  - g) Officer memorial pins may only be worn with the Chief's approval. The duration for which the pins may be worn shall be 1 year from the date of approval. The pins shall be worn on the right breast pocket and centered on the left hand side.
  - h) Branch of service pin approved style service branch flag crossed with US Flag hard enamel pin may be worn by active duty or former service members of the US Armed Services on the right pocket flap, centered over the right side pocket flap 'scallop'. Size not to exceed 1" x 2".
- 8) The shirt is to be tucked tightly in the trousers so as not to create a blousing effect.
- 9) Five year service "hash marks" shall be worn indicating total police service by all sworn personnel.

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- a) Hash marks are for completed years of service only.
- b) Hash marks shall be sewn on the left sleeve of the longed sleeved shirt and lke jacket.
- 10) Name tag shall be gold with black lettering.

#### D. Necktie And Tie Bar:

- 1. The necktie worn by Officers shall be a long style, black in color, snap-on tie. The tie shall be worn when Officers are assigned in class A or B uniform.
  - a. Manufacturer: Conqueror Uniform Company (or equivalent) Material: 55% Dacron, 45% wool
- 2. Tie Clasp
  - a. Plain gold bar

#### E. Trousers And Belts:

- 1. Trouser pockets shall be buttoned.
- 2. Trousers shall not be "pegged" or altered in any way, except as needed to provide a proper fit.
  - a. Trousers shall be of the type that meets L.A.P.D. color specifications.
    - 1) Material: 100% wool or 65% Dacron polyester and 35% avril rayon or 54% polyester, 44% wool and 2% Lycra. Note: No 100% polyester pants will be worn.
    - 2) Manufacturer: Flying Cross Style #28P8696 for Male and #28P8696WT for Female (or equivalent) or 5.11 style class 'A' pants
    - 3) Color: Navy blue
    - 4) Model: L.A.P.D. specifications: side slit pockets only

#### 3. Trouser belt shall be:

- a. Black standard basketweave design or black nylon, with a standard brass buckle.
- b. The width shall not be less than 1 1/4".
- c. No custom belt buckles

#### 4. Bicycle Shorts

- a. Short pockets shall be either zipped or held closed with velcro.
- b. Shorts shall not be altered in any way except as needed to provide a proper fit.
  - 1) Shorts shall meet the following specifications:

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#### a) Approved navy blue nylon

# 5. Bicycle Pants

- a. Pants pockets shall be either zipped or held closed with velcro.
- b. Pants shall not be altered in any way except as needed to provide a proper fit.
  - 1) Pants shall meet the following specifications
    - a) Approved navy blue nylon

### 6. Motorcycle pants

- a. Manufacturer: Horace Small, Elbeco or equivalent
- b. Model: Meets L.A.P.D. color specifications, motorcycle pants/breeches, plain sides with side slit pockets only
- c. Material: 100% wool or 65% Dacron polyester (No 100% polyester pants will be worn)
- d. Color: Navy blue

# 7. IWU (Inclement Weather Uniform)/TDU (Tactical Duty Uniform) Shirt

- a. Manufacturer: 5.11, Flying Cross or SFPD equivalent
- b. Material: 65% polyester/ 35% cotton ripstop
- c. Color: Navy Blue
- d. Nametapes shall be Navy Blue 1" tape with gold lettering. The nametape shall be stitched directly centered above the right pocket flap. The ends of the tape will be aligned with the ends of the pocket and tucked under the tape so no fraying will occur.
- e. "State University Police" star patch will be sewn on above the left pocket flap
- f. Approved cloth motor "wings" patch shall be worn on the sleeves of the uniform shirt centered below the department patch and/or rank insignia for officers assigned to Traffic
- g. No metal pin or rank or metal award pins will be allowed on the uniform.
- h. All cloth rank shall be sewn on for commissioned officers. The rank shall be affixed so the front edge of the rank shall be 1/2" from, and parallel with, the front edge of the collar.
- i. State University Police patches shall be sewn on the left and right shoulders in accordance with existing regulations.

#### 8. IWU/TDU Pants or TDU Jumpsuit

- a. Manufacturer: 5.11 or Flying Cross or SFPD equivalent
- b. Material: 65% polyester/ 35% cotton rip-stop (5.11 5.78oz poly/cotton twill)
- c. Color: Navy Blue
- 9. Duty Belt

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- a. Shall be standard department issue nylon basketweave or leather basketweave with brass buckle
- b. Only departmentally issued or approved holsters shall be worn.
- c. Only departmentally issued or approved ammunition holders shall be worn.
- d. Four (4) belt keepers shall be worn so as to hold the gun belt firmly to trouser belt.
- e. Baton holder shall be worn on the "weak" side of belt.
- f. Portable radio case, if worn, shall be worn on the "weak" side of the belt.
- g. Chemical mace or O.C. may be worn on the "weak" side of belt.
- h. One or two pairs of handcuffs may be worn in a closed single or double case; if two cases are worn, one shall be on the "strong" side and one on the "weak" side of belt. Only one case may be worn on the front of the belt. The following handcuff cases may be worn on the front of the belt:
  - 1) BIANCHI Model 7934
  - 2) AKER Model 502
  - 3) AKER Model 506
- i. A flashlight holder is provided to the officer.
- j. A hobble case is optional and must be purchased by the individual Officer. Hobbles shall not be carried on the belt unless they are enclosed in a case.
- k. Pager case black leather basketweave
- I. Any other accessory cases permanently worn must match the duty belt.

#### F Hats:

- 1. May be worn when assigned to duty in uniform.
  - a. The hat shall be an 8-point cap;
    - 1) Manufacturer: Forbes or Lancaster Uniform Cap Co.
    - 2) Material: 100% Serge wool
    - 3) Color: Navy blue
    - 4) Gold "Eureka" buttons to anchor black patent leather strap for Officers, Corporals and Sergeants.
  - b. Gold cloth strap for Lieutenant and above. Gold oak leaf on the visor for Commander and above.
  - c. Optional: The baseball hat shall be a navy blue wool baseball cap with a sewn on "State University Police" patch. The baseball hat is authorized for wear in conjunction with the inclement weather uniform or by the Watch Commander. The baseball hat shall not be worn with class A uniforms.

#### G. T-Shirts:

- 1. A clean t-shirt shall be worn under the uniform shirt.
  - a. The black t-shirt shall be the approved crewneck t-shirt for both day and night wear.

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- 1) Material: Cotton or Polyester
- 2) Brand: Any (Including 5.11, Under Armor or similar)
- 3) T-shirt shall be clean and have no frayed collar.

### H. General Duty Jackets:

- 1. Officers may wear a black nylon all-weather jacket, optional.
  - a. Rank insignia, shoulder patches, and nameplate or nametape shall be worn on nylon jacket.
  - b. Stars or star patches must be worn on the jacket when it is worn.
  - c. Pockets shall be buttoned at all times.
  - d. The jackets may be:
    - 1) Material: 100% Nylon/Gortex outer shell, 100% polyester inner lining.
    - 2) Jackets shall not extend below the duty belt.
- 2. Officers may wear a black leather patrol jacket, optional.
  - a. The jacket shall be supplied by the San Diego Leather Co. or Galls. Only models G1P or A2 are approved.
  - b. No shoulder patches shall be worn on leather jackets.
  - c. Nameplate and Star shall be worn on the jacket when it's worn.
  - d. Commissioned officers only are to wear their rank insignias on the collar (or epaulets if so equipped).

#### I. Dress "IKE" Jacket:

- 1. Officers of all ranks shall wear the "IKE" jacket when assigned to duty in Class A or B uniform.
  - a. The "IKE" jacket shall be:
    - 1) Material: 100% Serge wool, L.A.P.D. color specifications.
    - 2) Color: Navy blue
    - 3) Buttons shall be "Eureka" State buttons.
    - 4) Sergeants shall be designated by one ½" gold nylon braid on the cuff of each sleeve. Braids shall be 3" from the bottom of the cuff.
    - 5) Corporals and officers shall be designated by one ½" black nylon braid on the cuff of each sleeve. Braids shall be 3" from the bottom of the cuff.
- J. Dress Command Staff Coat (To be worn at non-CSU events only):
  - 1. The Dress Coat shall be: #SFPD BLOUSE Coat. 100% wool Elastique (Galls) or
  - 2. Class A single breasted dress coat. Material; Easy-care11.5oz Polyester gabardine fabric (Quartermaster)

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- a. Color: Dark Navy blue
- b. Buttons shall be "Eureka" State buttons.
- c. The rank of Lieutenant shall be designated by one ½" gold metallic nylon braid on the cuff of each sleeve. Braids shall be spaced 1/4" apart. The braid shall be 3" from the bottom of the cuff.
- d. The rank of Captain shall be designated by two ½" gold metallic nylon braids on the cuff of each sleeve. Braids shall be spaced 1/4" apart. The braids shall be 3" from the bottom of the cuff.
- e. The rank of Commander shall be designated by one 3/4" gold metallic nylon braid and one ½" gold metallic nylon braid on the cuff of each sleeve. Braids shall be spaced 1/4" apart. The braids shall be 3" from the bottom of the cuff.
- f. The rank of Deputy Chief shall be designated by two 3/4" gold metallic nylon braids on the cuff of each sleeve. Braids shall be spaced ½" apart. The braids shall be 3" from the bottom of the cuff.
- g. The rank of Chief shall be designated by four 3/4" gold metallic nylon braids on the cuff of each sleeve. Braids shall be spaced 1/4" apart. The braids shall be 3" from the bottom of the cuff.
- h. Service hash marks will not be worn on command staff coats.
- i. Rank insignias, shoulder patches, and nameplate shall be worn on the coat.

#### K. Shoes and Socks:

- 1. Shoes shall be kept in a shined condition at all times.
  - a. Shoes/Boots:
    - 1) Model: Plain toed, center laced shoe or boot capable of being polished to a high shine.
    - 2) Manufacturer: Various.
    - 3) Material: All leather construction
    - 4) Color: Black
  - b. Socks shall be black or navy blue.
- L. Bicycle Shoes and Socks:
  - 1. Shoes shall be kept in a clean condition at all times.
    - a. Shoes may be:
      - 1) Model: Athletic shoes.
      - 2) Manufacturer: Various.
      - 3) Color: Black
    - b. Socks shall be white 100% cotton ankle height.

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### M. Bicycle Riding Gloves:

- 1. Gloves shall be kept in a clean condition at all times
  - a. Gloves may be:

1) Manufacturer: Various

2) Color: Black

# N. Service Stripes:

- 1. "Hash-marks" may be used to designate an Officer's length of service as a sworn peace Officer. One "hash-mark" will indicate five (5) years of police service. The "hash-mark" shall be worn on the left sleeve of the lke jacket, duty jacket and long sleeved shirt.
- 2. Ike Jacket: "Hash-marks" will be positioned so the lowest portion of each "hash mark" is 3" above the uppermost edge of the cuff for each rank.
- 3. Long Sleeve shirt: "Hash-marks" will be positioned so the lowest portion of each "hash-mark" is three (3) inches from the bottom of the sleeve.

#### O. Brass Buttons:

1. Brass "Eureka" buttons shall only be worn on the IKE jackets and patrol jackets. These buttons will be worn on the epaulets and pockets.

# P. Additional Uniform Equipment:

#### 1. Baton

- a. 26" straight baton shall be issued by the department.
- b. All batons will be maintained in good condition by the individual Officer.
- c. Collapsible batons may be carried as an optional impact weapon and must be purchased by the individual officer.

Note: Batons must be approved by the training manager.

# 2. Saps and Short Batons

- a. Approved short batons (less than 19 inches) or saps may be carried upon completion of appropriate certification course.
- b. Short batons or saps are optional and must be purchased by the individual Officer.

#### 3. Whistles

- a. May be worn on the key ring.
- b. Will be issued by the department.
- c. Gold whistles/lanyards may be worn by traffic officers when the whistle is carried

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in the right shirt pocket and the lanyard is attached to the right shirt epaulet.

#### 4. Gloves

- a. Black leather gloves may be worn in hours of darkness, in inclement weather and during tactical deployment. Sap gloves may be worn during tactical deployment only.
- b. Gloves are not to be worn tucked into the duty belt.

### 5. Bicycle Helmet

a. Hard shell white ANSI/SNELL approved helmet, issued by the department, shall be worn at all times while riding the bicycle. The helmet shall be maintained in good condition.

### 6. Motorcycle Helmet

- a. White, with black lower band, "Snell" DOT approved motorcycle helmet (or equivalent) with radio communications headset, issued by the department
- b. 3" gold "police" hat-piece device in front of the helmet and 1" black numerical sticker (Officer's star #) on both sides
- c. Shall be worn at all times while riding a motorcycle
- d. The helmet shall be maintained in good condition

#### Q. Rank Insignia:

- 1. All Officers of the rank of Corporal and above shall wear the insignia for their rank as provided in this section.
- 2. Corporal/Detective-rank insignia.
  - a. Corporal's chevrons shall be worn on each sleeve of the uniform shirt, lke jacket, and jacket. The chevron shall be centered below the department shoulder patch and the top edge of the chevron shall be 1/2" below the bottom of the shoulder patch.

#### 3. Sergeant-rank insignia

- a. Sergeant's chevrons shall be worn on each sleeve of the uniform shirt, lke jacket, and jacket. The chevron shall be centered below the Department shoulder patch and the top edge of the chevron shall be 1/2" below the bottom of the shoulder patch.
- b. Chevrons shall be the same for all Sergeants & CSS/Parking supervisors.

#### 4. Lieutenant-rank insignia

a. A single bar shall be affixed to the center of each side of the uniform shirt collar. The front edge of the bar shall be 1/2" from, and parallel with, the front edge of the collar. One bar shall be worn on each shoulder of the nylon duty jacket and blouse

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coat. The outer edge of the bar shall be 3/4" above, and parallel with, the sleevehead seam. The bar shall be centered over the shoulder seam.

### 5. Captain-rank insignia

a. A double bar shall be affixed to the center of each side of the uniform shirt. It shall be positioned as the Lieutenant's insignia, above.

# 6. Commander-rank insignia

a. One star on each side of the uniform shirt collar and jacket/coat epaulets.

# 7. Deputy Chief-rank insignia

a. Two stars on each side of the uniform shirt collar and jacket/coat epaulets.

# 8. Chief-rank insignia

a. One row of 4 stars affixed to the collar or jacket/coat epaulets.

# R. Officers Assigned To Plain Clothes:

- 1. Officers assigned to plain clothes, regardless of rank or Division or assignment, shall maintain a style of dress consistent with good taste and maintenance of a professional image.
- 2. Business suits and/or sport coat and slacks shall be considered the uniform of the day. Nothing in the accessories worn shall reflect any impression of the Officer's political, spiritual or fraternal beliefs or affiliations.
- 3. Belts shall not be more than 1 1/2" in width. The belt buckle shall be of a size, which would be consistent with the size of the belt and of a conservative nature.
  - a. Equipment on the belt shall be worn so that it cannot be seen when the coat is worn.
  - b. The equipment shall include the approved side arm, carried securely in a holster, star in star case, additional ammunition, and handcuffs.
  - c. Undercover clothing (i.e. jeans, sweatshirts, etc.) maybe worn under the direction of the command personnel when officers are engaged in undercover operations. Star and Police I.D. will be carried unless the assignment is one of an unusual nature and must have the Chiefs approval. Note: Field Training Officer's are authorized to wear the undercover uniform for training new officers (i.e. Shadow phase or when authorized by the FTO SAC.)

# S. Community Service Specialists (CSSs):

1. The items named in this section shall constitute the basic uniform for CSSs. All such items are to be Department approved prior to use.

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- a. Jacket:
  - 1) Black jacket, flying cross or equivalent:
    - a) "Community Service Officer" will be visible to the rear of the jacket in yellow print, 1 1/4-inch capitalized Block letters, Bold
- b. Shirt –light blue, Flying Cross brand, Duro Poplin 65 % Dacron Polyester, 35% Cotton
  - 1) long sleeve
  - 2) short sleeve
- c. Tie black
- d. Trousers dark blue
- e. Trouser belt black
- f. Star when in uniform all Parking Officers shall wear the official star currently issued to them.
- g. Shoes black, plain toes
- h. Socks navy blue or black
- i. Name plate
- j. Baseball hats
- 2. The items named in this section shall constitute the basic uniform for other non-sworn personnel (i.e., EPREP Coordinator, CLU Personnel). All such items are to be Department approved prior to use.
  - a. Jacket:
    - 1) Waterproof Tactical Soft Shell, black available for wear by personnel assigned to the Community Liaison Unit and EOC Division.
- T. University Police Dispatchers:
  - 1. The item in this section shall constitute the basic uniform for University Police Dispatchers. All such items will be provided by the Department, initially, and replaced as the need arises. All will be maintained in neat order to reflect the high standards of the police department.
    - a. Blouse/shirt white, Flying Cross brand, All Weather De Luxe Tropical Perma Press, white buttons
      - 1) Long sleeve
      - 2) Short sleeve
    - b. Trousers navy blue
    - c. Skirt Navy blue
    - d. Trouser belt black basketweave

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- e. Shoes black, plain toes, or as approved by the Chief of Police
- f. Socks Navy blue or black
- g. Nameplate
- h. Sweater/vests Navy, optional, not provided by the Department.
- i. Windshirts- Navy blue, issued by the department to be worn over the white uniform shirt or white issued Polo shirt.
- 2. All other standards reflected in this order for both male and female employees shall also apply to University Police Dispatchers (i.e. grooming standards).
- 3. Alternative Dispatch Uniform:
  - a. Dark Navy polo shirt, short or long sleeve, (5.11, Galls, Propper brands) with the soft "Old Style" BDU badge patch underscored by the following embroidery: "Communications" beneath the badge patch in a straight line.
  - b. Badge patch will be on the on the left chest side of the shirt.
  - c. The 1st initial followed by a period/space and the full last name of the dispatcher embroidered in yellow-gold thread on the right chest side of the shirt.
  - d. This uniform will be accompanied by blue jeans, cargo pants or Khakis in clean condition and good repair. Brand to be selected by dispatcher for personal comfort.
  - e. Black Belt and Black shoe/boots should also be worn.
  - f. This uniform will be authorized to wear during the normal work week on both Day and Night shift in lieu of the formal uniform described above (#1). The formal uniform will be optional for daily use, but worn during commencement, inspections, dignitary visits or other events of significant importance as specified by the Chief of Police or designee.
- 4. Optional Weekend Attire- Saturday 0600 hours until Monday 0600 hours. Dispatchers working these hours have the option to wear casual business attire. The following is not acceptable attire and shall not be worn;
  - a. Athletic/Work Out Clothing
  - b. "Flip Flops" Sandals
  - c. Any article of clothing that endorses any commercial product or political party/candidate.
  - d. Any article of clothing that endorses use/consumption of any intoxicant. Dispatchers shall use good judgement in dress attire.

#### U. Equipment:

- 1. The University Police Department shall issue each Police Officer the following equipment:
  - a. Star and Cap Piece
  - b. Police Identification Card

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- c. Department Shoulder Patches
- d. Two (2) Name Plates (For the shirt and outer garment)
- e. Handgun and Ammunition
- f. Holster
- g. Basketweave duty belt and belt keepers
- h. Dual magazine pouch
- i. Baton and Baton Ring
- j. Handcuffs, Case and Key
- k. Whistle
- I. Notebook and Pen
- m. Flashlight
- n. Rain Gear

# 2. Other equipment that may be issued, as needed

- a. Chemical Mace/O.C. and Holder
- b. Digital Tape Recorder and Holder
- c. Riot Helmet
- d. Gas Mask
- e. Jump Drive
- f. CPR Mask
- g. 36" Riot Baton

All property issued remains the property of the department and must be returned upon demand.

#### 3. Rain Gear

- a. Black jackets with reflective stripes and pants will be issued by the department for sworn Officers.
- b. Yellow jackets and pants will be issued for CSS's and Parking Officers.

#### 4. Traffic Vest

a. Traffic vests with reflective stripes will be issued by the department during special events or while engaged in traffic related incidents.

#### 5. Protective Ballistic Vests and Raid Jackets

- a. University Police orders custom-fit soft body armor for issue to all Officers at the beginning of their employment. Employees may substitute personal purchased body armor for that issue, if approved by an Operations Lieutenant or designee in charge of equipment. At their discretion, command staff personnel may decline to be fitted for body armor. The threat level of vests purchased by the department will be level IIIA.
- b. Body armor is mandatory for Officers on patrol functions.

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c. Body armor and Raid Jackets will be issued to specific personnel when participating in a raid, in pre-planned high-risk situations (e.g., service of search warrants, warrant service, stakeouts where prior knowledge exists that there is high rate of probability violent situations may be encountered), or as ordered by a supervisor. Supervisors will evaluate situations to determine the potential for violent confrontation and will issue orders accordingly.

- d. Replacement and disposition:
  - 1) University Police replaces body armor as the warranty expires.
  - 2) Body armor will be replaced if damaged and cannot be refurbished under the conditions of the warranty.
  - 3) The Commander or designee will return damaged body armor to the manufacturer for inspection.
  - 4) The Commander or designee issues body armor to officers, develops a body armor replacement schedule, and ensures that body armor is replaced when needed.
  - 5) Annual budgets will include sufficient funds to cover replacements scheduled for that fiscal year.
  - 6) University Police retains issued body armor when an employee terminates.
  - 7) Used body armor will not be re-issued unless it is for an interim period when replacement or initial issue is not immediately available.
- e. Maintenance of Body Armor
  - 1) Body armor will be cleaned according to the manufacturer's recommendations
    - a) it cannot be dry-cleaned.
  - 2) Only the manufacturer will perform repairs.
  - 3) Ballistic testing of body armor is prohibited.
  - 4) The assigned Sergeant responsible for Property Management or "Property Sergeant shall be responsible for the inventory and replacement of all body armor by using the following spreadsheet sample:

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SAMPLE
SAN FRANCISCO STATE UNIVERSITY POLICE DEPARTMENT
Soft Body Armor

	one body rumor					
Name	Brand/Level	Date Issued	Date Expires*	Serial #		
Joe Tanner	RBR Ltd	2/93	2/98	Unk		
Jennifer Wilson	ABA Model 2005F	6/96	6/01	N96324292005F		
Dave Smith	ABA	9/88	9/93	8821489		
Jerry Daniels	ABA/2A	9/88	9/93	8821495		
Reggie Blain		3/97	3/02	59849		
Pat Nice	ABA/2	1990?	95	Unk		
Chris Perkins	ABA/2	7/96	10/01	N9608873A		
Lori Dwight	ABA/2	11/91	7/01	N9638588A		
Todd Bender	ABA/2	3/98	3/03	N9646859A		
Don York	ABA/2	11/95	11/00	922461		
Ron Percy	None Issued					
Molly Samson	Safariland	5/94	5/99	293121		
Tom Reuter	Safariland	3/98	3/03			

<sup>\*</sup> Indicates the date the warranty **expires.** This does not necessarily mean that the vest would not stop ammunition. Standard warranty for most soft body armor is 5 years.

# V. Initial Equipment check out procedures:

1. The appropriate equipment check out form shall be utilized to check out equipment, initially, ongoing and when equipment is returned. The form shall be maintained in each employees' personnel file.

#### V. APPENDIX:

A. Executive Order No. 1046 California State University- Police & Public Safety Policy Guidelines

# VI. ATTACHMENT:

A. Equipment Check Out Forms

General Order 2-8 Uniforms

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

# San Francisco State University Police Department Equipment Check Out List SWORN PERSONNEL

Name UIN			JIN		
ITEMS	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE	
ADMIN. ISSUED ITEMS:					
ALARM CARD					
GLOBAL CARD				1	
CALL BOX/NARCKEY					
LOCKER KEY #	_			1	
DEPARTMENT KEY				1	
KEYWATCHER SN				İ	
RIFLE LOCKER KEY #				İ	
ID CARD				İ	
STAR #					
CAP SHIELD				Ì	
NAME TAG (x2)					
PATROL MANUAL					
EMERGENCY MANUAL					
FINGERPRINT KIT					
RANGEMASTER ITEMS:					
PISTOL SN	_				
PISTOL MAGS (x3)					
ASSAULT RIFLE SN	_				
OPTIC #					
WEAPON LIGHT #					
RIFLE MAGAZINES (4)					
SAFETY ITEMS:					
BULLET RESISTANT VEST					
PLATE CARRIER					
PLATES (2)					
BALLISTIC HELMET					
OC SPRAY (MK 3 or 4)					
OC CASE					
BATON type:					
BATON RING					
RIOT BATON					
PISTOL HOLSTER					
PISTOL MAGAZINE CASE					
RADIO SN	_				
RADIO CASE					
RADIO BATTERIES (2) SN	_				
FLASHLIGHT SN	_			1	
FLASHLIGHT CASE				İ	
SAM BROWN BELT SIZE	_			1	
BELT KEEPER (x4)				1	
KEY HOLDER				i	

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OTHER ITEMS (cont.)	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
HAND CUFFS SN				
HAND CUFF CASE				
OTHER ITEMS:				
BDU/TDU				
CPR MASK			-	
GAS MASK				
CAMELBAK				
RIOT HELMET				
SAP GLOVES				
SPIT HOOD				
WHISTLE				
FIELD TRAINING ITEMS:				
FTO MANUAL				
COMMAND ITEMS:				
CELL PHONE #				
MISCELLANEOUS ITEMS:				

ISSUED BY:		



Name

Police Department - 1920 Holloway Avenue - San Francisco, California 94132-4005 - Tet. 415558-7200 - Par 415538-1926



# San Francisco State University Police Department Equipment Check Out List Non-Sworn Personnel COMMUNITY SERVICE SPECIALIST

UIN

TIEMS	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
ALARM CARD #			Must be returned to atom coordinates	
FIRE ALARM CARD				
STAR#				
FLASHLIGHT SN				
FLASHLIGHT HOLDER				
DEPARMENT I.D. CARD				
SFSU I.D. CARD				
NAME TAGS				
RADIO SN				
RADIO HOLDER				
RADIO BATTERY x2				
1 SN				
2 SN				
GLOBAL CARD KEY#				
DEPARTMENT KEY#				
KEY HOLDER				
DEP. STATE LOGO PATCHES x6				
CSO PATCH/BACK OF JACKET x2				
CSO STAR PATCH				
CSO ROCKER PATCH x6				
FLAG PIN				
OC SPRAY (MK 3)				
OC HOLDER				
RAIN JACKET LIME COLOR				
NOTE BOOK / PEN x2 BLUE				
GLOVE HOLDER				
WHISTLE				
CSO STUDENT ASSISTANT				
BASEBALL HAT/PATCH SFSU .P.D.				
BOOTS				
DI ACK DARKETAKANE BELT				

General Order 2-8 Uniforms Page 24 of 27

BLACK JACKET WITH CSO		
PANTS NAVY BLUE		
SHIRT LIGHT BLUE		

ISSUED B	3V-		
IOOUEU D	31.		

DRIGINAL IN PERSONNEL FOLDER - COPY TO CSS

General Order 2-8 Uniforms Page 25 of 27



Name

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# San Francisco State University Police Department Equipment Check Out List Non-Sworn Personnel DISPATCHERS

UIN

ITEMS	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
STAR #				
DEPARTMENT KEY				
I.D. CARD				
FLAG BAR				
NAME TAG(S)				
DISPATCH KEYBOX KEY				
MISCELLANOUS ITEMS:				
		ISSUED BY:		

ORIGINAL IN PERSONNEL FOLDER - COPY TO DISPATCHER

General Order 2-8 Uniforms Page 26 of 27



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# San Francisco State University Police Department Equipment Check Out List Non-Sworn Personnel **CARE ESCORTS**

Name		UIN		
ITEMS	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
BLACK NYLON BELT				
FLASHLIGHT				
FLASHLIGHT HOLDER (belt)				
HEADSET				
RED UNIFORM SHIRT (2)				
RED HEAVY UNIFORM JACKET				
RED LIGHT UNIFORM JACKET				
RADIO				
RADIO HOLDER				
RAINCOAT				
MISCELLANEOUS ITEMS:				

SSUED BY:	
	$\overline{}$

General Order 2-8 Uniforms Page 27 of 27



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# San Francisco State University Police Department Equipment Check Out List Non-Sworn Personnel/Student

Name		UIN		
ITEMS:	ISSUED DATE	RECEIVED SIGNATURE	RETURNED SIGNATURE	DATE
DEPARTMENT KEY				
ID CARD				

ISSUED BY:	



APPROVED: Reginald Parson, Chief of Police NUMBER: 2-9

EFFECTIVE: September 1, 2004

SUPERSEDES:D-21

SUBJECT: PERSONAL APPEARANCE

Oct. 17, 2005, March 21, 2006, Oct. 29, 2007, Oct. 7, 2008, May 29, 2009, Jan. 14, 2010, Oct. 29, 2010, Apr. 30, 2012, Jul. 5, 2012, Aug. 13, 2012, Nov. 30, REVIEWED/REVISED: 2012, Jan. 11, 2013, Jan. 18, 2013, Mar. 26, 2013, Nov. 21, 2013, Apr. 24, <sub>2014</sub>, Jun. 12, 2014, Jul. 15, 2014, Mar. 4, 2015, Oct. 8, 2015, Jan. 13, 2016, July 1, 2016, Aug. 12, 2016, Apr. 20, 2017, May 23, 2017, Jun. 7, 2017, Dec. 11, 2019, Feb 6, 2020

I. PURPOSE: To establish guidelines for the personal appearance of San Francisco State University Police department employees. It is the intent of this order to project uniformity and neutrality toward the public and other members of the department, and to provide a blend of traditional and contemporary standards that will encourage and maintain a look of professionalism consistent with our position in public service (definitions within this policy are subject to Administrative Interpretation).

II. POLICY: Personal Appearance for Male and Female employees. Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

III. DEFINITIONS: None

#### IV. PROCEDURES:

### A. Jewelry

- Wristwatch watch and band shall be of neutral colors and not conflict with the uniform. (No fluorescent or bright colors.)
- 2. One ring on each hand. (A wedding set shall be counted as one ring.) The size shall not exceed that of a college ring. (Male/Female respectively.)
- 3. Necklaces may be worn but shall not be visible.
- 4. Only medical bracelet shall be permissible.
- 5. Females are permitted to wear one post earring in each ear lobe.
  - a. flat surfaced earrings shall be gold or silver in color and not exceed 3/8" in diameter.
  - b. Silver or gold earrings which are not a flat surface shall not exceed 3/16" in diameter. Designs are permitted but they shall not be political, religious, or offensive.

- c. Stone earrings shall be either clear or birthstone and shall not exceed 3/16" in diameter.
- 6. Males are not permitted to wear earrings.
- 7. No other jewelry is permitted.

#### B. Teeth

1. Shall only have markings consistent with dental care.

# C. Eyeglasses

The following eyeglasses shall NOT be worn

- 1. Sunglasses where the predominant impression is that of a reflective metallic surface of any color.
- 2. Eyeglasses having a temple width of 1/2" or more. (Violation of 23120 CVC.)
- 3. Eye/Sunglasses with bright color frames.
- 4. Wrap around/goggle glasses

#### D. Contact Lenses

- 1. Contacts may be either soft or hard lenses.
- 2. Colored contacts must be consistent with the basic eye colors. The same color must be worn in each eye.

# E. Wigs/Hairpieces

1. Wigs/Hairpieces may be worn as long as they conform to the guidelines established for hairstyles.

#### F. Hair Color

- 1. Hair coloring shall conform to the basic natural tones.
- 2. Hair streaking is permissible provided the streak is not visible while on duty.
- 3. Two-tone hair, unless natural, is not permitted (Brown with blonde bangs.)
- 4. Frosting and highlighting are permissible, provided it is uniformly/evenly colored throughout the hair.)

### G. Hair and Make-Up Standards

#### 1. Female Hair Standards

- a. No hairstyle shall extend more than 2" from the scalp, when combed and must conform evenly to the contour of the head. The hair length will be symmetrical on both sides of the head (i.e., not unequally shaved on one side.)
- b. Hair which is styled or combed forward will be no lower on the forehead than the

- eyebrows of the individual, measured from the high point of the eyebrow, and shall not be visible on the forehead while the uniform cap is worn.
- c. In no event should the length of the hair or its style preclude the proper wearing of department headgear or protective masks.
- d. The hair shall not touch the yoke of the uniform shirt while in a standing position. Hair longer than the yoke will be worn up in a neat fashion and securely fastened.
- e. Hair worn in front of the ears shall not extend below the bottom of the ear nor more than 1" in front of the ear.
- f. Moderate "natural" type hairstyle shall be permitted providing they qualify within the above acceptance limits and does not interfere with #1.

#### 2. Female Hair Accessories

- a. Hair clips (barrettes)/pins shall be no more than 4" in length and 2" wide. The color of the hair clip/pin shall be limited to the following colors; black, brown, navy blue, gold or chrome finish.
- b. Rubber bands and cloth covered bands are permissible, provided they cannot be pulled around the neck. The color of the band shall either match the hair color of the individual or be black or navy blue, which matches the color of the uniform.
- c. No other hair styling pieces are permissible.

# 3. Make-up

- a. Cosmetics shall be subdued and blended to match the natural skin color of the individual.
- b. False eyelashes are not permissible.

#### H. Male Hair Standards

- Hair shall be well groomed, trimmed and neat in appearance. Hair shall be evenly graduated conforming to the contour of the head with the neckline either blocked or neatly tapered. Hair shall not touch the bottom of the shirt collar when an officer is standing.
- 2. Hair covering the ear shall extend no lower than the middle of the ear while on duty. The ear canal shall be visible at all times.
- 3. Hair which is styled or combed forward will be no lower on the forehead than the eyebrows of the individual, measured from the high point of the eyebrow, and shall not be visible on the forehead while the uniform cap is worn.
- 4. Moderate "natural" type hairstyle will be permitted providing it qualifies within the above acceptable limits. The maximum extension of the "natural" from the scalp shall not exceed 2".
- 5. In no event should the length of the hair or its style preclude the proper wearing of department headgear or protective mask.

#### I. Beards and Facial Hair

### 1. Beards and Facial Hair

- a. Mustaches shall not extend more than 1/2" beyond the corners of the mouth, nor below the vermilion border of the upper lip or more than 1/4" below the corner of the mouth. Mustaches shall be neatly trimmed and hair length shall not exceed one half (1/2) of an inch.
  - 1) Waxed ends or points are not allowed.
- b. Sideburns shall not extend below the bottom of the ear lobe and shall be of even width (not flared and not to exceed 1-1/2").
- c. Facial hair, other than sideburns, mustaches and eyebrows, may be worn as beards or goatees. Facial hair must have a natural human color in appearance and be neatly trimmed with no exotic patterns or designs. No portion of the beard or goatee shall be exceptionally longer than the rest and hair length shall not exceed one half (1/2) of an inch. The neck and the area above the cheek bones must remain cleanly shaven and the perimeter lines of the beard and goatee must be neatly trimmed and defined. Beards and goatees shall not extend beyond the jawline where the neck naturally begins. Goatees must be contiguous with the mustache. If only a mustache is worn, the requirements remain as defined in G.O. 2-9.I.1.a.
  - 1) The following examples are styles of beards, goatees, mustaches, and sideburns that are prohibited (see Attachment A):
    - a) Chin Curtain
    - b) Chin Strap
    - c) Designer Stubble
    - d) Fu Manchu Mustache
    - e) Mutton Chops
    - f) Friendly Mutton Chops
    - g) Neck Beard
    - h) Soul Patch
    - i) Toothbrush Mustache
    - j) Van Dyke Beard
    - k) French Fork
- d. Facial hair other than sideburns, mustaches, beards, goatees, and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.
- e. Exceptions can be made for medical reasons.

# J. Fingernails

- 1) Female Fingernail Standards
  - a. Fingernails shall be kept neatly trimmed, clean and not extend more than 3/16" beyond the fingertip.
  - b. If fingernail polish is worn it shall be clear or a solid subdued color.
  - c. No other accessories shall be placed on the fingernails.
- 1) Male Fingernail Standards
  - a. Shall be kept neatly trimmed and shall be kept below the tip of the finger. Fingernails extending beyond the tip of the finger can pose a safety hazard to officer or others.
- K. Body Piercing or Alteration
  - 1) 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 of teeth.
    - d. Branding or scarification.

#### L. Tattoos

- a. No head, face, neck or throat tattoos.
- b. Visible tattoos acquired prior to employment in the department are allowed, providing the tattoo is not:
  - 1) Offensive, sexual, or derogatory wording, pictures, or symbols
- c. The final decision on the appropriateness of a worn tattoo in view of the public rests with the Chief of Police. The uniform worn to cover tattoos shall be approved by the Chief of Police.
  - 1) Newly acquired tattoos shall be subject to the above uniform requirements.

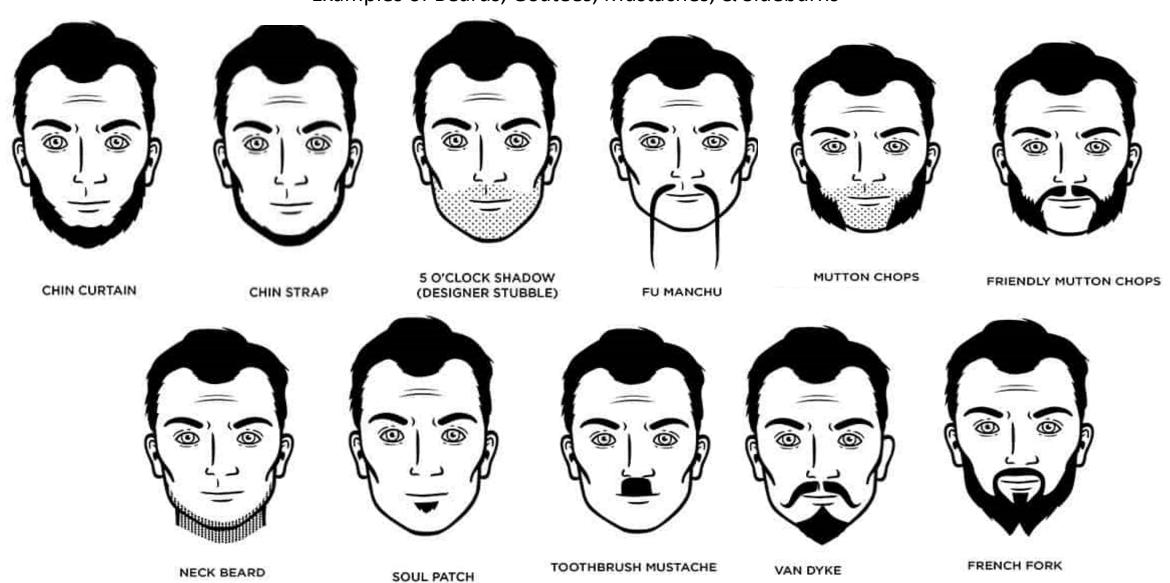
V. APPENDIX: None

VI. ATTACHMENT:

A. Examples of Beards, Goatees, Mustaches, & Sideburns.

# **Attachment A**

# Examples of Beards, Goatees, Mustaches, & Sideburns





NUMBER: 2-10 APPROVED:

Reginald Parson, Chief of Police

Reginald Par

EFFECTIVE: September 1, 2004

Nov. 2, 2007, Mar. 5, 2010, Sept. 17,

2010, May 6, 2011, Mar. 4, 2015, Jul.

REVIEWED/REVISED: 2, 2015, Jan. 13, 2016, Dec. 11, 2019 SUPERSEDES: A-17

SUBJECT: REPORTING FOR DUTY AND REQUEST FOR TIME-OFF

I. PURPOSE: To provide a standard and uniform policy and procedures concerning reporting for duty and requesting time-off utilizing vacation, CTO or sick leave for permanent, temporary, hourly, and student assistant employees.

II. POLICY: It is the policy of this Department that efficient and complete time statistics are maintained as required by University and State procedural guidelines, to accommodate all reasonable requests for time off, and to accurately account for all forms of leave utilized by employees.

#### III. DEFINITIONS:

- A. CTO: (Compensatory Time off). Refers to less than five working days off in a row for employees on 5/8, less than four days in a row for employees on 4/10 and, less than three days in a row for employees on 3/12.
- B. Master Schedule: Refers to the monthly schedule maintained in SharePoint or other designated area and marked as such.
- C. CBA: Collective Barging Agreement (SUPA 8, CSUEU 2,5,7,9).
- D. Sick Leave:
  - 1. Refers to time off due to an employee's illness or injury to the extent that he/she cannot perform the normal duties of his/her position.
  - 2. Refer to the union contracts for a particular employee's bargaining unit for other allowable uses of sick leave.
- E. Vacation: Refers to five or more working days off in a row for employees working 5/8, four or more working days in a row for employees on 4/10 or three or more days in a row for employees working 3/12.
- F. Personal Holiday: Refers to one working day an employee is entitled to during a calendar year, which must be taken before the end of each year or the holiday is forfeited.

#### IV. PROCEDURES:

For staff employees:

#### A. Master Schedule:

- Each month, the Administrative Sergeant will prepare a schedule. The schedule will list each person working within the respective divisions. A copy of the schedule will be maintained in SharePoint and will be updated as time off is granted.
- 2. At the end of each month, the Administrative Sergeant will ensure that an updated and accurate schedule is in SharePoint for the Department of Fiscal Services Administrative Specialist's use.

# B. Reporting for duty and Tardiness:

- 1. All personnel shall be punctual in reporting for duty at the time and place designated by their Supervisor or by Special Order. Personnel are required to be uniform in the Squad Room, and ready to go into the field on the hour if necessary. If not, they shall be considered tardy. The same holds for special events.
- 2. All personnel who will be late for work shall advise the on-duty Supervisor as soon as possible of their inability to report for work on time.
- 3. Employees who came in late may make up their time at the end of their shift. The employee shall report personally to the Supervisor once they are ready to go into the field.
- 4. Depending on the circumstances and length of tardiness, the Supervisor may require a memorandum from the employee, which states the nature or circumstances for the tardiness. The Supervisor will forward the memorandum to the appropriate Lieutenant along with any recommendations for discipline.
- 5. Those employees not required to relieve other employees may make individual arrangements with their Supervisor for flextime. Flextime shall be approved by the appropriate Division Commander prior to the adjustment.

## C. Requests for time off:

- 1. Requests for CTO must be submitted a minimum of forty-eight (48) hours in advance of the scheduled time requested for leave, or sooner, if practical.
- 2. Requests for Doctor's appointments (sick leave) must be submitted a minimum of forty-eight (48) hours in advance of the scheduled time requested for leave, or sooner, if practical.
- 3. Per STD Form 634, vacation time will be utilized in one hour and one-half hour increments only.

- 4. Vacation requests (other than shift vacation sign ups) shall be submitted a minimum of three (3) weeks in advance of the scheduled vacation.
- 5. The Chief of Police, Deputy Chief, or Division Commander may waive the time limits for good cause.
- 6. Shift swap procedure shall be in accordance with the employees CBA and then as follows;
  - a. "Requesting Party" make the request for "Shift Trade" in SharePoint.
  - b. "Agreeing Party" approves the request in SharePoint.
  - c. If both party's supervisors approve of the trade they will approve in SharePoint.
  - d. The Chief of Police or designee will then approve the request in SharePoint if in agreement. The repayment for the shift swap must be made within a two week period of the initial shift worked..
  - e. The shift swap will not be approved if overtime is accrued or minus hours occur.

#### D. Sick Leave:

- 1. All personnel unfit for duty because of illness shall contact the on-duty Watch Commander/Sergeant when they are unable to report for work.
- 2. Such notification shall be made a minimum of two (2) hours prior to the assigned scheduled time to report for duty.
- 3. Employees are required to call in each day of an illness, unless otherwise excused.
- 4. Upon notification, the watch commander/sergeant will complete a SharePoint with a reason authorized per their CBA (i.e. sick, family sick, medical care).
- 5. Any employee sick for an extended time as set fourth in their CBA must be under a doctor's care. Upon returning to work, the employee must bring a sick slip from their doctor and provided it to Human Resource Department.
- 6. Family sick leave- Each employee should refer to his/her contract for an explanation of other absences chargeable to sick leave (i.e. family sick leave, funeral leave, etc.). A complete explanation will be given in the employees CBA.
- 7. In individual cases where a history of unusual sick leave usage is indicated, an employee may be required to adhere to more stringent guidelines. Individuals so affected will be notified.
- 8. The Department Fiscal Services Administrative Specialist will transfer the information from SharePoint to a STD Form 634.
- 9. Per STD Form 634, sick time will be utilized in one hour and one-half hour increments only.

# E. Jury Duty

- 1. The first working day after notification to the employee, the employee will notify the appropriate Supervisor (i.e., Captain, Commander, Lieutenants, Associate Directory) of a call for Jury Duty by giving the Supervisor and the Department Fiscal Services Administrative Specialist a copy of the jury summons.
- 2. The division managers and Department Fiscal Services Administrative Specialist will make individual arrangements with the employee for accurate time keeping.

# F. Military Leave:

- 1. Military Leave requests shall be submitted to the Lieutenant through the employee's Supervisor. Requests must be submitted a minimum of (30) days in advance of dates requested, or sooner. Military Leave requests submitted less than (30) days before dates requested will be granted only after consideration of Department staffing needs and personnel availability.
- 2. A reservist's two day a month obligation is required to be completed on their off duty time or they can request from the appropriate Field Operations Commander via the scheduling Sergeant for an adjusted schedule. If not granted, the employee must use CTO or vacation time for the time off. Each employee is eligible for up to thirty days paid military leave per year.
- 3. Each employee will make arrangements with their Supervisor and the Department Fiscal Services Administrative Specialist for Military leave.
- 4. A copy of the Military Orders supporting the requested leave must be given to the Department Fiscal Services Administrative Specialist to be submitted to Human Resources for the on-line E-trac process to initiate staff personnel actions.

# G. Requests for Time Off (other than sick leave):

# 1. Vacation/CTO/Holiday Time/PH:

- a. Requests for time off for the calendar year will be posted annually and granted by seniority and on a first come first serve basis in the various employee classifications and within the units. Needs of the department will also be taken into consideration.
- b. Employees requesting authorization for leave during scheduled work hours will submit a completed SharePoint request, specifying the appropriate category being used for the time off.
- c. Time off requests shall be submitted to the employee's Supervisor and Division Commander. All approved time off will be updated on the Master Calendar by the Administrative Sergeant when its granted. If the Administrative Sergeant is unavailable the Sergent approving the time off will update the Master Calender when it is granted.
- d. Management will take into consideration equitable time off during all vacation periods.
- e. Vacation sign-up periods will be offered for dates when SFSU is not in full session.
  - 1) Any other vacation must be approved by the Chief.

## 2. The Department Fiscal Services Administrative Specialist will:

- a. Send email notification from STD Form 634 to the employee each month.
- b. Determine what category of leave credits the time off should be charged to (i.e., CTO, vacation).

- c. Transfer the information from SharePoint to a STD Form 634.
- d. If the employee desires to change the time category they should contact the Department Fiscal Services Administrative Specialist.
- e. Make every attempt to utilize the preferred order for time off usage:
  - 1) CTO
  - 2) Vacation
  - 3) Personal Holiday
- f. Record time off usage and reconcile leave credits against Human Resources' leave accrual website and department's time cards for accurate time accounting. A printout copy will be given to each employee at the end of January, June, and December of each year.
- g. Prepare a monthly spreadsheet of Plus/Minus report indicating all department personnel who do not work regular shift, five (5) days, eight (8) hours per day, for accurate time accounting and submittal to Human Resources. Plus and minus hours will also be recorded monthly on the department time cards to keep track of the pluses that will be paid in addition each month to employees who worked extra hours and the minuses that employees will need to use accrued time for at the end of each year to cover for insufficient time worked.
- h. Post a monthly spreadsheet indicating available leave credits for all bargaining units in the Department Fiscal Services Administrative Specialist's office, and give a copy to each division Supervisor for information and time off purposes.

#### H. Overtime:

- 1. Overtime must be approved by the employee's immediate Supervisor and by the Division manager.
- 2. Overtime will be recorded in SharePoint for approval by the employees Supervisor and then the Division Commander.
- 3. Employees will:
  - a. Complete a SharePoint entry as "Requested" for the Overtime/Comp Time at the completion of an "On-Campus" event or when the officer returns to work from an "Off Campus" event. All overtime entries not correctly completed will be returned for correction, possibly delaying the issuance of an overtime pay warrant.
  - b. Inform their Supervisor or the Watch Commander of the SharePoint entry.
  - c. Employees working on a holiday will be credited hours or paid in accordance to each bargaining unit's contract.
- 4. The Supervisor or Watch Commanders will check to ensure the form is properly completed and accurate, if so, they shall approve the SharePoint entry by changing it to "Pending MPP Approval" in SharePoint for the Division Commanders approval.
- 5. The Division Commander will:

- a. Will check to ensure the form is properly completed and, if so, approve the SharePoint entry by changing it to "Approved."
- b. Overtime for special events will be approved by the appropriate Command Staff member in charge of Special Events and the Department Fiscal Services Administrative Specialist will process the request.
- I. Time keeping procedures for student employees:
  - Time keeping for both Work Study and Student Assistants will be the joint responsibility of the Students, Supervisors and the Department Fiscal Services Administrative Specialist.
    - All personnel performing Work Study/Student Assistant, Supervisor and Department Fiscal Services Administrative Specialist's duties will adhere to this policy and those policies provided by the Career Center.
      - a. The Student employee will:
        - Sign in during the beginning or out at the end of his/her shift using San Francisco State University Student Assistant/Work Study Fall/ Spring Voucher and get initials next to the time indicated from their Supervisor, Watch Commander, Dispatcher or any department personnel working during the shift.
        - 2) Ensure that the sign in voucher is completely filled out and signed before the end of each month or a delay on pay warrant might occur due to incompleteness.
        - 3) Contact his/her supervisor or the Dispatcher when they will be arriving late or are unable to report for work.
        - 4) Make a written request to his/her Supervisor if he/she wishes to take time off from work.
        - 5) Identify on the sign in voucher the day(s) when he/she is not able or did not work and specify the reason.
      - b. The Department Fiscal Services Administrative Specialist will:
        - 1) Collect all completed student sign in vouchers from the Student Assistant/Work Study clipboard located in the student room, verify the hours, record the hours worked on the student payroll form, and submit all required paperwork to the payroll office by the due date.
        - 2) Ensure that time recorded does not exceed the maximum allowed during a specified work period.

# c. Supervisors will:

- 1) Verify that their time has been correctly recorded.
- 2) Promptly sign and return all paperwork to the Department Fiscal Services Administrative Specialist.

# d. Dispatchers will:

1) Accept all student assistant/work study sick or late arrival calls, if the supervisor is not available, and notify the student's supervisor as soon as possible.

V. APPENDIX: None

## VI. ATTACHMENTS:

- A. Copy of STD Form 634
- B. Copy of Payroll Form 500/501PS, Authorization for Extra Hours
- C. Copy of Student Assistant/Work Study Sign in Voucher

# ATTACHMENT A

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# ATTACHMENT B

# San Francisco State University AUTHORIZATION FOR EXTRA HOURS Payroll Form 500

Work Week Group \_\_\_

Pay Period \_

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# San Francisco State University REPORT OF EXTRA HOURS WORKED

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Payroll Form 501

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SAN FRANCISCO STATE UNIVERSITY

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APPROVED: Reginald Parson, Chief of Police NUMBER: 2-11

EFFECTIVE: September 1, 2004

SUPERSEDES: A-19 REVIEWED/REVISED: June 30, 2009, Nov. 19, 2009,

Mar. 4, 2015, Jan. 14, 2016, Dec.

SUBJECT: EMPLOYEE INJURY REPORTING 10, 2019

I. PURPOSE: To establish procedures for employee injury and submitting Workers' Compensation forms by Police Department employees and supervisors.

II. POLICY: It is the policy of the University to ensure the there is an employer-paid benefit that provides medical, compensation, and vocational rehabilitation benefits to employees injured on the job or become ill because of work.

III. DEFINITIONS: None

#### IV. PROCEDURES:

- A. Employees who observe hazardous work conditions should report the condition to their supervisor via the chain of command.
- B. No employee shall suffer reprisals for reporting a workplace hazard. The University Police strives for a safe and healthy work environment.
- C. Employees should also observe appropriate safe work practices pursuant to training. Failure to follow safe work practices may result in discipline.
- D. When an employee is injured on the job, it is not only important to obtain immediate medical attention on the employee but to also fill out the required paperwork. Delays will jeopardize timely processing and payment of medical benefits. Supervisors are required to report employee injuries within 24 hours to the Worker's Compensation Administrator in the Office of Risk Management. The following CSU Risk and Safety guidelines and completion of necessary forms are as follows:
  - 1. When an employee has incurred an injury or illness resulting from his/her job, the employee must fill out the Employee's Claim for Workers' Compensation Benefits (Form DWC 1) within one working day of the supervisor's knowledge of the claim.
  - 2. The supervisor must complete the Work Related Report & Injury/Illness Form within 24 hours of their knowledge of the employee's claim.

- 3. After completing the two (2) forms identified above, these forms must be filed with the Lieutenant in charge to check for completion. The Lieutenant will be responsible for ensuring that all forms are filled out accurately and completely.
  - a. A copy of the completed DWC 1 & first page of the second form only must be given to the employee if they seek medical attention following an on-the-job injury.
  - b. A copy of each form is also filed in the employee work injury file and the original sent to the Office of Risk Management.
  - c. An employee can go to their personal physician only if the physician's name has been pre-designated and on file in Human Resources. Otherwise, the physician must be University approved.
- 4. Completed original forms must be forwarded to the Fiscal Services Division/ Chief's Office for logging the injury onto the department's Workers' Compensation/ Employees' Injury Check off List before submitting to the Office of Risk Management. The Check off List will be maintained by the Department's Fiscal Services Office/ Chief's Office, and will be responsible for recording all activity related to the employee's injury as provided by the employee's supervisor. This status report will facilitate the department in following the procedures as required by the Office of Risk Management and also utilized for the purpose of keeping track of the injury progress.
- E. If an employee complains of an injury but does not want to file a claim, the supervisor will:
  - 1. Need to provide the same forms and must be completed. Identify on the form that the report is for "Documentation Only."
  - 2. The dispatcher will make a Log Entry detailing the incident.
  - 3. An employee has one year to file a claim following the occurrence of an injury.

#### V. APPENDICES:

- A. CLIMB: SFSU Return to Work Guidelines
- B. Workers' Compensation Benefit FAQ and Summary
- C. Draft-Return to Work Program: 30-Day Modified/Alternative Work Search

## VI. ATTACHMENTS:

A. University Police Workers' Compensation/Employees' Injury Check Off List

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# Workers' Compensation/Employees' Injury Check off List

Employee Name	Date of Injury	Date Forms Sent (DWC & 5020 forms)	Emergency Room Visit/Date of Visit	1st Appt. (Specify Doctor) Ours or WC	Follow-up Doctor's Appointment/Indicate Dates

Date Off from Work (Worker's Comp)	Date of Release from WC	Date Returned to Work	Status (Return to full duties w/o restriction	Modified work; stationary/permanent	Declared Permanent Disability



APPROVED: Registed Par NUMBER: 2-12

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: January 20, 2010, April 18, 2014, Jan. 14, 2016, Dec. 10,

SUPERSEDES: A-12

SUBJECT: OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST

I. PURPOSE: To regulate outside employment activities of employees of this Department that may tend to bring the agency into disrepute or reduce the employee's efficiency or usefulness as an employee of the university.

II. POLICY: It shall be the policy of this Department to require prior authorization for outside employment and to restrict the types of employment that are approved. The designated point of coordination and administration for the policies and processes connected with outside employment shall be the Chief of Police.

#### III. DEFINITIONS:

- A. Employee: All sworn and non-sworn Police Department employees; dispatchers, clerical, police officers and investigators.
- B. Outside Employment: For the purpose of this S.O.P., the term "outside employment" shall mean: any off duty work undertaken by an employee of this department off campus for financial or other consideration.

## IV. PROCEDURES:

- A. The Chief of Police shall determine the types of off-duty employment in which agency personnel may engage in.
- B. Any off-duty employment as defined by the Chief of Police that would constitute a conflict of interest or would bring discredit to the department is prohibited. When the Chief of Police determines that the employment can reasonably be expected to adversely affect the employee's work performance and/or would be inconsistent with the accepted image of a University Police employee, then the Chief may direct the employee not to engage in such outside employment.
- C. Employees shall submit a written request on approved form to the Chief of Police prior to working an outside employment. This section shall not apply to assignments at another CSU police department as a peace officer as approved by the Chief. In these cases a memorandum

detailing the overtime assignment shall be submitted to the employer's commanding officer prior to the assignment for approval. Notification shall contain:

- 1. name of the employer;
- 2. nature of the employment;
- 3. number of hours to be worked and scheduling of those hours; and
- 4. any conflicts with current assigned schedule and/or department policies.
- D. Written approval must be granted by the Chief prior to employee's acceptance of outside employment.
  - 1. Review of approved outside employment requests can be conducted at anytime by the Chief of Police.
  - 2. Revocation of an approved request can occur whenever the Chief of Police determines any of the following:
    - a. The outside employment constitutes a conflict of interest; or
    - b. The employment brings discredit to the agency or inhibits the effectiveness of the Department and/or personnel.

# 3. Expiration:

- a. All written approvals for outside employment shall expire upon termination of the secondary employment.
- b. A request for renewal shall be submitted if the intent is to renew outside employment.
- E. In all cases of outside employment, the primary duty, obligation and responsibility of an employee is at all times to the Department.
- F. Emergency call back response to fulfill the Police Department's mission to the university shall take priority over outside employment.
- G. Sworn personnel are prohibited from outside extra duty employment wherein the actual or potential use of law enforcement powers is anticipated.
- H. Outside employment shall not be approved for a University Police Department employee:
  - 1. Which causes conflict, discredits or disrepute's the CSU Police Departments;
  - 2. Involves the use for private gain or advantage of the agency's time, facilities, equipment and supplies, (unlawful activity under Government Code Section 8314) or the badge, uniform prestige or influence of his or her status as a peace officer, or;
  - 3. Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her agency for the performance of an act which the officer, if not performing such act, would be required or expected to render in the regular course of his or her agency's employment or as a part of his or her duties as an agency officer, or;

- 4. Involves the performance of an act in other than his or her capacity as a agency officer which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other officer of the agency by which he or she is employed, or;
- 5. Involves such time demands as would render performance of his or her duties as an officer less efficient.
- 6. In any establishment where the sale of liquor is the principal business;
- 7. In any employment requiring affiliation, membership or allegiance, which would tend to interfere with the proper discharge of his/her duties as an employee of the department, or with his/her loyalty to the department or the university's interests;
- 8. In the uniform of the department;
- 9. In any employment requiring the service of civil process;
- 10. On investigations or other security work in which he/she may avail themselves of their access to police information, records, files or correspondence or use his/her powers of arrest as an SFSU police officer while in the employment of another;
- 11. For any other municipality or political subdivision of the state, except by expressed permission of the Chief of Police; and
- 12. As defined in Government Code Section 1126 that sets forth factors which create conflicts of interest.
- I. Examples of outside employment which may be a conflict of interest include, but are not limited to:
  - 1. Security Guard
  - 2. Private investigator
  - 3. Bartender
  - 4. Bouncer
  - 5. Sales clerk position in a liquor store, or gun dealership
  - 6. Process server
  - 7. Repossessor
  - 8. Debt collector
  - 9. Legal practice of criminal defense
  - 10. Card dealer, handicapper, change maker, caller, machine repair person, keno runner, pit boss, table waitress, or employment in any gaming establishment where the employment is directly related to the primary purpose of the employer.
  - 11. Bodyguard
  - 12. Employment as a "keeper" (attendant, guard or warden)
  - 13. Funeral escort where traffic control or the wearing of a uniform, which resembles that of a peace officer, is required.
  - 14. Reserve Officer
- J. Employees who do not receive prior approval to engage in outside employment, or accept employment prior to receiving permission to do so, or who engage in any outside employment listed herein or determined to be a conflict of interest under this policy, may be subject to disciplinary action.
- K. Sick or in Injury on Duty status [I.O.D.].

- An employee shall not engage in outside employment while carried on sick or I.O.D. status, unless request is made in writing and approved by the Chief and Personnel Office.
- 2. An employee, injured during his/her outside employment shall report the injury to the department and supply the department with all medical records.
- L. Employment Hours: Hours of employment shall not be approved for outside work to be performed at a time, which will conflict with the employee's normal tour of duty.

# M. Appeal Process

1. Any employee who has been denied the right to engage in outside employment based on the determination that his or her secondary employment falls within the prohibitions outlined in this policy may, within five days from the date of notification of the denial to engage in outside employment, file a written appeal to the Chief of Police who will respond in a timely fashion.

# N. Unit 8 Collective Bargaining Agreement

- 1. Employees shall give prior written notification to the Chief of Police of any outside employment. Such notification shall contain the name of the employer, the nature of employment participated in, and the number and scheduling of hours involved. When the Chief of Police determines that the employment can reasonably be expected to adversely affect the employee's work performance and/or would be inconsistent with the accepted image of a University police officer, then he/she may direct the employee not to engage in such outside employment. Article 16.1
- 2. All employees engaged in outside employment upon the effective date of the Agreement shall, within two (2) weeks of such date, comply with the notice provisions of this Article. Article 16.2

#### V. APPENDICES:

A. Systemwide Guidelines Chapter 21

## VI. ATTACHMENTS

A. Secondary Employment Request Form

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



### SAN FRANCISCO STATE UNIVERSITY POLICE DEPARTMENT SECONDARY EMPLOYMENT REQUEST

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NUMBER: 2-13 APPROVED: Reynold Ra

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Jan. 10, 2007, Feb. 22, 2008, Oct. 1, 2008, May 8, 2009, Feb. 16, 2010, May 4, 2010, Oct. 19, 2010, April 8, 2011, Aug. 23, 2012,

SUPERSEDES: REVIEWED/REVISEI

REVIEWED/REVISED: Jan. 4, 2013, Mar. 21, 2013, Apr. 24, 2014, Mar. 4, 2015, Jan. 14, 2016, Feb. 15, 2017, May 16, 2018, Dec. 11, 2019

SUBJECT: SPECIAL ASSIGNMENTS

I. PURPOSE: To establish what qualifies as an authorized special assignment and procedures for awarding special assignments and monthly stipend eligibility, under Unit 8 – CSU State University Police Association Article 21.23 – 21.27 (Special Assignment Stipend) collective bargaining agreement and collective bargaining agreements of other bargaining units within the department.

II. POLICY: It shall be the policy of this department to select individuals for special assignments based on their skills, knowledge, and abilities and to award special assignment stipends to all employees deemed eligible per the union contracts and the following procedures.

At a minimum, sworn officers should not be in a probationary status when designated to perform a special assignment. However, special consideration is given to officers with unique qualifications and experience in the assignment, especially those transitioning to the DCS as lateral officers with a minimum of (2) years of being a sworn officer. Officers shall submit the Stipend Request Form and Stipend Tracking Form via the Transmittal Form for that assignment. Only one stipend (greatest amount) will be awarded to officers, regardless of how many special assignments are authorized, or performed.

Employees performing a special assignment are responsible for submitting requests for special assignment stipends to their supervisor by the 25th of each month. Supervisors will review the request to ensure minimum requirements have been met for awards of stipends and submit those requests with their endorsement to their Division Commander by the 27th of each month. Not completing the required forms within the time requirements will result in delayed payment of the stipend.

#### III. DEFINITIONS:

A. Specialized Assignment: An assignment often characterized by increased levels of responsibility and specialized training but within a given position classification.

## IV. PROCEDURES:

- A. SUPA Contract Criteria for Awarding Special Assignment Stipends:
  - Employees in all classifications/ranks shall be eligible to receive a monthly stipend of an amount at or between one hundred (\$100.00) and four hundred (\$400.00) dollars per month as determined by the Chief of Police to perform one or more special assignments. Stipend payments are on a month-to-month basis for the duration of the special assignment. (21.23)
  - 2. Special assignments shall be based on department or campus needs as determined by the Chief of Police. For the employee to be eligible to receive the stipend the employee assignment shall be in writing by the Chief of Police or designee. (21.24)
  - 3. An employee shall not be eligible for the special assignment stipend for any assignment that is considered part of their primary, regular duties. Special assignments are in addition to those assignments or duties normally expected for the employee's classification or rank. (21.25)
- B. Categories of Special Assignments:
  - 1. Unrestricted Assignments are those which involve the award of special assignment pay on an on-going basis for the duration of the assignment.
    - a. Critical Response Unit (CRU) If a CRU member voluntarily misses a CRU training, fails to respond to a CRU call-out, training or is out on an extended leave, they will not receive a special Assignment Stipend for the inactive month.
  - 2. Restricted Assignments are those assignments that involve the award of special assignment for a special project assigned by the Chief during the duration of the project until completed. Payment of restricted assignments is at a minimum of \$100.00 to a maximum of \$400.00 for Unit 8 employees dependent upon the nature of the assignment. The Chief of Police will determine the rate of compensation for a restricted assignment. Determination of the maximum amount allowed is dependent by other stipends the Unit 8 employee is receiving at the time. No employee may receive more than \$400.00 per month from any combination of special assignments. Compensation of Unit 7 and Unit 9 employees will apply per the provisions of their labor contract.
  - 3. Authorized Specialized Assignments Minimum monthly duties and responsibilities are required to be performed to qualify for a stipend:
    - a. <u>Instructors</u>: Certified sworn personnel who instruct members on department-approved topics.
      - 1) STIPEND REQUIREMENTS:
        - a) Maintain certification(s), AND
        - b) Provide training during the month, OR

- c) Develop new lesson plans and maintain records.
- b. **Range Instructor:** Certified Firearm Instructor sworn personnel that provides range instruction or range qualifications to sworn personnel.
  - 1) STIPEND REQUIREMENTS:
    - a) Provides range instruction and qualifications, OR
    - b) Performs bi-weekly facilities maintenance, AND
    - c) Maintains department firearms and/or non-lethal weapons systems, AND
    - d) Maintains appropriate inventory of firearms supplies and ammunition.
- c. **EMT Instructors**: Certified sworn personnel who instruct members on department-approved topics.
  - 1) STIPEND REQUIREMENTS:
    - a) Maintain certification(s), AND
    - b) Performs bi-weekly facilities maintenance, AND
    - c) Provide training during the month.
- d. <u>Weapons Armorer:</u> Certified Range Instructor with maintenance/repair certifications in the applicable weapons systems.
  - 1) STIPEND REQUIREMENTS:
    - a) Maintains armorer certifications, AND
    - b) Performs Armorer duties for weapons.
- e. <u>Motorcycle Patrol:</u> The Motorcycle Program is designed to enhance crime prevention which includes selective enforcement and community based efforts by increasing visibility and police presence.
  - 1) STIPEND REQUIREMENTS:
    - a) Rides patrol motorcycle for a majority of their assigned monthly shifts unless prevented from doing so by department needs and or adverse weather conditions determined by the supervisor, AND
    - b) Riders must initiate their status as "10-8, Motorcycle Patrol" via Dispatch, logged into RIMS, AND
    - c) Annotate the days within the month that motorcycle patrol was implemented via "Stipend Tracking Form," AND
    - d) Riders are also responsible for basic maintenance and care.
- f. <u>Bicycle Patrol:</u> The Bicycle Program is designed to enhance crime

prevention, selective enforcement and community based efforts by increasing visibility and police presence in the campus interior and parking lots.

## 1) STIPEND REQUIREMENTS:

- a) Rides department patrol bicycle for a majority of their assigned monthly shifts unless prevented from doing so by department needs and or adverse weather conditions as determined by the supervisor, AND
- b) Perform bicycle maintenance, AND
- c) Riders must initiate their status as "10-8, Bike Patrol" via Dispatch, logged into RIMS, AND
- d) Annotate the days within the month that bike patrol was implemented via "Stipend Tracking Form."
- g. **Critical Response Unit Team Member:** The Critical Response Unit (CRU) team member refers to a selected group of police personnel from CSU campuses that have trained together as a team and are prepared to handle public safety issues.

## 1) STIPEND REQUIREMENTS:

- a) Members shall be ready and available for possible deployment (i.e., requiring adjustment of their work schedule) within the state of California for emergency incidents and or designated call-outs, AND
- b) Members will be expected to attend training sessions and as situations dictate and communicated by UPD and CRU leadership, AND
- c) May be required to provide in-service training and or event afteraction information updates to department staff upon their return from CRU training or call-outs based on the specialized training received.
- h. <u>Field Training Officer:</u> P.O.S.T. Field Training Officer (FTO) certified personnel who is responsible for the training and evaluation of newly hired officer(s).

## 1) STIPEND REQUIREMENTS:

- a) Specifically assigned a trainee, AND
- b) The FTO shall complete all required reports and evaluations in a thorough and timely manner, AND
- c) Regularly meet with the Supervisor/Administrator/Coordinator, AND
- d) Attends FTO meetings and training, as required, AND
- e) Attend mandatory court associated to the assigned trainee, as required.

- i. <u>"Fill-in" Field Training Officer</u>: P.O.S.T. Field Training Officer (FTO) certified personnel who is responsible for the training and evaluation of newly hired officer(s). Fill-in FTOs, those designated as alternates (regular FTO time off, i.e., Vacation, sick time, etc.) are also authorized a partial stipend when providing coverage in supervising a trainee.
  - 1) STIPEND REQUIREMENTS:
    - a) The FTO shall complete all required reports and evaluations in a thorough and timely manner
- j. **FTO Supervisor / Administrator / Coordinator**: P.O.S.T. S/A/C certified personnel who is responsible for overseeing and supervising FTOs.
  - 1) STIPEND REQUIREMENTS:
    - a) Monitors the proper completion of all required reports and evaluations, AND
    - b) Coordinates FTO meetings and training as required, AND
    - c) Coordinates meetings with shift supervisors, AND
    - d) Verifies trainee statuses with Division Commander(s) and provide updates, OR
    - e) Account for appropriate preparation of new officer(s) into the department, and program completion; coordinating planning meetings, training, etc. is considered active involvement in the program.
- k. <u>Investigative/Detective</u>: Experienced sworn personnel, who are responsible for comprehensive investigations and assigned to the Investigations Unit. Corporals and Sergeants are not eligible for the stipend.
  - 1) STIPEND REQUIREMENTS:
    - a) Assigned to the Investigations Unit, AND
    - b) Members should be available for call-back investigative support, AND
    - c) Legal and Law Enforcement Liaison.
- I. <u>Vehicle Maintenance Officer</u>: Sworn personnel who is responsible for maintaining department vehicles keeping them in operational condition.
  - 1) STIPEND REQUIREMENTS:
    - a) Provides Vehicle Monthly Mileage Report, showing all vehicle repairs/maintenance/emergency equipment upgrades, etc, AND

- b) Reports department mileage usage to Department of General Services (DGS) on a monthly basis.
- 4. Division Commanders will be responsible for the monthly review and validation of the specialized assignments. The Division Commander shall complete the Stipend Authorization Form and forward to the Fiscal Services Specialist by the end of each month. The following personnel is responsible for providing required information to the Division Commander:
  - a. Employees performing a special assignment are responsible for submitting requests for special assignment stipends to their supervisor by the 25th of each month.
  - b. Supervisors will review the request to ensure minimum requirements is met for awards of stipends and submit those requests with their endorsement to their Division Commander by the 27th of each month.

## C. Review of Specialized Assignments:

- 1. The Division Commanders will utilize the Unit 8 Special Assignment Check Off List. This review will include:
  - a. A review of an employee's participation and performance in the assignment, and a listing of the special assignments performed.
  - b. A recommendation that the employee as to whether the stipend should be paid or not paid based on employee participation or performance.
  - c. Notes or documentation to support the recommendation to either pay or not pay the stipend(s).
  - d. If the employee were unable to perform the specialized assignment for reasons or circumstances beyond their control, they would not necessarily be denied the stipend payment, unless the circumstances will keep the employee inactive for more than one month. Stipend payments would resume when the employee can perform the special assignment again.
  - e. The monthly Unit 8 Special Assignment Check Off List and supporting documentation will be submitted to the Chief of Police for review forwarded to the Fiscal Services Specialist for inclusion in Payroll processing.
- 2. The Director of Operations and Finance will provide the Chief with a list of specialized assignments to determine continuation. This review will include:
  - a. A listing of all authorized specialized assignments;
  - b. A statement of the purpose of each specialized assignment; and,
  - c. An evaluation of the reasons for initially implementing the specialized assignment.

## D. Rotation of Specialized Assignments:

1. Investigations and CRU are rotational/specialized assignments. Because of the specialized training required for these positions, these assignments will be for

- a period sufficient to allow for the best use of the expertise gained from time in the position. (Usually three years, or more/less depending upon the needs of the department)
- 2. Officers assigned to motors may stay in the assignment for up to three years, with one-year extensions authorized by the Chief of Police or designee, not to exceed five years.
- 3. Rotation in specialized positions allows for a greater number of officers to receive specialized training and allows for an expanded pool of employees prepared to assume the responsibilities of some positions.
- 4. The criteria for selection of personnel and the selection procedures for assignments deemed temporary will be the same as those utilized for selection to any specialized assignment.
- E. Posting and filling of all open specialized assignments are in the following manner:
  - 1. Any individuals who meet the minimum criteria for the position and has an interest in the position should submit a memorandum to their Division Commander indicating their interest.
    - a. The minimum criteria shall be that the employee must be off of probation and have submitted a letter of interest to the Division Commander via the chain of command.
  - 2. The selection of who will fill specialized assignments is based on the skills, knowledge, and abilities of the interested candidates; include training, specialized skills, and length of experience.
  - 3. The Chief will select individuals for assignments based on their qualifications, the needs of the department and recommendations from the Deputy Chief/Commander, Captain, Lieutenants, and Sergeants in the department.
  - 4. Once designation of a special assignment of a department employee, a Stipend Request Memo from the Chief will be provided to the employee confirming the approval of the stipend. The Fiscal Services Analyst will submit a copy of the Stipend Request memo to the Vice President's Office as well as AVP of Human Resources Department stating the special assignment and the effective date of the stipend. Place a copy of this memo in the individual's personnel file for documentation purposes.

## V. APPENDIX: None

#### VI. ATTACHMENT:

- A. Unit 8 Special Assignment Stipend Check-Off List
- B. Stipend Request Form
- C. Stipend Tracking Form
- D. A sample of Stipend Memo from the Chief of Police

**UNIT 8 SPECIAL ASSIGNMENT STIPEND CHECK-OFF LIST** 

## ATTACHMENT A

AVP & Chief of Police Jason Wu Approved by: Lieutenant Approved by: **Month Year** 

## ATTACHMENT D



# STUDENT AFFAIRS & ENROLLMENT MANAGEMENT DIVISION OF CAMPUS SAFETY

1600 Holloway Avenue | San Francisco, CA 94132 Office: 415/338-7200 | Fax: 415/338-1926 Email: upd@sfsu.edu | URL: http://upd.sfsu.edu/

## **MEMORANDUM**

	Date
TO:	Police Officer's Name Title
FROM:	Jason Wu Assistant Vice President & Chief of Police, Division of Campus Safety
SUBJEC	T: Unit 8 Performance Based Step Increase/ Stipends
reveals t	ation of your contributions to the effectiveness of University Police operations hat you have met criteria established in the Unit 8 Collective Bargaining Agreement, I, for the following salary increase and/or stipend(s):
_	Certificate: ( ) Intermediate ( ) Advanced
	Special Assignment:
	fective, you will be receiving a stipend(s) of per month. Your total stipend amount is \$ per month.
Original: CC:	Payroll Office Personnel File



NUMBER: 2-14 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Jan. 25, 2007, May 17, 2007, Oct. 29, 2007, Feb. 12, 2010, Apr. 26,

SUPERSEDES: A-25 REVIEWED/REVISED: 2010, Apr. 30, 2012, Jun. 3, 2014,

Mar. 4, 2015, Jan. 14, 2016, Feb.

SUBJECT: EMPLOYEE RECOGNITION PROGRAMS 9, 2018, Dec. 10, 2019

I. PURPOSE: To establish procedures for implementation of employee honors, awards and recognition program within the department.

II. POLICY: It shall be the policy of this department to provide awards and recognition to all departmental employees, or other citizens as recommended.

## III. DEFINITIONS:

- A. Awards Committee: A four-person panel appointed at the direction of the Chief of Police who will review all recommendations for personal awards involving heroic acts, live saving actions, or community service recognition who will make a recommendation to the chief. This committee will meet in April of every year to review all recommendations.
- B. Awards Ceremony: A formal annual ceremony, which is department sponsored, wherein formal recognition to department members is provided.
- C. Award Recipient: A department member who has been selected by the Awards Committee, and approved by the Chief of Police; or, a person other than a department member whose actions are worthy of special recognition.
- D. Medal: A department award that contains a medal with attaching ribbon. These include Medals of Honor, Valor and for both sworn and non-sworn employees, Meritorious Conduct awards. See General Order 2-9, IV, D, 1, 7), b), for placement of ribbon.

## IV. PROCEDURES:

- A. Employee Recognition and Awards Program:
  - 1. The following awards are hereby established:
    - a. POSTHUMOUS AWARD (Gave Life in the Line of Duty)
      - This award will be presented when a law enforcement officer is killed in the line of duty while performing a job related task such as patrol, answering a call, car stop, etc.

- 2) Presentation of the award will be made to the officer's next-of-kin and will be in the form of a plaque commemorating the actions of the officer.
- b. GOLD MEDAL OF VALOR: The departments highest award for valor is merited when the following elements exist.
  - 1) Outstanding bravery above and beyond that expected in the line of duty.
  - 2) Where failure to take such action would not justify censure
  - 3) Where risk of life actually existed and the officer had sufficient time to evaluate that risk.
  - 4) Where the objective is of sufficient importance to justify the risk.
  - 5) Where the officer accomplished the objective or was prevented from accomplishing the objective by incurring a disabling injury or death.

Employees receiving this award shall be presented a medal to mark their achievement and a medal ribbon, which shall be worn, centered above the left uniform pocket.

- c. SILVER MEDAL OF VALOR: The departments second highest award for valor is merited when the following elements exist.
  - 1) Where the officer manifests outstanding bravery in the performance of duty under circumstances not within the provisions required for a Gold Medal of Valor.
  - 2) Where the officer risks his or her life with full and unquestionable knowledge of the danger involved, or where a reasonable person would assume his or her life was in great danger.
  - 3) Where the objective is of sufficient importance to justify the risk.
  - 4) Where the officer accomplished the objective, or was prevented from accomplishing the objective by circumstances beyond his or her control.

Employees receiving this award shall be presented a medal to mark their achievement and a medal ribbon, which shall be worn, centered above the left uniform pocket.

- d. BRONZE MEDAL OF VALOR: The departments third highest award for valor is the Bronze Medal of Valor.
  - 1) The members of the Awards Committee shall evaluate the objective, the risk, and the degree of danger, and determine by their vote whether a silver or bronze medal of valor shall be granted.

Employees receiving this award shall receive a medal to mark their achievement and a medal ribbon, which shall be worn, centered above the left uniform pocket.

e. LIFE SAVING AWARD: The awards committee may confer this award after review

when the following criteria are met:

- 1) A member directly intervenes in a medical emergency by administering first aid.
- 2) The intervention directly resulted in the saving of the victim's life.

#### f. MERITORIOUS CONDUCT AWARD:

- 1) This award shall be presented to both sworn and or non-sworn employees who distinguish themselves with dedication to their duty far exceeding standard expectations, a positive attitude, professional demeanor, is self initiative, promoting the highest tradition of the University and maintaining the departments mission and values.
  - a) This award may also be merited by the investigation and arrest in a serious felony case when it is demonstrated there was diligent and painstaking research on the part of the officer and it clearly appears that the officer correctly weighed and evaluated all the clues and circumstances at his/her disposal. This award does not consider arrests made solely on the information of an informant.
- 2) Employees receiving this award shall receive a medal to mark their achievement and a medal ribbon, which shall be worn, centered above the left uniform pocket (optional for non-uniformed members).

## g. PURPLE HEART AWARD:

- The awards committee may award a purple heart to a member of the department who is wounded or receives a serious injury while on or off duty in an incident within the course and scope of police-related functions and/or responsibilities.
- 2) In determining whether to grant a Purple Heart Award, the committee must consider all of the circumstances, but primarily the degree of injury and factual situation facing the officer during the incident.
  - a) The injury or wound must have caused a serious impairment of physical condition requiring professional medical treatment, including but not limited to loss of consciousness, concussion, bone fracture, protracted loss of any bodily function or organ, extensive suturing and/or serious disfigurement.
  - b) The officer must have sustained the injury as a direct or indirect result of action that the officer believed necessary to prevent the loss of life or serious injury to civilians or other officers, and that falls within the parameters of all department rules and regulations.
  - c) The Awards Committee should avoid granting this award based on questionable situations that might dilute the awards importance.

d) The Awards Committee is not precluded from awarding any other medal of valor that the Awards Committee believes is justified to an officer who is awarded a Purple Heart.

## h. CERTIFICATE of COMMENDATION

- 1) This award shall be presented to employees who perform an act or series of actions, which bring credit to the department, University community, or the employee individually. Presentation of this award may be based on exceptional contributions, which aid the administrative or operational effectiveness of the department.
- 2) This award may also be presented to a citizen of the community for meritorious action taken to assist an employee of the department, the department's mission or another law enforcement service rendered to the University community at large.
- 3) Individuals receiving this award will receive a letter, which shall also be filed in their personnel file.

## i. External Department Awards

- 1) All employees shall be eligible for nomination for awards presented by the Attorney General, CPOA, P.O.S.T., California College and University Police Chiefs Association, WPOA, IACLEA and any other law enforcement related awards programs.
- 2) Employees and Supervisors are encouraged to nominate department employees by using the same process for inner department nominations.

## B. Nomination and Selection Process:

- 1. Any member of the department may nominate another employee or member of the University community for an award.
- 2. Employees shall submit their nominations to their immediate supervisors, utilizing the form in Attachment A, detailing the circumstances and reasons for the nomination.
- 3. The supervisor shall add any comments or additional information and shall submit all material to the Chief of Police.
- 4. The awards committee will review recommendations for the period of April 1st to March 30th of every year. The awards committee will meet in April of every year to review recommendations to be awarded at the annual department meeting. If there is an incident or issue that occurs from April 1st to the commencement briefing, a special recommendation can be made to the Chief to present an award. This will ensure the timeliness for awards.

## V. APPENDICES: None

## VI. ATTACHMENTS

## A. Award Recommendation Form

## ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

## **AWARD RECOMMENDATION FORM**

(Please neatly print all information on this form).



Name of Person Making Nomination:	
Telephone Number:	Best Time to Contact You AM/PM
Name of Department Member Nominating:	
Date/Time of Incident:	Report # (if applicable)
Nature of Nomination (Please Provide Detailed Infor	rmation / Use Additional Pages if Needed):
Is There Supporting Documentation Attached? YES	/ NO
Type of Supporting Documentation:	
Nominator's Signature:	Date:
******AWARDS COMM	ITTEE REVIEW***********************************
Date of Committee Review:	Time of Review:
Committee Recommendation: Award Recommende	ed / Award Not Recommended (Circle One)
Type of Award Recommended:	
Committee Member Assigned to Prepare Citation: _	
*CHIEF OF POL	LICE ACTION*
Approved / Disapproved (Chief's Comments (if any)	):
Signature of Chief of Police	Date
Distribution: Employee File	

Distribution: Employee File



APPROVED: Reginald Parson, Chief of Police NUMBER: 2-15

EFFECTIVE: September 1, 2004

Oct. 3, 2006, Sept. 15, 2010,

REVIEWED/REVISED: Jul. 11, 2014, Jan. 14, 2016,

Dec. 10, 2019

SUBJECT: USE OF POLICE DEPARTMENT IDENTIFICATION CARDS

I. PURPOSE: To inform Police Department employees of their responsibility for the proper use of the Department issued identification card.

II. POLICY: It is the policy of this department to establish proper procedures and ensure appropriate use of both sworn and non-sworn department identification cards.

III. DEFINITIONS: None

## IV. PROCEDURES:

SUPERSEDES:

A. Proper use of department issued Identification Cards:

- 1. All permanent employees of the University Police Department shall be issued employee identification cards by the authority of the Police Chief. The cards will differ in the appearance of the font size of the text to ensure that the public can differentiate between the two classes of employees (sworn and non-sworn). All identification cards will include at a minimum the employee's photograph, name, and whether they are sworn or non-sworn.
- 2. All members of the department making business related phone calls to persons whom they are dealing with shall verbally identify themselves as a member of the police department. If the person receiving the call questions the validity of the department employees' identity, the department member shall instruct the individual to call the 24/7 police department business line and ask to be transferred back to the member initiating the call.
- 3. All employees will keep their identification cards on their person at all times. Identification cards are used to ensure that the public can identify law enforcement officers and be certain that the person they are dealing with is in fact an officer. This will enhance the officer's ability to perform their duties, promote confidence with the public, and make officers more accountable for their actions. The only exception to this requirement will be when an employee is working in an undercover capacity. Due to the inherent risks of working undercover and the importance of ensuring that the undercover officer's true profession is kept a secret, undercover officers will not

keep their identification cards on their person. When a member of the general public requests to view an employee's identification card, the employee will provide them with the card in a polite and courteous manner.

- a. No employee shall use the Police Department employee identification card for other than official business for the Police Department and/or the San Francisco State University. The card will not be used to cash checks, to purchase alcoholic beverages, or to enter a place serving alcoholic beverages.
- b. No employee shall give or loan his/her identification card to any other person.
- c. Any loss or theft of the employee's identification card shall be reported to the employee's supervisor within twenty-four (24) hours of the occurrence.
- d. Non-sworn employee identification cards shall be identified by the wording "Support Personnel," and sworn officers by the wording "Police." At no time shall a non-sworn employee use his/her identification card to represent himself/herself as a peace officer.
- e. It is recommended that non-sworn employees carry their identification cards at all times when off duty for access through police barricades in the event of an emergency on campus.
- B. Improper use of the Police Department identification card shall be cause for disciplinary action by the Police Chief or his/her designee, and the card will be withdrawn from use.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 2-16 APPROVED: Reynold Ra

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

July 3, 2007, Oct. 27, 2010, Feb.

SUPERSEDES: A-21 REVIEWED/REVISED: 10, 2011, Nov. 23, 2011, Jan. 14,

2016, Dec. 10, 2019

SUBJECT: CCW ENDORSEMENT PRIVILEGE OF RETIRED SWORN PERSONNEL

I. PURPOSE: To establish the guidelines for requesting an endorsement privilege, renewal of the endorsement and the appeal of a denied request for endorsement privilege.

II. POLICY: It shall be the policy of this department to issue ID cards to retired sworn personnel and to provide CCW endorsements to personnel who meet the required qualifications pursuant to 18 USC & 926C and Penal Code 22450 et. seq.

III. DEFINITIONS: None

#### IV. PROCEDURES:

## A. Retirement Status:

- 1. A sworn member of the department may retire from the department under three different types of retirement status. They are:
  - a. Service Retirement: The employee retires after reaching the minimum retirement age with the minimum years of service.
  - b. Ordinary Disability Retirement: The employee retires, after serving a minimum number of years, due to a medical condition not related to employment.
  - c. Industrial Disability Retirement: The employee retires because of injuries sustained due to/connected with his/her employment and he/she is unable to perform the duties of the position because of the medical condition.

## B. Request for CCW Endorsement:

- The sworn member may request, upon qualification, either the National CCW in compliance with House Resolution 218, Law Enforcement Officers Safety Act of 2004 or a CCW endorsement valid for California only. The requirements are listed below for each endorsement.
  - a. Retired officers qualifying for CCW privileges in the State of California shall

minimally meet the criteria described in California Penal Code 25460, and the following:

- 1) The ID card shall be clearly marked to indicate the officer's "retired" status.
- 2) The text "retired in good standing" and "California CCW Approved" shall appear on the back of the ID card.
- 3) The statement on the back of the ID card shall describe the authority of the Department to issue the CCW endorsement and to confiscate the card.
- 4) The ID card shall display the date of renewal, which is every five (5) years after the date of retirement.
- 5) The ID card shall display the officers retirement date.
- b. The retired officer shall meet the department firearm proficiency qualification standard every year (PC 25475).
- c. Retired officers seeking certification of LEOSA qualification in addition to California CCW privileges shall be issued an ID card with such endorsement if the following criteria are met:
  - The officer retired in good standing from sworn service with a non-forfeitable right to benefits under a CalPERS retirement plan, for reasons other than "mental instability" {18 USC 926C (c) (1)};
    - a) "Retired in good standing" is a term considered to be synonymous with "honorable retirement."
  - 2) Before retirement, the officer was regularly employed a law enforcement officer for an aggregate of fifteen (15) years or more, or retired after completing any probationary period due to a service-connected disability.
  - 3) The officer is not prohibited by Federal law from receiving a firearm.
  - 4) The officer meets the department firearm proficiency qualification standard, annually, or any standard established by the State of California for the purpose of meeting the requirements of 18 USC 926C.
- d. ID cards issued to retired officers who qualify for national CCW privileges according to 18 USC 926C will meet the criteria described above, with the following exceptions:
  - 1) The text "National CCW Approved" and "Law Enforcement Officers Safety Act of 2004" shall appear on the back of the card (in place of "California CCW Approved"):
  - 2) The ID card shall display the Expiration Date, which is required annually.
- e. In addition to required compliance with other relevant law and policy, it shall be the responsibility of each individual retired officer with CCW privileges to:
  - While traveling or residing outside of the State of California shall make all reasonable efforts to discover and comply with applicable laws and policies

- of the relevant jurisdiction(s) or agencies with regards to carrying concealed weapons, including local interpretations of the requirements of 18 USC 926C.
- 2) Retired officers exercising CCW privileges, when in possession of a concealed firearm, shall have in their immediate possession and shall display upon the lawful request of a duly authorized US federal, state or local law enforcement officer:
  - a) The valid Department identification card issued to that retired Officer.
  - b) If issued by this agency, or another state or US law enforcement agency, a valid document certifying the retired officer's qualification to carry a concealed firearm per the requirements of 18 USC 926C.
- 3) Notify the department of new home address information within thirty (30) Days of a change in permanent residence, so a new ID card may be issued.
- 4) Only carry concealed a firearm of the type for which he or she is qualified, and which is in good condition and proper working order.
- 5) Refrain from being under the influence of alcohol (or any other Intoxicating of hallucinatory drug or substance) when exercising CCW privileges.
- 6) Contact the Department in a timely manner to apply for renewal of Identification cards and to make arrangements for re-qualification, if necessary.
- f. CCW endorsements issued by the department do not confer any exception from otherwise lawful restrictions or policies that prohibit or regulate possession of firearms. This includes, but is not limited to, restrictions in effect at the following types of locations:
  - 1) Government property or buildings
  - 2) Airports or other transportation facilities or vessels
  - 3) Areas outside the jurisdiction of California or the United States
  - 4) Private property
- 2. A sworn member within thirty days of retirement becoming effective shall submit to the Chief of Police a request for an application for a retirement ID card with or without concealed weapon endorsement. An ID card without CCW endorsement shall expire five (5) years from the date of issue. The employee requesting a CCW endorsement shall submit the request for a retired identification card form.
- 3. Any peace officer who has been honorably retired shall be issued an identification card by this department. The Chief of Police will review the request and may direct an investigation into the suitability of granting the CCW privilege.
  - a. An Officer will be deemed to be unqualified when prior to or after retiring, the Officer has:
    - 1) agreed to a service retirement in lieu of termination.
    - 2) retired due to a psychological disability (after 1/1/89)
  - b. An Officer may be deemed unqualified when prior to or after retiring, the Officer

has:

- 1) Suffered an emotional or nervous disorder; or
- 2) Been committed, either voluntarily or involuntarily, to any hospital, mental institution, or other facility for the treatment of a mental disorder for the use of alcohol, drugs or narcotics; or
- 3) Committed an act of misconduct or been convicted of any crime involving moral turpitude, dishonesty, the use of narcotics, drugs, alcohol or other intoxicants, or otherwise come; under the close scrutiny of any law enforcement agency.
- 4. Any cases involving the above circumstances will be evaluated and consideration given to factors such as the severity, frequency, and resent timing of the acts in determining whether to deny or withdraw permission to carry a firearm.
- 5. The Chief of Police shall, within forty-five (45) days of receipt of the request, inform the applicant of the approval or denial of the application.
- C. Denial, Revocation Process and the Appeal Process shall be consistent with Penal Code 25470
  - An identification certificate authorizing the Officer to carry a concealed and loaded firearm or an endorsement on the certificate may be revoked or denied upon a showing of good cause. Good cause shall be determined at a hearing.
  - 2. A retired peace officer may have his or her privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an Officer on active duty, would result in that Officer's arrest, suspension, or removal from the agency.
  - 3. An identification card authorizing the Officer to carry a concealed and loaded firearm or an endorsement may be revoked or denied by the department only upon a showing of good cause. Good cause shall be determined at a hearing.
  - 4. Any retired peace officer whose identification certificate authorizing the Officer to carry a concealed and loaded firearm or an endorsement is to be revoked shall have fifteen (15) days to respond to the notice of the hearing.
  - 5. Notice of the hearing shall be served either personally on the retiree or sent by firstclass mail, postage prepaid, return receipt requested to the retiree's last known place of residence.
  - 6. Upon the date the department receives the signed registered receipt or upon the date the notice is served personally on the retiree, the retiree shall have fifteen (15) days to respond to the notification. A retired peace officer who fails to respond to the notice of the hearing shall forfeit his or her right to respond.
  - 7. An identification certificate authorizing the Officer to carry a concealed and loaded firearm or an endorsement may be denied prior to a hearing.
    - a. If a hearing is not conducted prior to the denial of an endorsement, a retired peace officer, within fifteen (15) days of the denial, shall have the right to request a hearing. A retired peace officer who fails to request a hearing pursuant to this paragraph shall forfeit his or her right to the hearing.

- 8. A retired peace officer, when notified of the revocation of his or her privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting his or her right to a hearing, shall immediately surrender to the department his or her identification certificate. The department shall reissue a new identification certificate without an endorsement which reads "No CCW Privilege."
- 9. Any hearing conducted under this section shall be held before a three-member hearing board. One member of the board shall be selected by the Chief of Police, and one member shall be selected by the retired peace officer or his or her employee organization. The third member shall be selected jointly by the Chief and the retired peace officer or his or her employee organization.
- 10. Any decision by the board shall be binding on the department and the retired peace officer.

## D. Renewal Procedures:

- 1. Expiration and Renewal of Endorsement: As established under Penal Code Section 25450 and 25465, the endorsement shall be valid for a period of five (5) years from the date of issue.
- DI. Failure to Comply with Regulations: Failure to comply with these regulations may result in suspension of the employee's privileges and other action as required including those specified in Section 25455 and 25450 of the Penal Code.
- DII. A list of all retirees with retired ID cards that contain current CCW endorsements will be maintained by the department. The department Range Master will maintain a list of all CCW endorsements and their expiration dates.
- DIII. California Penal Code Section 25455 allows the department to charge reasonable expenses the agency occurs in issuing a concealed weapons certificate. Such costs incurred will be assessed and approved by the Chief of Police.

## V. APPENDICES:

A. Executive Order 873

## VI. ATTACHMENTS:

A. Request for Retired ID Card

#### ATTACHMENT A



(Campus)

Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



## Type of Retirement Identification Card Requested: (Check one) □ Standard – No CCW 5 year expiration □ California CCW 1 year expiration - Firearm qualification required □ National CCW 1 year expiration - Firearm qualification required declare that I have been advised that should I suffer, or experience any of the conditions listed in items 1), 2), or 3), below, I must promptly notify the CSU Police Department (issuing agency), thereof. My failure to do so may result in the termination of my privilege to carry a concealed or non-concealed loaded firearm, as delineated in Section 25450 and 25900 of the Penal Code and Title 18 of the United States Code, Sections 926B (a) and 926C. 1) Suffered an emotional or nervous disorder: or 2) Been committed, either voluntarily or involuntarily, to any hospital mental institution, or other facility for treatment of a mental or emotional disorder or for the use of alcohol, drugs, or narcotics; or Committed an act of misconduct or been convicted of any crime involving moral 3) turpitude, dishonesty, the use of narcotics, drugs or alcohol, or other intoxicants, or otherwise come under the close scrutiny of any law enforcement agency. It is understood that I must surrender my identification card, which is University property, upon demand and that I must petition the CSU Police Department issuing agency if I desire to renew my card every year. Signature: City: \_\_\_\_\_ State: \_\_\_\_ Zip:\_\_\_\_ Date of Retirement: To be notarized if not end Range Staff.

orsed in person with current at San Francis	co State University P	olice Department
Scribed and sworn to before me this	day of	, 20
	_, NOTARY PUBLIC	, in and for the
County of	State of	
Signed and Sworn to me this	day of	, 20
, Chief of Police,		(Signature)



NUMBER: 2-16 APPROVED: Reynold Ra

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

July 3, 2007, Oct. 27, 2010, Feb.

SUPERSEDES: A-21 REVIEWED/REVISED: 10, 2011, Nov. 23, 2011, Jan. 14,

2016, Dec. 10, 2019

SUBJECT: CCW ENDORSEMENT PRIVILEGE OF RETIRED SWORN PERSONNEL

I. PURPOSE: To establish the guidelines for requesting an endorsement privilege, renewal of the endorsement and the appeal of a denied request for endorsement privilege.

II. POLICY: It shall be the policy of this department to issue ID cards to retired sworn personnel and to provide CCW endorsements to personnel who meet the required qualifications pursuant to 18 USC & 926C and Penal Code 22450 et. seq.

III. DEFINITIONS: None

#### IV. PROCEDURES:

## A. Retirement Status:

- 1. A sworn member of the department may retire from the department under three different types of retirement status. They are:
  - a. Service Retirement: The employee retires after reaching the minimum retirement age with the minimum years of service.
  - b. Ordinary Disability Retirement: The employee retires, after serving a minimum number of years, due to a medical condition not related to employment.
  - c. Industrial Disability Retirement: The employee retires because of injuries sustained due to/connected with his/her employment and he/she is unable to perform the duties of the position because of the medical condition.

## B. Request for CCW Endorsement:

- The sworn member may request, upon qualification, either the National CCW in compliance with House Resolution 218, Law Enforcement Officers Safety Act of 2004 or a CCW endorsement valid for California only. The requirements are listed below for each endorsement.
  - a. Retired officers qualifying for CCW privileges in the State of California shall

minimally meet the criteria described in California Penal Code 25460, and the following:

- 1) The ID card shall be clearly marked to indicate the officer's "retired" status.
- 2) The text "retired in good standing" and "California CCW Approved" shall appear on the back of the ID card.
- 3) The statement on the back of the ID card shall describe the authority of the Department to issue the CCW endorsement and to confiscate the card.
- 4) The ID card shall display the date of renewal, which is every five (5) years after the date of retirement.
- 5) The ID card shall display the officers retirement date.
- b. The retired officer shall meet the department firearm proficiency qualification standard every year (PC 25475).
- c. Retired officers seeking certification of LEOSA qualification in addition to California CCW privileges shall be issued an ID card with such endorsement if the following criteria are met:
  - The officer retired in good standing from sworn service with a non-forfeitable right to benefits under a CalPERS retirement plan, for reasons other than "mental instability" {18 USC 926C (c) (1)};
    - a) "Retired in good standing" is a term considered to be synonymous with "honorable retirement."
  - 2) Before retirement, the officer was regularly employed a law enforcement officer for an aggregate of fifteen (15) years or more, or retired after completing any probationary period due to a service-connected disability.
  - 3) The officer is not prohibited by Federal law from receiving a firearm.
  - 4) The officer meets the department firearm proficiency qualification standard, annually, or any standard established by the State of California for the purpose of meeting the requirements of 18 USC 926C.
- d. ID cards issued to retired officers who qualify for national CCW privileges according to 18 USC 926C will meet the criteria described above, with the following exceptions:
  - 1) The text "National CCW Approved" and "Law Enforcement Officers Safety Act of 2004" shall appear on the back of the card (in place of "California CCW Approved"):
  - 2) The ID card shall display the Expiration Date, which is required annually.
- e. In addition to required compliance with other relevant law and policy, it shall be the responsibility of each individual retired officer with CCW privileges to:
  - While traveling or residing outside of the State of California shall make all reasonable efforts to discover and comply with applicable laws and policies

- of the relevant jurisdiction(s) or agencies with regards to carrying concealed weapons, including local interpretations of the requirements of 18 USC 926C.
- 2) Retired officers exercising CCW privileges, when in possession of a concealed firearm, shall have in their immediate possession and shall display upon the lawful request of a duly authorized US federal, state or local law enforcement officer:
  - a) The valid Department identification card issued to that retired Officer.
  - b) If issued by this agency, or another state or US law enforcement agency, a valid document certifying the retired officer's qualification to carry a concealed firearm per the requirements of 18 USC 926C.
- 3) Notify the department of new home address information within thirty (30) Days of a change in permanent residence, so a new ID card may be issued.
- 4) Only carry concealed a firearm of the type for which he or she is qualified, and which is in good condition and proper working order.
- 5) Refrain from being under the influence of alcohol (or any other Intoxicating of hallucinatory drug or substance) when exercising CCW privileges.
- 6) Contact the Department in a timely manner to apply for renewal of Identification cards and to make arrangements for re-qualification, if necessary.
- f. CCW endorsements issued by the department do not confer any exception from otherwise lawful restrictions or policies that prohibit or regulate possession of firearms. This includes, but is not limited to, restrictions in effect at the following types of locations:
  - 1) Government property or buildings
  - 2) Airports or other transportation facilities or vessels
  - 3) Areas outside the jurisdiction of California or the United States
  - 4) Private property
- 2. A sworn member within thirty days of retirement becoming effective shall submit to the Chief of Police a request for an application for a retirement ID card with or without concealed weapon endorsement. An ID card without CCW endorsement shall expire five (5) years from the date of issue. The employee requesting a CCW endorsement shall submit the request for a retired identification card form.
- 3. Any peace officer who has been honorably retired shall be issued an identification card by this department. The Chief of Police will review the request and may direct an investigation into the suitability of granting the CCW privilege.
  - a. An Officer will be deemed to be unqualified when prior to or after retiring, the Officer has:
    - 1) agreed to a service retirement in lieu of termination.
    - 2) retired due to a psychological disability (after 1/1/89)
  - b. An Officer may be deemed unqualified when prior to or after retiring, the Officer

has:

- 1) Suffered an emotional or nervous disorder; or
- 2) Been committed, either voluntarily or involuntarily, to any hospital, mental institution, or other facility for the treatment of a mental disorder for the use of alcohol, drugs or narcotics; or
- 3) Committed an act of misconduct or been convicted of any crime involving moral turpitude, dishonesty, the use of narcotics, drugs, alcohol or other intoxicants, or otherwise come; under the close scrutiny of any law enforcement agency.
- 4. Any cases involving the above circumstances will be evaluated and consideration given to factors such as the severity, frequency, and resent timing of the acts in determining whether to deny or withdraw permission to carry a firearm.
- 5. The Chief of Police shall, within forty-five (45) days of receipt of the request, inform the applicant of the approval or denial of the application.
- C. Denial, Revocation Process and the Appeal Process shall be consistent with Penal Code 25470
  - An identification certificate authorizing the Officer to carry a concealed and loaded firearm or an endorsement on the certificate may be revoked or denied upon a showing of good cause. Good cause shall be determined at a hearing.
  - 2. A retired peace officer may have his or her privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an Officer on active duty, would result in that Officer's arrest, suspension, or removal from the agency.
  - 3. An identification card authorizing the Officer to carry a concealed and loaded firearm or an endorsement may be revoked or denied by the department only upon a showing of good cause. Good cause shall be determined at a hearing.
  - 4. Any retired peace officer whose identification certificate authorizing the Officer to carry a concealed and loaded firearm or an endorsement is to be revoked shall have fifteen (15) days to respond to the notice of the hearing.
  - 5. Notice of the hearing shall be served either personally on the retiree or sent by firstclass mail, postage prepaid, return receipt requested to the retiree's last known place of residence.
  - 6. Upon the date the department receives the signed registered receipt or upon the date the notice is served personally on the retiree, the retiree shall have fifteen (15) days to respond to the notification. A retired peace officer who fails to respond to the notice of the hearing shall forfeit his or her right to respond.
  - 7. An identification certificate authorizing the Officer to carry a concealed and loaded firearm or an endorsement may be denied prior to a hearing.
    - a. If a hearing is not conducted prior to the denial of an endorsement, a retired peace officer, within fifteen (15) days of the denial, shall have the right to request a hearing. A retired peace officer who fails to request a hearing pursuant to this paragraph shall forfeit his or her right to the hearing.

- 8. A retired peace officer, when notified of the revocation of his or her privilege to carry a concealed and loaded firearm, after the hearing, or upon forfeiting his or her right to a hearing, shall immediately surrender to the department his or her identification certificate. The department shall reissue a new identification certificate without an endorsement which reads "No CCW Privilege."
- 9. Any hearing conducted under this section shall be held before a three-member hearing board. One member of the board shall be selected by the Chief of Police, and one member shall be selected by the retired peace officer or his or her employee organization. The third member shall be selected jointly by the Chief and the retired peace officer or his or her employee organization.
- 10. Any decision by the board shall be binding on the department and the retired peace officer.

## D. Renewal Procedures:

- 1. Expiration and Renewal of Endorsement: As established under Penal Code Section 25450 and 25465, the endorsement shall be valid for a period of five (5) years from the date of issue.
- DI. Failure to Comply with Regulations: Failure to comply with these regulations may result in suspension of the employee's privileges and other action as required including those specified in Section 25455 and 25450 of the Penal Code.
- DII. A list of all retirees with retired ID cards that contain current CCW endorsements will be maintained by the department. The department Range Master will maintain a list of all CCW endorsements and their expiration dates.
- DIII. California Penal Code Section 25455 allows the department to charge reasonable expenses the agency occurs in issuing a concealed weapons certificate. Such costs incurred will be assessed and approved by the Chief of Police.

## V. APPENDICES:

A. Executive Order 873

## VI. ATTACHMENTS:

A. Request for Retired ID Card

## ATTACHMENT A



(Signature)

Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



1800	DETIDED OFFICED A	PPLICATION FOR IDI		PD X
SF STATE				W
	Type of Retireme    Standard – No CCW	nt Identification Card I	Requested: (Check or	ne)
	<ul> <li>□ Standard = No CCW</li> <li>□ California CCW</li> <li>□ National CCW</li> </ul>		Firearm qualification red Firearm qualification red	
Police Dep ny privileg	e to carry a concealed or	declare that I have I ed in items 1), 2), or 3), be thereof. My failure to do non-concealed loaded fire itle 18 of the United States	so may result in the to earm, as delineated in	notify the CSU ermination of Section 25450
1) 2)	Been committed, eithe	or nervous disorder; or r voluntarily or involuntaril ent of a mental or emotior		
3)	Committed an act of m turpitude, dishonesty, t	isconduct or been convict he use of narcotics, drugs the close scrutiny of any l	or alcohol, or other in	ntoxicants, or
	nd that I must petition the	r my identification card, w CSU Police Department is		•
,	•	Signature:		
		Address:		
		City:	State:	Zip:
		Date of Retirement:		<del></del>
Го be nota	rized if not endorsed in pe	erson at San Francisco Sta	ate University.	
Scribed an	d sworn to before me this	day of	, 20	-
		, NOTARY	PUBLIC, in and for th	e
	County of	State of		·
Signed and	d sworn to me this	day of	, 20	
		, Chief of Police,		

(Campus)



NUMBER: 2-17 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 14, 2016, Dec. 10, 2019

SUBJECT: MUTUAL ASSISTANCE, CRITICAL RESPONSE UNIT AND MUTUAL AID

I. PURPOSE: To create a department procedure to comply with CSU Police, State and local requests for assistance including mutual aid.

II. POLICY: It is the intent of the California State University (CSU) that resources and facilities of a CSU campus and its public safety departments will be made available to other CSU campuses through Mutual Assistance and the Critical Response Unit, as appropriate, to ensure public safety. Additionally, CSU public safety departments share police personnel and resources across the State as required in response to Mutual Aid requests, as needed. This policy provides an overview of general procedures and/or guidelines for obtaining and coordinating law enforcement assistance between CSU campuses as well as State and local public safety agencies.

## III. DEFINITIONS:

- A. Mutual Assistance: Mutual Assistance occurs when two or more CSU presidents or police chiefs agree to furnish personnel, equipment and/or resources to other CSU campuses, on a temporary basis, in the furtherance of public safety. Campuses will make every reasonable effort to provide requested Mutual Assistance commensurate with available resources and local circumstances.
- B. Critical Response Unit: Executive Order 1046 communicates the policy of the CSU that resources and facilities of the CSU and its various public safety departments will be made available to mitigate the effects of natural disasters, to prevent or mitigate the effects of civil disorders and to protect life and property when local campus officials deem a necessity exists to insure and protect public welfare. The Critical Response Unit (CRU) refers to a selected group of police personnel from CSU campuses that have trained together as a team and are prepared to handle these public safety issues.
- C. Mutual Aid: Mutual Aid refers to the State of California's disaster planning program for sharing police personnel and resources across the State.

## IV. PROCEDURES:

A. Requests for Mutual Assistance:

- 1. If a campus requires Mutual Assistance, the president or police chief makes a direct request to the president or chief at any CSU campus. Any assistance provided is based upon mutual agreement between the campuses. Mutual Assistance requests can be made verbally or in writing. A Mutual Assistance request may be short-term and limited to one or few individuals and in these instances a verbal request is adequate. For Mutual Assistance requests that are longer term and involve more than a few individuals, a verbal Mutual Assistance request should be followed up with a written request. A sample Mutual Assistance Request Form is provided in Attachment A.
  - a. The Commander or the Chief shall call the campus or Chief to make the request.

## 2. Authorization

a. Mutual Assistance authorization will be confirmed by the home campus (campusproviding assistance) to the host campus (campus receiving assistance) with an email or a completed Authorization Form sent by facsimile. If confirmation is provided by email, information requested in the Authorization Form will need to be provided. A sample Authorization Form is provided in Attachment B.

## 3. Assistance, Costs and Reimbursement

- a. Once the host campus has made a request for assistance and/or additional equipment and the assistance is confirmed, police personnel are reassigned either temporarily or asked to volunteer for overtime compensation to meet Mutual Assistance needs. The host campus is responsible for providing lodging and meals for police personnel participating in the Mutual Assistance event. Additionally, the host campus will reimburse the home campus for costs associated with providing assistance including transportation, overtime and incidental expenses, as well as for costs associated with related court appearances.
- b. Once the Mutual Assistance event is completed, the home campus shall provide written cost documentation to the host campus. See Attachment C for a sample Cost Summary Report. As required, the home and host campuses will review cost documentation to ensure costs are appropriately identified. If cost documentation is provided by email, information requested in the Cost Summary Report needs to be provided.
  - 1) All fiscal reporting will be the responsibility of the Fiscal Services Manager.

## B. Activation Requests for the Critical Response Unit

1. If the campus needs to activate the CRU, the campus chief shall contact the CSU Police Coordinator so he/she can facilitate the process with the Vice Chancellor of Human Resources and the Chancellor. The CSU Police Coordinator will work with the campus chief and the CRU chiefs to ensure staffing availability and mission of the activation. Then, a written request needs to be made by the campus president to

the Chancellor requesting CRU activation. The request must include an explanation of the necessity or emergency, expected assignment of the CRU and the number of police personnel required. If CRU activation is approved, the Chancellor will advise the president and provide written authorization. The Vice Chancellor of Human Resources has delegated authority to approve activation of the CRU in the absence of the Chancellor, and to determine who willcover costs.

- a. If the Chief of Police in consultation with the Commander deem it necessary to request CRU, authorization shall be obtained from the Vice President for Student Affairs.
- b. The Chief will forward through the Vice President for Student Affairs a written request for the President to send to the Chancellor.

## 2. Operational Plan

- a. Once the activation has been approved, the CRU Commander is responsible for preparing and submitting the Operational Plan to the host police chief for approval.
- b. The home campus is responsible for arranging transportation of CRU police personnel to and from the host campus and will ensure that personnel assigned are equipped in accordance with systemwide uniform and equipment regulations.

## 3. Costs and Reimbursement

- a. Generally, a campus is authorized one CRU call per academic year without incurring expenses for overtime, salary, replacement staffing costs, incidental expenses or travel. Generally, these related expenses will be paid out of the systemwide CRU fund.
- b. However, the Chancellor retains the right to determine who will pay costs for any CRU activation. Unless determined otherwise by the Chancellor or designee, the home campus will fund salary and travel expenses.
- c. Unless determined otherwise by the Chancellor or designee, the host campus is responsible for funding hotel and meal related costs.
- d. The home campus is responsible for loss of home campus equipment.

## C. General Operational Guidelines for Mutual Assistance and CRU:

## 1. Supervision and Command

a. Supervision of Mutual Assistance or the CRU is the responsibility of the host campus police chief, through the local chain of command or Commanders of the CRU, as appropriate. Upon arrival at the host campus, the senior ranking officer of the Mutual Assistance detail or the Commander of the CRU must report immediately to the host campus police chief or designee for assignment or instructions.

## 2. Media Relations

a. Press inquiries regarding Mutual Assistance or CRU related incidents or information are to be referred to the host campus.

## 3. Major Incident Reporting

a. The host campus is responsible for submitting a Major Incident report, if required, by the Major Incident Reporting Requirements policy.

## 4. Emergency Personnel Information Form

a. Police personnel participating in Mutual Assistance or a CRU operation are encouraged to complete an Emergency Contact Information Form (see Attachment D for a sample form) prior to arrival at the host campus and present it to the officer in charge at the host campus or the CRU Commander.

## 5. Injury or Illness

- a. CSU police personnel injured while at the host campus must notify the host campus Commander and the home campus supervisor immediately, if possible. If the police officer is not able to notify his/her home campus supervisor immediately, the host campus Commander is to notify the home campus supervisor as soon as possible.
- b. The host campus must supply the injured employee with an Employee Claim for Worker's Compensation Form. Injured employees must complete required documents and reports of injury/illness consistent with host campus procedures, as applicable.
- c. All CSU police personnel injuries or illnesses should be treated at a licensed medical facility consistent with the policies and procedures of the host campus. When possible, CSU police personnel requiring medical attention should be treated at a facility different than the facility treating persons who may have been injured as a result of police action.

## 6. Risk and Workers' Compensation Liability

a. If a liability complaint and/or a lawsuit arises from a Mutual Assistance or a CRU operation, the CSU Risk Manager will apportion the cost to the appropriate campus risk pool.

## 7. Reports/Field Operations

a. Officer time and attendance records are to be maintained. See Attachment E for a sample Mutual Assistance or Critical Response Unit Time Sheet. The time sheet is to be provided to the home campus via facsimile for payroll purposes.

## 8. Disposition of Citizen's Complaints

a. If a citizen complaint is made, the home campus of the involved officer is to

be notified of the complaint. Generally, the investigation of the complaint is the responsibility of the home campus. If a citizen associated with the host campus initiates the complaint, the host campus will conduct the internal affairs investigation and provide fact-finding only. If there are unusual circumstances that would necessitate the need for the host campus to conduct the investigation, the police chiefs involved should consult and reach a mutually acceptable agreement.

b. The home campus is responsible for discipline.

## D. Campus Events Sponsored by Private Entities:

CSU campuses shall not incur Mutual Assistance or CRU expenses when
responding to an event sponsored by a private entity on a CSU campus. The private
entity is responsible for all related expenses. The host campus must submit all
related costs to the private entity for reimbursement.

## E. Agency Jurisdiction and Mutual Aid:

- 1. Under the Mutual Aid program, the CSU first relies on internal resources, and then follows established protocols for enlisting assistance from cities, counties and ultimately the regional office of the Office of Emergency Services, as required.
- 2. For Mutual Aid requests, police chiefs are required to follow the county and state protocols in their jurisdiction.
- 3. Mutual Aid requests are considered Major Incidents and reporting procedures must be followed, pursuant to the systemwide human resources policy on Major Incident Reporting Requirements. (Reference: The California Emergency Plan (Sections 8500 ff., Government Code) and California Law Enforcement Mutual Aid Plan, 1994.)

## V. APPENDICES:

A. Executive Order No. 1046

## VI. ATTACHMENTS:

- A. Mutual Assitance Request Form
- B. Mutual Assistance Authorization Form
- C. Mutual Assistance Cost Summary Report Form
- D. Emergency Contact Information Form
- E. Mutual Assistance and Critical Response Unit Time Sheet Form

## ATTACHMENT A



## The California State University Mutual Assistance Request

From: Campus R	equesting Assistance	(Host Campus	s)	
	Requestor	Po	osition	Campus
٦	elephone Number	E-M	ail Address	Date
To: Campus Pro	oviding Assistance (	(Home		
	Provider	Po	osition	Campus
,	elephone Number	E-M	ail Address	Date
Event:				
	Assi	stance Reques	sted	
Personnel:				
Lieutenants	Number		Dates and Times N	Needed
Sergeants _			Dates and Times N	looded
Officers	Number		Dates and Times is	neeueu
_	Number		Dates and Times I	Needed
Others _	Number		Dates and Times N	leeded
Equipment: _				
Host Campus In	formation:			
	iormation:			
	ous to reimburse Home Campus four secontact for billing		ost to be itemized on Cost Sumi	mary Report.
Name		Position	Telephone	E-Mail Address
	Ma	ailing Address:		

## ATTACHMENT B



# The California State University Mutual Assistance Authorization

Pursuant to your request for mutual assistance, the following personnel are assigned to campus effective at:	Provider	Position	Campus	Date
Pursuant to your request for mutual assistance, the following personnel are assigned to campus effective at:	: Campus Requesting Assist	ance (Host Campus)		
Pursuant to your request for mutual assistance, the following personnel are assigned to campus effective at:	•		Campus	Request Date
personnel will remain under your command until				
personnel will remain under your command until	Pursuant to your request for mu	utual assistance, the foll	owing personnel a	are assigned to your
released by your authority. While under your command, all assigned persoreport directly to you, through your local chain of command.    Name	campus effective at:	hours, on		The
In addition to the standard issue police equipment, the following special equipment als				igned personnel w
	Name	Rank		ID#
			I	
	In addition to the standard issue	e police equipment, the	following special 6	equipment also is
			following special o	equipment also is
			following special o	equipment also is
			following special e	equipment also is
			following special e	equipment also is
			following special e	equipment also is

# ATTACHMENT C



# The California State University Mutual Assistance Cost Summary To Be Completed By Host Campus

P	viding Assista	ance (Home Campus)				
/ent:	rovider	Position	Campus	Date		
			Event Date:			
sonnel Provided	:					
Lieutenants						
		Name		Dates		
Sergeants		Name		Dates		
Officers		Nome		Data		
Others		Name		Dates		
		Name		Dates		
quipment Provid	ed:					
		Summary Cos	ts*			
Payroll Costs	S	See Individual Time Sheet	ts			
Lodging						
Meals						
Transportation						
Other Costs	+	_		_		
Total	\$					

# ATTACHMENT D



# The California State University Emergency Contact Information

-Sample Form-

Officer Name:				
Home Campus:				
Date:				
Host Campus:				
Event:				
Person to be notified	d in emergency:			
	Home Phone			
Address:				
	Street	City	State	Zip Code
If first person is unavailable, Person to be notified in emergency:				
Person to be notified	d in emergency:	ne		
Person to be notified Relationship:	d in emergency: Nan Hone Phone	ne		
Person to be notified	d in emergency: Nan Hone Phone	ne		
Person to be notified Relationship:	d in emergency: Nan Hone Phone	ne :	Work Phone:	
Person to be notified Relationship:	d in emergency: Nan Hone Phone	ne :	Work Phone:	

# ATTACHMENT E



# The California State University Mutual Assistance and Critical Response Unit Time Sheet

Officer Name: _  Home Campus: _  Rank: _  Position No	Last / First / MI  Lt. / Sgt. / Corp. / Officer /			
		ime Spent on Assig		
DATE	TIME IN	o Be Completed By Employe TIME OUT	TIME IN	TIME OUT
Employee Signatu			pervisor Signature	Date



NUMBER: 2-18 APPROVED: Reynold Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 14, 2016, Dec. 10, 2019

SUBJECT: COLLECTIVE BARGAINING

I. PURPOSE: To establish procedures for the administration of collective bargaining agreements at San Francisco State University and within the University Police Department.

II. POLICY: The California State University system recognizes the rights of its employees to form an organized group or groups, which among other functions negotiates labor agreements with the Board of Trustees of the California State University. The University Police Department will abide by all legally applicable laws and rules governing the collective bargaining process.

Where the provisions of the University Police Department General Orders, policies and procedures are in conflict with the collective bargaining agreements reached pursuant to chapter 12 (commencing with section 3560) of Division 4 of Title 1 of the Government Code the Collective Bargaining Agreements shall take precedent.

III. DEFINITIONS: None

#### IV. PROCEDURES:

# A. Collective Bargaining Units:

- 1. The California State University recognizes (SUPA) State University Police Association as the exclusive bargaining representative of the employees in the California State University classifications of Police Officer, Corporal and Sergeant.
- 2. The California State University recognizes (CSUEU) California State University Employees Union as the exclusive bargaining representative of the employees in the California State University classifications of Dispatcher, Community Service Officer, Parking Officer, Administrative Support Assistant, and Administrative Analyst Specialist, and Network Analyst.

# B. Bargaining Process:

1. The California State University Chancellor's Office, Labor Relations Unit is

- designated by the Chancellor as the entity to conduct negotiations and bargaining with the labor unions.
- 2. Bargaining unit employees may serve on the bargaining team union as determined by their respective unions.
- 3. The California State University Chancellor's Office, Labor Relations Unit is committed to participate in good faith in the bargaining process with the recognized bargaining units representing its employees.
- 4. The Labor Relations Unit is committed to abide by the ground rules that arise out of the collective bargaining process.
- 5. The Chancellor's Office, the University, the Department and its employees are committed to abide, in both letter and spirit, by the negotiated labor agreement that has been signed by the Labor Relations Unit, the bargaining unit and labor representatives.
- 6. The SFSU employee/labor relations unit in the University office of Human Resources, Safety & Risk Management serves as the President's designee for the implementation and administration of collective bargaining agreements for SFSU.

# C. Agreement Distribution:

- 1. When all parties ratify a negotiated labor agreement, the Chief of Police will obtain a written, signed copy of the agreement from the Chancellor's Office.
- 2. The Chief of Police or his/her designee will disseminate information relative to a new labor agreement, to managers and supervisors of bargaining unit employees.
- 3. The Chief of Police will review and amend, if necessary, all written directives and procedures to coincide with the terms of the labor agreement.
- 4. The unions are responsible for distributing copies of the agreement to employees.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 2-19 APPROVED: Reynold Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

May 2, 2005, Oct. 24, 2006, Jan. 23,

2007, Apr. 28, 2008, Dec. 4, 2008,

SUPERSEDES: REVIEWED/REVISED

REVIEWED/REVISED: May 27, 2009, Jun. 24, 2011, Jul. 2, 2015, Jan. 14, 2016, Feb. 15, 2017,

SUBJECT: COMPENSATION AND BENEFITS Dec. 10, 2019

I. PURPOSE: To establish an informational resource in relation to compensation and benefits that is closely aligned with the bargaining unit contracts.

II. POLICY: San Francisco State University supports the systemwide bargaining unit process and shall maintain compensation, benefits, and conditions of work that are in compliance with established agreements.

III. DEFINITIONS: None

#### IV. PROCEDURES:

### A. Compensation:

- San Francisco State University administers its compensation program according to the established agreement between the Board of Trustees of the California State University and the Statewide University Police Association (SUPA) for sworn personnel.
- 2. The compensation program for civilian employees is described in the collective bargaining agreement between the Board of Trustees of the California State University and the California State University Employees Union (CSUEU).
- 3. Entry-level salary.
  - a. Sworn personnel:
    - The salary schedule that pertains to the bargaining unit employees of SUPA can be found in Appendix A of the SUPA contract and incorporated by reference.
    - 2) The Chief of Police may recommend a higher entry-level salary based on the experience and background of the person hired.
  - b. Non-sworn personnel:

- The salary schedule that pertains to the bargaining unit employees in Units 2,
   7 and 9 of the CSUEU can be found in Appendix B of the CSUEU contract and incorporated by reference.
- Upon recommendation of the Chief of Police, an employee shall be assigned a salary rate within the salary range or sub-range appropriate to his/her classification.
- 4. Salary differential within ranks sworn and non-sworn.
  - a. Salary differential within ranks is set by contract.
  - b. The differential between steps within the scales is standardized at a set percentage, subject to change within the bargaining process.
- 5. Salary differential between ranks sworn and non-sworn.
  - a. Both the entry and the top-end salary levels are determined by contract negotiation.
  - b. The salary increases between ranks provide incentive for promotion and are designed to recognize more complex levels of responsibility.
- 6. Salary levels for those with special skills.
  - a. Sworn personnel
    - 1) Salary increases are offered to eligible employees based on:
      - a) P.O.S.T. Certification Stipends; and/or
      - b) Special Assignment Stipends
  - b. POST Certification Stipends
    - 1) Employees must actually be in possession of certificate.
      - a) Intermediate monthly stipend of \$100.00
      - b) Advance monthly stipend of \$150.00
    - 2) SUPA Contract Criteria for Awarding Special Assignment Stipends
      - a) Employees in all classifications/ranks shall be eligible to receive a monthly stipend of an amount at or between one hundred (\$100.00) and four hundred (\$400.00) per month, as determined by the Chief of Police to perform one or more special assignments. The stipend shall be paid on a month-to-month basis for the duration of the special assignment. (21.22)
      - b) Special assignments shall be based on department/campus needs as determined by the Chief of Police. Special assignments shall be made in writing to affected employees by the Chief of Police or his/

- her designee in order for the employee to be eligible to receive the stipend. (21.23)
- c) An employee shall not be eligible for the special assignment stipend for any assignment that is considered part of his/her primary, regular duties. Special assignments are in addition to those assignments/duties normally expected for the employee's classification/rank. (21.24)
- 3) Special Assignments to include but are not limited to:
  - a) CRU
  - b) Bicycle Patrol
  - c) Motorcycle Units
  - d) Investigations
  - e) Traffic
  - f) Range Master
  - g) Canine Handler
  - h) Field Training Officer
  - i) Instructors
  - j) Emergency Medical Technician (EMT)
  - k) Emergency Preparedness Coordinator
  - I) Equipment & Supplies Officer
  - m) Background Investigator
  - n) Field Evidence Technician
  - See General Order 2-13 for a broader explanation of each specialized assignment.
- 4)) Non-sworn personnel: In accordance with the CSUEU Contract, employees i.e. Dispatch Personnel shall receive a monthly salary stipend when assigned by an appropriate administrator to temporary project coordination or lead work functions. These supplemental work assignments are to be made in writing and must have a specific beginning and ending date.
  - a) The stipend is paid on a month-to-month basis for the duration of the work assignment.
  - b) The stipend shall not exceed ten percent (10%) of the base monthly salary rate to be paid on a monthly basis.

The decision of the Chief of Police, made in accordance with article 20.27 of the CSUEU Contract, regarding the supplemental assignment of temporary lead work or project coordination functions shall be final and shall not be subject to Article 7, Grievance Procedure.

7. Compensatory time policy

### a. Sworn personnel:

- 1) Compensatory time off (CTO) is compensation in lieu of overtime pay and is awarded in the same rate as overtime (1.5 per hour or as required by contract).
- 2) Compensatory time includes call-back work related to court appearances pursuant to subpoena, that directed by an appropriate administrator and performed at a time outside of and not continuous with an employee's assigned regular work schedule.
- 3) For call-back pay and court stand by please refer to the current Collective Bargaining Agreement.
  - a) The officer subpoenaed for telephone standby will notify the on-duty supervisor of the court standby on the day of the standby and provide the supervisor with the court department and the start time of the telephone standby listed on the subpoena.
  - b) The officer will attempt to contact the Assistant District Attorney listed on the subpoena prior to the lunch break (approximately 1130 hours) to determine if he or she needs to remain on telephone standby. At minimum, a message needs to be left for the Assistant District Attorney with a call back number, if he or she cannot be reached.
  - c) When the telephone standby is terminated (either per the Assistant District Attorney during the day or at the close of court at 1700 hours), the officer is to contact the on-duty supervisor to advise that the telephone standby is over.
  - d) The on-duty supervisor will list the officer on telephone standby on the Supervisor's Daily Report with the actual standby times.
  - e) When the officer returns to work, the officer will complete an overtime request form for CTO with the actual start and end times of the telephone standby and with "Straight Time" written next to CTO under Overtime Code Numbers/Categories. A copy of the telephone standby subpoena needs to be attached to the overtime request form.

#### b. Non-sworn personnel:

1) For call-back pay please refer to the current Collective Bargaining Agreement.

#### 8. Overtime policy

It is the policy of the Department to provide employees with the opportunity to earn compensated overtime, on an equitable basis, whenever the needs of the Department warrant. Further, it is the policy of the Department to fully compensate employees for all overtime worked by the extension of either cash or compensatory time off as determined by the Chief.

The following overtime procedure may be revised to address excess compensatory time off accruals, budget and availability of funds issues. When such revision is necessary a directive will be issued to all personnel addressing the overtime policy

and procedure change and when this policy may revert back to the previous policy.

# a. Sworn personnel:

- The Chief of Police shall assign overtime. Such overtime assignments shall be offered to bargaining unit members prior to offering work to employees outside the unit on the basis of departmental and university needs.
- 2) As far as practicable, overtime shall be distributed equitably and impartially among qualified employees. In emergency situations or when there are an insufficient number of qualified employees desiring to work required overtime, employees may not decline such overtime assignments.
- 3) All overtime hours worked shall be compensated by cash or compensatory time off, as determined by the Chief of Police, at a rate of one and onehalf (1.5) times the straight rate of pay for authorized overtime work. When practicable, such determination shall be made prior to requesting employees to work overtime.

# b. Non-sworn personnel

- 1) Overtime is authorized time worked in excess of forty (40) hours in a seven (7) consecutive twenty-four (24) hour period beginning at 12:01 am on Sunday and ending at 12 midnight the following Saturday.
- 2) For employees assigned to a 9/80 work schedule, overtime is defined as authorized time worked in excess of forty (40) hours in seven (7) consecutive twenty-four (24) hour periods beginning at 12:01 pm on Friday and ending at 12 pm (noon) on the following Friday.

#### c. All personnel (Sworn and Non-Sworn)

- 1) Compensatory time must be claimed for the following:
  - a) Training
  - b) Department Meetings
  - c) Watch Carry Over to finish reports
  - d) Court
  - e) Investigations
  - f) Sergeant or Corporal after shift administrative duties
- 2) Paid time may only be claimed for the following:
  - a) Minimum shift coverage
  - b) Emergencies as designated by the Chief
  - c) Special Events
- 3) Procedures for requesting earned overtime:
  - a) When an employee requests credit for any earned overtime, he/she

- shall submit the request on University Police Form, DPS-F (92-07) Overtime/Comp Time.
- b) Forms must be completed fully and accurately for each request.
  - i. The reason and description of the activity must be specific,
     i.e. staff meeting, training session, range training, dorm dance, etc.
  - ii. If the request is for working a Student Activities/Special Event, the event-sponsoring group, and event location must be entered for both on and off campus activities.
  - iii. The distinction between premium overtime rate and straight time is to be completed by the Fiscal Services Administrative Specialist.
  - iv. The employee is to enter only the time worked to the nearest half (1/2) hour.
- c) The employee shall submit the request to the on-duty shift commander for review and approval.
  - If the on-duty watch commander is not a supervisor, the employee shall submit the request to his/her immediate Sergeant.
  - ii. On receipt of an overtime request, the on-duty shift commander, if one is assigned, or the immediate supervisor shall review the request for accuracy and then shall approve or disapprove the request by signing and dating the request. The approving supervisor shall forward the completed and approved request to the appropriate Division Commander who will review same.
  - iii. Once approved, all employee overtime requests shall be submitted by the managers at the end of each month and no later than the 1st of the next month to the University Police Fiscal Services Division. Overtime requests received after this date may be subject to delayed payment.
  - iv. The Fiscal Services Division will be responsible for processing all payroll documents and submitting to the University Payroll Office NO LATER than the 3rd workday after the last day of the pay period.

Please note that the exception will be the month of June for each year. Due to year-end closing procedures, the Payroll Office will notify campus departments of the special submission deadline for that month which will have to be done earlier. During end of fiscal year, all employees should plan to turn in their overtime requests and other payroll documents by June 24th. Overtime paychecks will be issued by the 19th of each month instead of the 15th and the issue

of individual overtime checks may vary based on the date of the payroll report submission.

# 4) Special Event Overtime

- a) The Special Event Coordinator shall coordinate all Special Events overtime/assignments, including arrangement of payment to the University Police.
- b) All overtime events shall be assigned on the basis of departmental and University needs and, as far as practicable, shall be distributed equitably and impartially among qualified employees.
- c) In emergency situations or when there are an insufficient number of qualified employees desiring to work overtime, employees will be assigned to work overtime assignments.
- d) No employee is allowed to work more than a sixteen (16) hours straight either combined regular shift and overtime or direct overtime assignment. Officers will be scheduled so they have a minimum of 8 hours rest between the end of one workday and the start of the next; except in the event of emergency conditions.
- e) Notification and requesting Special Event overtime procedures:
  - i. When an overtime request for special event is received, a memorandum advising all eligible employees of the overtime available will be placed on the overtime clipboard. Overtime will be assigned at least fourteen (14) days prior to the event whenever possible.
  - ii. It is the employee's responsibility to sign up for the overtime within the time specified. If the employee fails to sign up prior to the specified date and time, it shall be assumed the employee is not interested in working the overtime.
  - iii. Once an employee is scheduled to work overtime assignments, he/she is responsible for working that event. Should a legitimate emergency arise, beyond the control of the employee, he/she shall immediately notify the Special Event Coordinator and an attempt shall be made to replace the employee to cover the assignment.
  - iv. Employees working an overtime even "On Campus" shall complete the overtime form after the event.
  - v. Employees working an event "Off Campus" shall complete the overtime form and submit the form as soon as practical or by the end of the officer's next scheduled work shift.
  - vi. All overtime requests for Special Events shall be forwarded to and approved by the Special Event Coordinator.
  - vii. Forms must be completed accurately and must indicate the Special Event name, the event sponsoring group, and location of the event.
  - ix. Once approved, the Special Event Coordinator shall forward

a copy of the Special Event memorandum including the sign up sheet and the approved overtime forms to the Fiscal Services Administrative Specialist for processing.

f) The Chief of Police, at his/her option, may designate a sergeant or supervisor to be scheduled to work any overtime event to provide effective supervision and control.

# 9. Provision for salary augmentation

## a. Sworn personnel

- 1) Any employee who is temporary assigned to and performs the duties of a higher level position on an acting basis for longer than fifteen (15) consecutive calendar days shall be entitled to receive extra pay commencing with the sixteenth (16) day of the assignment. The employee's rate of pay shall be an amount equivalent to a two (2) step increase over the amount of regular pay the employee normally earns or the first step of the higher class, whichever is greater.
- 2) If any such future reassignment within a twelve (12) month period occurs which extends for more than seven (7) consecutive calendar days, the employee shall receive the appropriate compensation of the higher classification from the first day of such a reassignment. Days on which an employee is absent from work or a paid leave shall not constitute a break in "consecutive calendar days" as the term is used herein.

#### b. Non-sworn personnel

- 1) An employee shall receive a monthly salary stipend when assigned by an appropriate administrator to temporary project coordination or lead work functions.
- 2) The stipend is paid on a month-to-month basis for the duration of the work assignment.
- 3) The stipend shall not exceed ten percent (10%) of the base monthly salary rate to be paid on a monthly bases.
- c. Performance Based Step Increase Individual merit, and effective employee performance must demonstrate the following:
  - 1) The employee's last performance reflects 50% or more "Exceeds Duty Requirements" and "Superior" categories.
  - 2) The employee performs in more than one Special Assignment.
  - 3) The employee has completed Special Projects for the Division Commander that are aside from regular duties.
  - 4) Outstanding police work, i.e. outstanding arrests, observations and citizen assists.
  - 5) The employee has received commendations, and letters from the Community.

# B. Leave Program:

#### 1. Administrative Leave

#### a. Funeral Leave

#### Sworn personnel:

- 1) For each death of a significantly close relative or an immediate family member, upon request to the President, the employee shall be granted two (2) days leave with pay.
- 2) If such a death of a significantly close relative requires the employee to travel over five hundred (500) round-trip miles from his/her home, upon request such a leave with pay shall be granted for three (3) days.

#### Non-sworn personnel:

1) For each death of a significantly close relative or an immediate family member, upon request to the President, the employee shall be granted five (5) days leave with pay.

### b. Jury Duty

- 1) An employee who serves on jury duty shall receive his/her salary only if he/she remits the amount received for such duty to the CSU.
- 2) Payment for travel expenses and subsistence received by the employee need not be remitted.
- 3) If the employee elects to retain the jury duty fees, his/her time off for jury duty is not compensable. The employee may elect to use vacation, personal holiday or CTO to cover the time off.
- 4) An hourly employee shall be eligible for time off with pay for jury duty only for those hours she/he was scheduled to work.
- 5) Upon request, an employee on swing or graveyard shift who serves on jury duty shall be reassigned to the day shift.

#### c. Leave to Vote

- 1) An employee who would otherwise be unable to vote outside his/her regular working hours may be granted up to two (2) hours of work time without loss of pay to vote at a general, direct primary, or presidential primary election.
- 2) An employee shall be required to request such leave time from the appropriate administrator at least two (2) working days prior to the election.

# d. Absence as a Witness

1) Employees serving as court-subpoenaed witnesses or expert witnesses in the interest of the CSU shall seek the payment of witness fees.

2) An employee who is absent as a court-subpoenaed witness or expert witness in the interest of the CSU shall be paid the normal salary for the corresponding period of absence.

# e. Military Leave

1) Emergency military leave; temporary military leave, and indefinite military leave shall be granted to eligible employees in accordance with state and federal law regulations as well as collective bargaining provisions.

# f. Supplement to Industrial Disability Leave (IDL)

- 1) Upon written notification to the CSU by an eligible employee, he/she may elect to supplement IDL payments with charges to his/her accrued sick leave. Such an election shall be made no later than fifteen (15) days after the report of the injury for which the IDL is being paid.
- 2) Such supplement shall continue until the employee has exhausted his/ her accrued sick leave or until the employee provides to the CSU written notification he/she wished to discontinue the supplement. A notice shall be provided fifteen (15) days prior to the effective date of such a discontinuation.

# g. Maternity/Paternity/Adoption Leave

#### Sworn personnel:

- 1) "Maternity/paternity/adoption leave" shall refer to a leave for the purpose of a parent preparing for the arrival of a new infant and the care of a new infant.
- 2) An employee shall be entitled to up to thirty (30) workdays "maternity/paternity/ adoption leave" with pay. Such leave shall be in addition to available sick time and to available vacation time.

#### Non-sworn personnel:

- 1) Maternity/paternity/adoption leave" shall refer to a leave for the purpose of a parent preparing for the arrival of a new infant and the care of a new infant.
- 2) An employee shall be entitled to up to thirty (30) workdays "maternity/paternity/ adoption leave" with pay. Such leave shall be in addition to available sick time and to available vacation time.

# h. Pregnancy Disability Leave

- 1) Family care and medical leave is separate and distinct from the right of a female employee to take a pregnancy disability leave under Government Code Section 12945 (b)(2).
- 2) If a female employee takes part of all the maximum four (4) months of pregnancy disability leave, she may request up to twelve (12) weeks additional family care and medical leave for reason of birth of her child, or due to her own

- serious medical condition.
- 3) Family care, medical leave and pregnancy disability leave shall run concurrently with the period of leave available under the provisions of Education Code Section 89519. Family care and medical leave shall not run concurrently with pregnancy disability leave under Government Code Section 12945.

# i. Family and Medical Leave (FML)

- 1) Under federal Family and Medical Leave (FML), the California Family Rights Act (CFRA) and CSU policy, employees with at least 12 months of service are eligible for a leave of up to 12 weeks in a 12-month period for the following reasons:
  - a) To care for a child after birth or placement with the employee for adoption or foster care.
  - b) To care for the employee's spouse, domestic partner, child or parent who has a serious health condition.
  - c) If the employee is unable to perform the essential functions of his or her job due to a serious health condition.
- 2) Family medical leave is without pay; however, employees must exhaust their personal holiday and any accumulated vacation or compensatory time off prior to beginning unpaid leave. Sick leave credits may be used if mutually agreed upon by the employee and supervisor. All represented and non-represented eligible employees except for Unit 4, may be placed on FML by SFSU after 3 days of leave due to illness or date of knowledge that an employee is off work due to illness or upon their request.

# j. Leave of Absence

- A full-time employee or part-time permanent employee may be granted a full or partial leave of absence without pay for up to one (1) year for the following purposes/reasons:
  - a) loan of an employee to another governmental agency;
  - b) family leave;
  - c) outside employment that would lessen the impact of a potential layoff or a layoff;
  - d) temporary incapacity due to illness or injury; and
  - e) other satisfactory reasons.
- 2) Application: A written application for a leave of absence without pay or an extension of a leave of absence without pay shall be submitted to the President. The President shall determine if such a leave shall be granted and the conditions of such a leave, and shall respond to the application within fortyfive (45) days.

# 3) Employment Status:

- a) An employee who is on a leave of absence without pay shall not return to active pay status prior to the expiration of such a leave without written approval of the President.
- b) Service credit shall not be granted to an employee on a leave of absence without pay. A leave so granted assures to the employee a right to his/her former position or a position within his/her classification upon expiration of the leave and the time lost shall not constitute a break in service.
- 4) An employee on a leave of absence without pay for more than thirty (30) days may opt to continue his/her fringe benefits at his/her own expense. Upon written request of an eligible employee, the CSU shall provide a system for the continued payment of his/her insurance premiums including health, dental and vision benefits during the period of an unpaid leave of absence. During this period, such an employee shall pay both the employee's and the CSU's contributions. The CSU shall not advance such payments. An employee shall pay all contributions prior to the date each payment is due. Failure to pay such premiums will result in coverages lapsing unless the employee makes other arrangements.

### 2. Holiday Leave

- a. An employee in pay status on the day as the holiday is officially observed shall be entitled to the holiday.
- b. An employee on a leave of absence without pay or other non-pay status on a day a holiday is officially observed shall not be entitled to the holiday.
- c. Holiday Work Compensation:
  - 1) A full-time employee who works on the day a holiday is officially observed shall be compensated at his/her overtime rate on an hour-for-hour basis for all hours worked on the holiday. Such compensation shall be in cash or CTO, as determined by the President. This provision shall apply pro rata to less than full-time employees. Employees not eligible for overtime shall receive time off earned at the straight time rate.
  - 2) When a holiday is observed and an employee is not scheduled to work on the day the holiday is observed, but is required to work on the calendar date of such a holiday, he/she shall only receive holiday work compensation for time worked on the calendar date of the holiday.

# d. Personal Holiday

- 1) Each employee is entitled to a Personal Holiday that must be taken during the calendar year. If the employee fails to take the Personal Holiday before the end of the calendar year, the holiday shall be forfeited.
- 2) The use of the Personal Holiday shall be coordinated with the authorization of the Chief of Police.

- e. An employee shall be permitted to use accrued vacation or his/her Personal Holiday if the President closes the campus and there is an insufficient number of holidays scheduled to be observed during the closure. Employees eligible for CTO may use accrued CTO during periods of campus closure.
  - Should an employee not have vacation accrued, sufficient CTO balance or Personal Holiday to cover the scheduled days of closure, he/she shall be provided sufficient work prior to the scheduled closure to prevent any loss of pay or benefits.
  - 2) Time worked shall be in accordance with the overtime procedures.

#### 3. Sick Leave

- a. Following completion of one (1) month of continuous service, full-time employees shall accrue eight (8) hours of credit for sick leave with pay. Thereafter, for each additional month of service, eight (8) hours of credit for sick leave with pay shall be accrued.
- b. Each full-time employee shall be considered to work not more than forty (40) hours each week. Employees who are appointed less than full-time shall accrue credit for sick leave with pay on a pro rata basis.
- c. Sick leave may be accumulated without limits, and no additional sick leave with pay beyond that accumulated shall be granted except as donated under the Catastrophic Leave donation program.
- d. An employee shall be responsible for reporting an absence to the appropriate administrator as soon as possible in compliance with department and campus policies.
  - 1) An employee shall be responsible for completing and signing the campus absence form and returning the absence form to the appropriate administrator upon reporting to work.
  - 2) An employee may be required to provide a physician's statement or other appropriate verification for absences after three (3) consecutive days charged to sick leave. An employee shall not normally be required to provide such a statement or verification for an absence of three (3) consecutive days or less charged to sick leave.

# e. Catastrophic Leave Donation Program

- Any CSU employee who accrues vacation and sick leave credits may voluntarily donate either of those credits to any other CSU employee on the same campus, if the recipient employee has exhausted all accrued leave credits, i.e., sick leave, vacation and CTO, due to a catastrophic illness or injury.
- 2) Catastrophic illness or injury is an illness or injury that has totally incapacitated the employee from work.

#### 4. Vacation Leave

- a. Vacation credits are cumulative to a maximum of two hundred and seventy-two (272) working hours for ten (10) or less years of qualifying service or three hundred and eighty-four (384) working hours for more than ten (10) years of such service. Employees falling under the Management Personnel Plan can accrue up to a maximum of three hundred and eighty-four (384) working hours for less than ten (10) years of qualified service or four hundred and forty (440) working hours for ten (10) or more years of such service. The employee shall forfeit accumulations in excess of this amount as of December 31 of each year.
- b. Upon separation from service without fault on his/her part, an employee is entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation. Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount, which the employee would have been paid had he/she taken the time off, but not separated from service.
- c. For purposes of computing vacation credit, an employee who works eleven (11) or more days in a monthly pay period is considered to have completed a month, a month of service, or continuous service. When an absence without pay of more than eleven (11) consecutive working days fall into two (2) consecutive qualifying monthly pay periods, one (1) of the pay periods is disqualified.
- d. Vacation requests must be submitted with reasonable advance notice and in writing to the Chief of Police.
  - An employee may request to schedule a block of several consecutive days vacation equal to the number of vacation days the employee earns in that calendar year.
  - 2) Based upon the operational needs of the campus, vacations shall be scheduled and taken as authorized by the Chief of Police.
  - 3) If a conflict in vacation requests arises, the Chief of Police shall give consideration to the employee(s) with the most seniority, provided that operational needs are met.

# C. Retirement Program:

- 1. All employees appointed full-time for more than six months contribute to the Public Employees' Retirement System (PERS).
- 2. Employees appointed less than full-time for more than one year can also contribute to PERS. These contributions are mandatory.
- 3. The formula used in calculating the employee's contribution is 5% of earnings in excess of \$513 per month for most CSU employees or as determined by the bargaining contracts. For unit 8 employees, CSU shall pay 100% of each bargaining unit employee's contribution to the Public Employees Retirement System.
- 4. The State contributes a substantial percentage based on the gross monthly salary. The contribution goes into a fund that currently earns interest at the prevailing rate. The contributions cannot be withdrawn until the employee separates or retires.
- 5. Employees with five or more years of state service and who are under the age of 50 who leave the University may leave their contributions on deposit to gather interest and may retire at age 50 or older. The employee may also request a refund either

- upon separation from the University or after leaving the University by making an application for a refund directly with PERS. Processing of funds currently takes 8 to 10 weeks. The State's contribution is not refundable.
- 6. Employees who are PERS members are automatically covered for certain death benefits at no cost.
- 7. Credit for Prior PERS Service:
  - a. Employees who worked for another PERS employer and withdrew their contributions may request information about the amount required for re-depositing the withdrawn contributions.

# 8. Disability Retirement

a. If an employee is unable to perform their job because of an illness or injury which is expected to be permanent or to last indefinitely, and the employee has five or more years of service credit (no minimum for police officers), the employee may be entitled to receive a monthly disability allowance payable for the rest of their life, or until their recovery. The cause of the disability however needs to be related to the University.

#### 9. Final Compensation

- a. The average pay earned over the last three consecutive years of employment (or one year for all State Sworn members and those local members with the oneyear final compensation as a contract provision) unless the member elects a different period with a higher average. The final compensation may be reduced if CalPERS service is coordinated with Social Security.
- 10. Employees who are at least 50 years of age and have five years of full-time service are considered "vested" and may retire at any time from the Public Employees' Retirement System and receive a monthly retirement allowance. There is no compulsory retirement age.
- 11. Unused sick leave at retirement is added to years of service in calculating retirement allowance.
- 12. The system recommends that an Application for Retirement be completed at least 90 days in advance of the retirement effective date. As a service to its members, PERS will calculate a retirement allowance upon receipt of a PERS Retirement Allowance Estimate request form.
- 13. Police Officers are PERS members, but fall into a different category when calculating service retirement allowance.

# D. Health Insurance Program:

- To qualify for benefits, a staff employee must be appointed at least halftime and for more than six months. New employees have 60 days from the date of the eligible appointment to enroll without evidence of insurability, regardless of any pre-existing condition(s).
- 2. Health Insurance plans include:

- a. Medical;
- b. Dental; and
- c. Vision.
- 3. Medical/Health: Employees may choose among health maintenance organizations and preferred provider plans. Each plan varies in coverage and the state contributes a substantial amount toward the employee's monthly premium based on the number of family members enrolled in the plan. Premiums are paid by payroll deductions. Premiums, benefits and state contributions may change annually.
- 4. Dental: The state currently pays the monthly premium and provisions in the Collective Bargaining Agreement may modify dental plan benefits.
- 5. Vision: There is currently no premium cost to eligible employees and dependents. It stands separate and alone from the medical plan and is for routine eye (vision) care only. The basic benefit permits one examination every twelve months and lenses/ frames every twenty-four months. (Lenses are provided every twelve months if there is a defined prescription change.)

# E. Disability and Death Benefits Program:

- After public service careers, approximately one-third of CalPERS members or their beneficiaries collect retirement benefits. Among them are Disability and Death Benefits.
- 2. Disability Retirement: Employees under the PERS program must have at least five years of credited service to qualify for disability retirement.
- 3. Industrial Disability: Upon written notification to the CSU by an eligible SUPA employee, he/she may elect to supplement IDL payments with charges to his/her accrued sick leave. Such an election shall be made no later than fifteen (15) days after the report of the injury for which IDL is being paid.
- 4. Enhanced Industrial Disability: Whenever any sworn bargaining unit employee is disabled by injury or illness arising out of and in the course of his/her duties, he/she shall be entitled to enhanced industrial disability leave (EIDL) benefits, regardless of his/her period of service with the University.
- 5. Non-Industrial Disability Insurance: The maximum weekly payment for eligible employees shall be two hundred fifty dollars (\$250).
- 6. Life Insurance: For sworn and non-sworn personnel, the CSU shall provide eligible employees with life and accidental death and dismemberment insurance at no cost to the employee. This program shall provide insurance during the term of employment in the amount of ten thousand dollars (\$10,000).
- 7. Pre-Retirement Death: If an employee dies before he/she retires, CalPERS will provide several benefits for the employee's family or the beneficiary(ies) named by the employee. Pre-retirement death benefits are divided into two categories:
  - a. Not Eligible To Retire Under the age of 50, or age 50 or over with less than five years of CalPERS-credited service.
    - 1) Group Term Life Insurance
    - 2) Alternate Death Benefit

- 3) Special Death Benefit
- 4) Basic Death Benefit
- 5) 1959 Survivor Benefit
- Eligible To Retire Age 50 or over with a minimum of five years of CalPERScredited service.
  - 1) Group Term Life Insurance
  - 2) Optional Settlement 2 Death Benefit
  - 3) 1957 Survivor Benefit
  - 4) Special Death Benefit
  - 5) Basic Death Benefit
  - 6) 1959 Survivor Benefit
- F. Provision of Support Services to Employees:

Personal Counseling Services - Faculty & Staff:

The Provision of Support Services to Employees section addresses the Personnel Early Warning System that identifies employees who may require agency intervention efforts. There are other written directives and procedures establishing a Personnel Early Warning System and they are discussed in more detail in General Order 2-21, IV, C, 1 and D, 3 and covers provisions to initiate a review based on current patterns of collected material, agency reporting requirement of conduct and behavior, annual evaluations of the system, the role of first and second level supervision, and remedial action.

An Employee Assistance Program (EAP), peer counseling, etc. is available to assist employees and serves as one of the intervention procedures as follows:

- 1. San Francisco State University offers an Employee Assistance Program (EAP) for all employees through the Department of Counseling and Psychological Services under Student Affairs. The Department of Counseling and Psychological Services makes available to employees who have developed problems, services such as consultation, treatment, and rehabilitation in order to prevent their condition from progressing to a degree that will prevent the employee from functioning effectively in the workplace by calling 415-338-6100. The Center is located in Room 208, Student Services Building, and the hours of operation is from 8 am to noon and 1 pm to 7 pm Monday through Thursday; and until 5 pm on Friday.
- 2. These services are provided by professionally trained licensed therapists, psychologists, and clinical social workers and are available to faculty, staff, administrator, full-time, and part-time employees.
- 3. The Department of Counseling and Psychological Services provides confidential, appropriate and timely services on issues such as personal, professional, marital, family related, chemical dependency, psychological, job related issues, and others.
- 4. There is no charge for Faculty and Staff Personal Counseling Services. If referrals are needed, the Department of Counseling and Psychological Services will connect employees with appropriate services in their community.

- 5. Information on Faculty & Staff Personal Counseling Services can be obtained from the Counseling and Psychological Services Center. Use of these services can be done by way of Confidential Registration with the Counseling and Psychological Services Center.
- 6. Upon approval, an employee undergoing treatment may use accrued sick leave, CTO, and vacation leave credits for such purposes. Leave of absence without pay may be granted by the Chief of Police upon the recommendation of the Counseling and Psychological Services, if all other leave has been exhausted and the employee is not eligible to use Industrial Disability Leave or Non-Industrial Disability Insurance Leave.
- 7. The Chief of Police may elect to defer further or pending disciplinary action until the completion of the rehabilitation program and a reasonable period of time after the employee returns to work.
- 8. Records pertaining to an employee's participation in this program shall remain confidential.
- G. Assistance Services Rendered to Agency Personnel and their Families Following Line-of-Duty Death or Serious Injuries.
  - 1. The California Peace Officers' Association, Line of Duty Death Management System Handbook- Part 1 Notifications will be utilized as a guide for assistance services to be rendered to agency personnel and their families following line-of-duty deaths and serious injuries. [http://www.cpoa.org]

# H. Liability Protection Program:

- 1. Liability Protection: Protection for sworn personnel from civil liability arising from acts or omission leading to personal injury, death, or property destruction that, in turn, could lead to legal civil action against them.
- 2. Civil liability, due to injuries caused by employees within their scope of employment, and immunity of employees, is discussed in Government Code Section 815.2. as follows:
  - a. A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his/her employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his/her personal representative.
  - b. Except as otherwise provided by statute, a public entity is not liable for an injury resulting from an act or omission of an employee of the public entity where the employee is immune from liability.
- 3. In order to insure that officers are properly represented in legal matters related to their employment at California State University, it is imperative that officers notify command and the Director of Human Resources of any legal action in writing. Officers shall also provide copies of all legal papers and documents related to the incident.

- I. Clothing and equipment used by employees in performing law enforcement activities.
  - 1. Description of uniform and equipment can be found in the San Francisco State University State University Police Department listed in the Written Directive 2-9.
  - 2. Safety equipment and protective safety clothing shall be provided and maintained, when it is deemed necessary by the President to maintain safe and healthful conditions.
  - 3. Uniform replacement allowance.
    - a. Per SUPA Contract, Section 17.20, eligible sworn employees who are required to wear a uniform shall earn a uniform allowance for each qualifying month of service [rate set by contract].
    - b. Employees shall be responsible for the purchase and maintenance of uniforms required for employment.
    - c. The uniform allowance earned by an employee shall be paid monthly per union contract. (See union contracts for units 7, 8, & 9). Employees who have been employed on the campus for less than one year shall receive payment on a pro rata basis.
    - d. For information on MPP uniform allowances, see HR 2005-36 on Appendix B.

# J. Employee educational benefits:

- 1. An employee wishing to pursue educational goals will have scheduling priority and support to formally develop a career development program. This program shall include attainment of a certificate, an associate degree, an undergraduate degree, a graduate degree or other achievement appropriate for the employee's professional growth.
- 2. Upon successful completion of the formally developed and approved Career Development Program, the employee may request a temporary training assignment consistent with a logical evolution of the career development program and the goals, objectives and opportunities available at the campus. The granting of a temporary training assignment request will be dependent upon the campus' ability to arrange a training opportunity and, if applicable, provide coverage in the employee's work area while he/she is away.
- 3. Employees may request permission to participate in the CSU fee waiver program. Employees eligible according to the terms of the program, may be permitted to enroll in a maximum of two (2) CSU courses or six (6) units, whichever is greater per term. Time spent in such programs shall not be utilized for overtime or for fulfilling regular workweek duties and responsibilities.
- 4. Fee waiver courses shall be job-related or part of the approved Career Development Plan. The course of study for a Career Development Plan will be established by the employee and an appropriate advisor of choice and shall be subject to approval by the Chief of Police. The CSU admission requirements shall be met or waived for an approved Career Development Plan. The CSU admission requirements shall not apply for job-related courses. Employees may transfer their existing fee waivers benefit entitlement maximum (as defined above) to a spouse or dependent child, subject to the following conditions.

- a. The courses are taken by a spouse or dependent child who is matriculated towards a degree and the courses are for credit towards the degree's requirements,
- b. This fee waiver benefit does not apply to out-of-state tuition, and
- c. The administration determines that there is a space available in such course offerings for the spouse or dependent child.
- 5. Employees who are on probation will be encouraged to strongly consider whether or not they are capable of attending academic courses on this campus while still trying to prove themselves during the probation period. Employees must perform satisfactory to receive permanent status on this campus. Employees shall assess whether or not attending courses during their first year probationary period will distract from their employment on this campus.
- 6. Fee waiver applications will not be approved for employees during their field training officer program. Employees are encouraged to study and pass field training officer tests during that period of time.
- 7. Fee waiver application requests, to attend classes during the hours of 11:00 AM 2:00 PM, Monday through Friday, will not be approved. These are crucial hours for deployment, due to demonstrations and critical events on campus. All employees are needed to respond to campus, if the need arises.
- 8. Employment in the University Police should be the employee's first priority. All employees are expected to respond twenty-four (24) hours a day, if the need arises. The fee waiver program, and attending courses at San Francisco State University, is a benefit to everyone. However, it should not interfere with the primary purpose and mission of the police department, and that is the safety of our community, and responding to emergencies and critical incidents at San Francisco State University.
- 9. Authorizations for fee waivers are only approved and signed by the Chief of Police. There are no exceptions to this policy.
- 10. Employees who are attending and taking San Francisco State University courses or another college shall not have their schedule changed in the middle of the semester that requires the employee to drop the class.
- 11. CalPERS also offer employees a variety of educational programs that include:
  - a. Retirement and Estate Planning;
  - b. Achieving Financial Security;
  - c. Financial Planning Seminar for CalPERS Retirees; and
  - d. Retirement Workshops.

# K. Physical examinations for employees:

- 1. Any physical examinations required of employees in permanent, full-time jobs shall be provided at no cost to the employee.
- 2. The CSU offers all permanent full-time employees a variety of health plan options. There are plans available which include the provisions for routine physical examinations, as a preventive health measure, at little cost to the employee. Employees are encouraged to take advantage of this important health benefit.
- 3. Members who are injured or have other medical situations may be ordered to report

- for a physical examination. If the examination is required of the employee, it will be provided at no cost to the employee.
- 4. Environmental Health and Occupational Safety offers Employee Medical Monitoring to all employees to evaluate the health status of employees in certain positions. Police Officers may take part in the following programs:
  - a. Hearing conservation
  - b. Respiratory protection
  - c. Tuberculosis exposure control
  - d. Lead exposure management
  - e. Hepatitis B protection
- 5. Any physical examination shall be conducted only to confirm the employee's continued fitness to perform the tasks of their assignments and to inform them of their general physical condition.
- L. General health and physical fitness for sworn employees:
  - The employees are encouraged to maintain a healthy and physically fit lifestyle.
     Use of the campus Physical Education facilities must occur during normal operating
     hours of the facility and must be coordinated through the Office of Campus
     Recreation.

Employees shall have access to campus Physical Education facilities during nonscheduled work hours unless the President has determined that such access interferes with the authorized use of facilities. The standard campus fee may be charges for the use of CSU-operated facilities. The use of campus Physical Education facilities by employees shall be wholly voluntary and shall not be considered as time worked [SUPA, 17.26].

#### V. APPENDICES:

- A. HR 2002-10 CSU Military Leave
- B. HR 2005-36 Uniform Allowances for MPP Public Service Employees
- C. CPOA Line of Duty Death Management System Handbook- Part 1 Notifications

#### VI. ATTACHMENTS:

A. Copy of Request for Overtime/Comp time Form

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# **REQUEST FOR OVERTIME/COMP TIME**

(Print) LAST NAME	FIRST NAME	MIDDLE INITIAL	DATE SUBMITTED
WATCH ASSIGNMENT		NORMAL SHIFT WOR	KED
WATCH ASSIGNMENT		NORWAL SHIFT WOR	KED
BEGINNING DAY & DATE (	OF OVERTIME	BEGINNING TIME	
ENDING DAY & DATE OF (	OVERTIME	ENDING TIME	
REQUEST PAY	TOTAL TIME WORKED	SIGNATURE	
APPROVAL BY SERGEAN	T	APPROVED	
My signature validate Sergeant to verify/upo	s that I am an approval aut date the UPD scheduling ca	hority for this request and that alendar.	I've provided it to the Administrative
OVERTIME CODE NUMBE	RS/CATEGORIES (Circle A	Appropriate Category)	
1 - MINIMUM SHIFT COVER	RAGE		
2 - WATCH CARRY OVER Investigations/Arres	t/Reports, etc.		
3 - CALL BACK TIME/REAS	SONS:		
Called Back By:			
Actual Hours Worke	ed (Premium Pay/Time)		
Remaining Hours (S	Straight Time/Pay)		
4 - TRAINING Type:			
5 - COURT:		CASE #	
Actual Hours Worke	ed (Premium Pay/Time)		
Remaining Hours (S	Straight Time/Pay)		
6 - SPECIAL EVENT (ON C	AMPUS):		
CHARGE TO:		PHONE:	
7 - SPECIAL EVENT (OFF (	CAMPUS):		
CHARGE TO:		PHONE:	



NUMBER: 2-20 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: May 2, 2005, Jan. 14, 2016, Dec. 10,

2019

SUBJECT: OFF DUTY RELATED POLICE INCIDENTS

I. PURPOSE: To define the departments' guidelines relating to the involvement of off-duty personnel in police-related incidents.

- II. POLICY: It shall be the policy of this department that members of this department shall conduct themselves at all times in accordance with the laws of the State of California, the United States and any local jurisdiction as applicable. Members shall conform to all sections of the Systemwide Guidelines, Public Safety Policy Manual, and CSU policies, which are applicable while personnel are off duty.
- III. DEFINITIONS: None
- IV. PROCEDURES:

# A. Reporting:

1. In any criminal incident in the presence of an off-duty officer of this agency amounting to less than a serious life or health-threatening incident, personnel are encouraged to report the same to the agency having jurisdiction. In such incidents, the officer may serve as a reporting party, witness, or informant in the same manner as a private citizen.

#### B. Felonies:

- 1. It is expected that sworn personnel, on or off duty, will take the appropriate police action, to the extent they are reasonably able, regarding any serious life or health threatening felony committed in their presence within the State of California.
- 2. In less serious felony incidents observed by an off-duty officer, reasonable efforts, given the circumstances of the particular situation, shall be undertaken to deal with the incident.
- C. Notification to Department of Officer Involvement In Other Types of Off-Duty Incidents

- 1. In any incident in which an officer takes any official police action while identifying himself or herself as a peace officer, that fact shall be reported, in a timely fashion, to the Officer's supervisor upon the Officer's return to duty.
- 2. When an officer discharges a firearm, whether or not in the course of taking police action (other than at the range), that fact will be immediately communicated to the on-duty supervisor and the Chief of Police via the chain of command.
- 3. If an Officer engages in any off-duty incident of a police nature which results in the preparation of a written report by the agency having jurisdiction, the officer shall request that a copy of the report be forwarded to his/her Lieutenant, Captain, Commander or Chief of Police.
- 4. In addition to the above requirements, for any incident in which an off-duty Officer makes an arrest, uses force of any type, or detains a suspect pending response of the agency, a written report will be prepared immediately by the Officer.

#### V. APPENDIX:

A. Systemwide Guidelines Chapter 20 Off Duty Police-Related Incidents

VI. ATTACHMENT: None



APPROVED: Reginald Parson, Chief of Police NUMBER: 2-21

EFFECTIVE: September 1, 2004

July 11, 2005, Sept. 9, 2005, Feb. 1,

REVIEWED/REVISED: 2008, Mar. 5, 2010, Jun. 24, 2011, SUPERSEDES:

Jan. 14, 2016, Dec. 10, 2019

SUBJECT: FITNESS FOR DUTY/EMPLOYEE ASSISTANCE PROGRAM

I. PURPOSE: To establish a Personnel Early Warning System to identify agency employees who may require department intervention efforts and to comply with the CSU policy and the current code in ensuring that all peace officers shall be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the peace officer powers.

II. POLICY: It shall be the policy of this Department that all supervisory police employees are to be trained to recognize any indication(s) that a sworn officer under their command may not be physically, emotionally and/or mentally fit to carry out his or her duties as an armed peace officer and to take remedial actions that increase agency and employee accountability and effectiveness. Such actions may include, but are not limited to, performance evaluations, review of citizen complaints, and appropriate disciplinary actions.

#### **III. DEFINITIONS:**

- A. Personnel Early Warning System. A system for the early identification of agency employees who may need some type of corrective action and a procedure for collecting and evaluating materials required for implementing such corrective action.
- B. Remedial Training. Personalized training to correct a specified deficiency, which is usually identified by either: 1) testing or other evaluation during training; or 2) supervisory evaluation during routine job performance.

#### IV. PROCEDURES:

- A. Provisions to initiate a review based on current patterns of collected materials.
  - 1. Review of incidents, observations, and actions shall be an on-going process that involves the evaluation of critical performance data. Evaluation of critical performance data including but not limited to;
    - a. Agency performance evaluations
    - b. Citizen Complaints

- c. Disciplinary Actions
- d. Use of Force Incidents
- e. Internal Affairs Actions
- f. Supervisory and Employee reports such as Workers' Compensation Claims
- g. Vehicle Accident Reports
- 2. Any supervisor observing any circumstance(s) indicating a question exists as to the physical, mental and/or emotional fitness of an officer is to prepare a written report indicating all such circumstances to the campus Chief of Police via the chain of command.
- 3. The goal of the program is to identify escalating patterns of misconduct involving less-serious violations and concerns before a major misconduct issue occurs.
- B. Agency reporting requirements of conduct and behavior.
  - 1. All personnel, regardless of position or authority within the organization, shall report inappropriate conduct or behavior through the chain-of-command.
  - 2. Supervisors have an obligation and responsibility to monitor the performance of personnel and to formally take corrective measures when necessary. Such measures, depending on severity of violations and/or repetitive nature of events, may require written documentation, remedial training, and/or disciplinary action.
- C. Command Staff will meet to discuss, on an as needed basis, the list and other relevant information and determine if corrective actions are warranted. These actions may include, but are not limited, to the following:
  - Refer the officer to an agency authorized mental health professional or other mental health care provider authorized by the department, which could result in a fitness for duty evaluation;
  - 2. Require that the officer participate in agency authorized training, targeting personal or professional problems that the officer may be facing (e.g., communications, cultural awareness, coping with stress, anger management);
  - 3. Initiate reassignment or transfer;
  - 4. Conclude that the officer's actions do not warrant immediate corrective action;
  - 5. Refer to the San Francisco State University Human Resources for assistance under the SFSU EAP Program (Employee Assistance Program).
  - 6. A report of the action recommended and justification for those recommendations will be initiated by the employee's supervisor via their division commander/manager and forwarded to the Chief of Police for approval.
  - 7. Once approved, the employee will follow the plan to completion. The employee's progress will be monitored and formally reported to the Chief of Police at intervals prescribed by the department. Indications of employee compliance or non-compliance, to include evidence on completion of the agreed upon plan, will be included in Early Warning System File for future reference.
- D. First Line Supervisor Responsibility

- All supervisors will receive training in program services, supervisory roles and responsibilities, and identification of employee behavior which would indicate the existence of employee concerns, problems and or issues that could impact employee job performance.
- 2. Monitor performance of all assigned personnel for changes in work habits or personality changes, such as reporting late to work, excessive absences or patterns to requests for time off, moodiness, aloofness, aggressiveness, and/or misconduct.
- 3. Address concerns with the affected employee and attempt to determine cause of change in behavior.
- 4. Initiate a review by the appropriate Division Commander by notifying him/her of any concerns and/or documenting any situations involving misconducts based on current patterns of collected materials. The Division Commander will advise the Chief of Police of any concern, pattern or situation involving misconduct.

# E. Command Staff Responsibilities

- Monitor performance of employees assigned through reviews of use of force reports, counseling forms and other discipline, citizen complaints, performance evaluations, worker's compensation claims, and traffic accidents to determine if there are any patterns of concern involving individual employees.
- 2. Review all incidents of misconduct or concerns forwarded by first line Supervisors.
- 3. Forward recommendation for employee referral and or mandatory participation in the EAP (Employee Assistance Program).

#### F. Remedial Action

- 1. Determine the appropriate intervention such as remedial training, peer counseling or referral to the Employee Assistance Program, in an attempt to identify and abate patterns of misconduct before they reach a serious level.
- 2. If the Chief of Police determines, in the exercise of his/her discretion, and after consultation with the human resource director or designee, that it is appropriate to refer an officer for examination and evaluation of the Officer's physical, mental, and/or emotional fitness for duty, the chief shall issue an order in writing to the police officer being referred.
- 3. The order should indicate the:
  - a. date, time and place of such examination and,
  - b. in brief form, the factual circumstances giving rise to the concern about the Officer's fitness for duty.
- 4. Any physician or psychologist to whom an Officer is ordered to report for fitness for duty examination and evaluation shall meet or exceed the minimum standards prescribed by California Government Code §1031(f).
- 5. The Chief of Police shall work with the campus human resources director to facilitate the appropriate process for examination and follow-up, as required.
- 6. The Chief of Police will provide the doctor the following in order to facilitate the physician's or psychologist's examination of the referred Officer:

- a. Documents and information relating to circumstances giving rise to concern about the Officer's fitness for duty:
- b. Information or documents from the Officer's personnel records that may assist the doctor in conducting the examination and preparing an evaluation;
- c. Prior evaluations, if necessary;
- d. Medical information about the Officer on file;
- e. Personal conversation with the physician or psychologist, if necessary;
- f. The Officer's position description.

### 7. Evaluation Report

- a. The physician's or psychologist's evaluation report submitted to the police chief concerning the Officer's fitness for duty examination shall be part of the Officer's personnel records and treated as confidential, under the provisions of California Penal Code §832.7 and 832.8.
- b. The report will be limited to notifying the department of the doctor's finding regarding the employee's fitness, fitness with restrictions, or lack of fitness without reference to any details unless the employee signs a waiver that additional information may be provided.

# 8. Officer Compliance

- a. Any Officer ordered to undergo a fitness for duty examination shall comply with the terms of the order and shall cooperate fully with the doctor and his or her staff with respect to any clinical interview conducted, any tests administered and any other procedures directed by the doctor.
- b. Any failure to comply with such an order and any failure to extend such cooperation may be deemed insubordination and be grounds for termination.
- G. The President or his/her designee shall work with the Chancellor's Office Vice Chancellor of Human Resources on fitness for duty issues regarding a campus police chief.
- H. Questions regarding this policy may be directed to the CSU Police Coordinator, General Counsel or Systemwide Human Resources, as appropriate. This document is available on Human Resources Web site at http://www.calstate.edu/HRAdm/inemos.shtml.

# I. Employee Assistance Program

- 1. San Francisco State University offers an Employee Assistance Program (EAP) for all employees at no cost to them under their benefits package through the Department of Counseling and Psychological Services under Student Affairs. The program includes identification of employee behaviors that would indicate the existence of employee concerns, problems, and/or issues that could impact employee job performance.
- 2. The Department of Counseling and Psychological Services provides confidential services on issues such as personal, professional, marital, family related, chemical dependency, psychological, job related issues, and are provided by professionally

- trained licensed therapists, psychologists, and clinical social workers.
- 3. If referrals are needed, the Department of Counseling and Psychological Services will connect employees with appropriate services in their community.
- 4. Upon approval, an employee undergoing treatment may use accrued sick leave, CTO, and vacation leave credits for such purposes. Leave of absence without pay may be granted by the Chief of Police upon the recommendation of the Counseling and Psychological Services, if all other leave has been exhausted and the employee is not eligible to use Industrial Disability Leave or Non-Industrial Disability Insurance Leave.
- 5. The Chief of Police may elect to defer further or pending disciplinary action until the completion of the rehabilitation program and a reasonable period of time after the employee returns to work.
- 6. Records pertaining to an employee's participation in this program shall remain confidential.
- 7. The Counseling and Psychological Services Center is located in Room 208, Student Services Building, and the hours of operation is from 8 am to noon and 1 pm to 7 pm Monday through Thursday; and until 5 pm on Friday or employees may contact 415-338-6100 to make an appointment. The use of these services can be done by way of Confidential Registration and any additional information can be obtained from the Counseling and Psychological Services Center.
- 8. Supervisors may recommend the Employee Assistance Program to a subordinate anytime they believe a person may benefit from the services provided.

#### V. APPENDIX:

A. HR 2005-23 CSU Police Personnel: Fitness for Duty

#### VI. ATTACHMENT:

A. Personnel Early Warning System Referral Form

# ATTACHMENT A



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# **Personnel Early Warning System Referral**

Employee Name:		
Referred by:		
Reason:		
Recommendation:		
Referral Made by: Signature:		
Date:		
Committee Review: Signatures:		_ _
Recommendation:		<del>-</del> -
Date:		_
Disposition:		-
Chief of Police:	approved	
<b></b>	not approved	



NUMBER: 2-22 APPROVED: Reyards Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Jan. 14, 2016, Jan. 29, 2018, Dec.

SUPERSEDES: A-9 REVIEWED/REVISED: 10, 2019

SUBJECT: ACCESS TO PERSONAL AND PERSONNEL RECORDS AND EMPLOYEE RESIDENCE CERTIFICATION

I. PURPOSE: To establish standardized policy and procedures for access to personal and personnel records and for collection/storage of the employee's residence certification.

II. POLICY: All University Police employees have the right to review their personnel record upon submitting a written request to the Chief of Police. Requests shall be complied with as soon as possible, but in no event later than 30 days from the date of the request. If copies of the information contained in the report are requested, they shall be furnished within 60 days of the date of request. It is of primary importance, due to the emergency nature of the department's function, that the department be able to contact employees at anytime. Therefore, each employee will be required to provide his/her personal contact information and file it with the Fiscal Services Administrative Specialist.

#### III. DEFINITIONS:

- A. Personal: Any personal information about an individual, but not limited to, his or her contact information, education, employment history, financial transactions, medical or behavioral history that contains his or her name, identification number, or other identifying particulars.
- B. Confidential: Medical, psychiatric, or psychological information if disclosure would be medically or psychologically detrimental to the individual; written testing, or academic examination material, or scoring keys if disclosure would compromise objectivity or fairness of testing or examination process; records pertaining to the enforcement of criminal law.
- C. Personnel: The contents of an employee's official personnel file, exclusive of pre-employment materials, maintained for each employee in the Human Resources Department.

#### IV. PROCEDURES:

#### A. Access:

- 1. Employees of the University Police shall submit a written request to review records.
- 2. Upon approval of the request for review of personnel records, the Chief of Police shall allow the employee, in the presence of the employee's supervisor, to review the record during the hours of 0800 to 1600, Monday through Friday.

- 3. Employees may not remove, copy, or correct any of the contents of the personnel record except as outlined in this policy.
- 4. Employees may also review their file in the Human Resources Department.

#### B. Refusal of Access:

- 1. The only basis for the Chief of the University Police to refuse access to an individual to information pertaining to himself/herself is that the information is confidential. Confidential material, as defined by the Information Practices Act, Section 1978.3 (a) (3), consists of "medical, psychiatric, or psychological material...that would be medically or psychologically detrimental to the individual".
  - a. Pre-employment information will be kept in a sealed envelop and attached to the file but will not be contained as part of the personnel file contents.

#### C. Amendment:

- 1. Any request by an individual to amend or correct personal information in a record maintained by the campus shall be answered within thirty (30) days from the date of receipt of the request. Requests will be addressed to the Chief of Police.
- 2. The response shall consist of:
  - a. Making the changes requested by the subject individual and notifying the individual of that fact, or
  - b. Informing the individual of the refusal to make changes and the reasons for such refusal; also stating procedures for requesting review of this decision and the name, title, and business address of the reviewing official.
- 3. If the individual protests the refusal of the Chief of the Department to make the requested changes to a record, the Officer shall follow any options outlined in the Bargaining Agreement.

# D. Severability:

- 1. Nothing in this order shall conflict with Federal or State Law, University Policy, Departmental Order, or the Bargaining Agreement.
- E. All former employee personnel files are maintained in Human Resources. When an employee separates from the department, the Assistant to the Chief forwards the personnel files to Human Resources.

#### F. Residence Certification:

 All employees, upon appointment to a position, shall be required to complete an Employee Personal Information Form and provide the department with personal contact information to be kept in the office of the department Fiscal Services Administrative Specialist.

- 2. Residential address, home phone number and emergency contact information are all required information and no P.O. Boxes will be accepted as a residential address.
- 3. Whenever an employee experiences a change of name, address, phone number, and/or change of emergency contact information, make sure to fill out an Employee Personal Information Update Form for department records and also an Employee Action Request (EAR) Form (STD 686) so that your personal information will be updated with Human Resources records.
- 4. The department Fiscal Services Administrative Specialist will be responsible for maintaining and updating employee personal contact information records and will give an update form annually to all department personnel for updating purposes. Current contact information will be provided to the Chief's Assistant to be listed on the Department Staff Directory.

V. APPENDIX: None

#### VI. ATTACHMENTS:

A. Employee Personal Information Form

B. Employee Personal Information Update Form

C. Employee Action Request (EAR) Form, STD 686

# ATTACHMENT A



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# **Employee Personal Information Form**

In order to keep our personnel records updated, please fill out the following and return to Ophelia Sun. (Please note that both residential address and home phone number are required per Department policy)

Name			Date of Birth		
Residential Add	dress				_
	Number	Street			
	City		State	Zip	-
Mailing Address	s (if different from a	above)			
Home #			Cell/Pager #		
Emergency Co	ntact		Emergenc	y Phone #	

# ATTACHMENT B



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# **Employee Personal Information Update Form**

In order to keep our personnel records updated, please fill out the following and return to Ophelia Sun. (Please note that both residential address and home phone number are required per Department policy)

Name			Date of Birth		
Residential Ad	ddress				
	Number	Street			
	City	Stat	<del></del> e	Zip	
Mailing Addre	ss (if different from a	above)			
Home #			Cell/Pager#		
Emergency C	ontact		Emergency Pho	one #	

# ATTACHMENT C

our necessarial office in	receive your pay warrant in case of	Openin's Content	TATE OF CALIFORNIA					PERSONN	EL OFFICE USE
our personnel once i iTD, 243). See also n imployee copy.	to update your designee's name or retirement beneficiary information on	reverse side of	TD, 686 (REV. 3-99)	CTION REQUE	EST		A OT A	GENCY 02 UNIT	03 KEYED BY 04 DATE KEYED
ECK ONE OR M	ORE BOX(ES) AND COMPLETI			OMPLETED FORM TO YO	OUR PERSONNEL OFFICE	E. USE BAL	L POINT PEN AND	PRINT CLEARLY.	NO CARBON REQUIRED.
01	New Employee SECTIONS C. E. F. G. H. I	03 Alls	Withholding owance Change ECTIONS C. E. I	04 Address Ch	nange } SECTIONS C, F, I	05 (A	Name Change (Itach Substantiation) SECTIONS C. D. I	07	Birthdate Correction SECTIONS C. H. I
NOTE: Social Ser	curity Number and name must be	e entered exactly as	shown on Social Secu	rity card.			NAME	CHANGE	
01 SOCIAL SECUE	RITY NUMBER 02	EMPLOYEE LAST NA	ME		03 FIRST NAME AND MIDD	LE INITIAL	D	RMER NAME (Last, F	irst and Middle)
	LLOWANCE CHANGE OR I			arbia state to draw (Fred	California una Farra DE 4 1				
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NUMBER: 2-23 APPROVED: Reginal Par

Reginald Parson, Chief of Police

EFFECTIVE: January 3, 2005

SUPERSEDES: REVIEWED/REVISED: May 17, 2006, June 12, 2012, Jan.

13, 2016, Dec. 10, 2019

SUBJECT: BACKGROUND INVESTIGATIONS

I. PURPOSE.To establish guidelines to be used as a resource for the effective background investigation of sworn and non-sworn applicant candidates for the San Francisco State University Police to provide the most qualified and suitable employees.

II. POLICY: To provide a prompt and effective pre-employment background process within the guide-lines of State and Federal laws, Equal Employment Opportunity Commission regulations, statutory guarantees, as well as court decisions, to include, CCR1002 Peace Officer Minimum Standards, CCR1018 Public Safety Dispatcher Minimum Standards, GC 1029 Felony Convictions, GC1031 Minimum Standards, GC241903, Citizenship, to present the department with an individual most suited for the position in question.

#### **III. DEFINITIONS:**

- A. ADA: American with Disabilities Act
- B. FCRRA: Fair Credit Reporting Reform Act of 1996
- C. P.O.S.T.: Peace Officer Standards & Training
- D. Trained Background Investigator: Individuals who have completed the P.O.S.T. Background Investigator's Course may conduct a background investigation on the authorization of the Chief of Police.
- E. PHS: Personal History Statement

#### IV. PROCEDURES:

- A. Pre-Employment Background Process:
  - A trained background investigator receives basic candidate information from a supervisor.
  - 2. The Investigator will contact the candidate to arrange an initial appointment.
  - 3. At the initial appointment, the Investigator will present the candidate with the following for completion:

- b. Informed Consent/ Hold Harmless
- c. Required Document Form
- d. FCRRA Form
- e. Notarized release Form (Sworn or non- sworn)
- f. Lateral Placement Advisement Form (if lateral candidate)
- g. Background Investigation Questionnaire (Sworn candidate only)
- 4. Forms b-f will be read and initialed by the candidate.
- 5. The PHS will be reviewed with the candidate to ensure complete understanding.
- 6. Any required documents requested of the candidate shall be presented as ORIGINALS. Photocopies will not suffice. Once examined by the investigator, he/she will make copies for the work file and the originals returned.
- 7. Documents requested of the candidate from institutions such as DMV, Colleges, High Schools, etc., must be mailed from the institution directly to the Investigator.
- 8. Copies of all signed forms will be given to the candidate.
- 9. Any fees sustained by the candidate for Notary fees, transcripts, etc., must be reimbursed by San Francisco State University Police; candidates must remit proper receipts for reimbursement.

### B. Background Investigation:

- 1. The Background Investigator will conduct a background investigation into areas of inquiry as prescribed by P.O.S.T. PAM Section C-1, including those indicated in G.O. 2-4 B, 5,F, 3), a-j utilizing the information culled from the above mentioned documents. Secondary contacts shall also be made, if possible.
- 2. Although personal contact is best, this may not be practicable; mail and telephonic contact is acceptable in some reference listings.
- 3. In all cases, restrictions and boundaries set by law (A.D.A.), guideline (Sworn, non-sworn), or court decision shall be adhered to.
- 4. If a polygraph examination is administered it will only be administered by a certified polygraph examiner.
- 5. If information contrary to that provided by the candidate is discovered, the candidate may be scheduled for a Discrepancy Interview.
- The investigator will develop a narrative to discuss the Qualifying and Disqualifying information about the candidate in relation to related job dimensions, including but not limited to,
  - a. Communication skills
  - b. Problem-solving ability
  - c. Learning ability
  - d. Judgment under pressure
  - e. Observational skills
  - f. Willingness to confront problems
  - g. Interest in people
  - h. Interpersonal sensitivity
  - i. Desire for self-improvement
  - i. Appearance

- k. Dependability
- I. Physical ability
- m. Integrity
- n. Operation of a motor vehicle
- o. Credibility as a witness in a court of law
- 7. The investigator shall construct a written narrative of his/her findings for the Chief of Police to review, to include:
  - a. "A" Narrative and relevant attachments and copies
  - b. "B" Narrative and relevant attachments and copies
  - c. Executive Summary
  - d. Investigator Checklist
- 8. The candidates' process may be terminated by, and not limited to the following:
  - a. Order of the Chief of Police
  - b. Candidate falsifies or lies on PHS or associated forms.
  - c. Candidate does not submit legible and complete information as requested.
  - d. Candidate does not respond to calls or provide documents in a timely fashion.
  - e. Candidate fails to show up for appointments.
  - f. Candidate requests to be withdrawn.
  - g. Candidate fails to meet P.O.S.T. standards for minimum qualifications.
  - h. Candidate does not meet department needs.
  - i. If a polygraph examination reveals disqualifying information the polygraph examination will not be the sole determinant for hiring.
- 9. Trained background investigators from the University Police Department will conduct background investigations on student and non-sworn employees of the University Police Department to determine the suitability to work for the department. Dispatchers and sworn officers will have background investigations completed by a contracted P.O.S.T. certified background investigator. The University Police Department does not conduct background investigations on any other university employees, i.e. faculty, staff.

# C. Confidentiality

- 1. All information obtained during a background investigation is confidential and will not be released to the candidates or others.
- 2. This process is completed separate from the psychological and medical screening process.

V. APPENDIX: None

VI. ATTACHMENTS:

A. PHS

- B. Informed Consent/ Hold Harmless
- C. Required Document Form
- D. FCRRA Form
- E. Notarized release Form (Sworn or non-sworn)
- F. Lateral Placement Advisement Form (if lateral candidate)
- G. Background Investigation Questionnaire (Sworn candidate only)

#### ATTACHMENT A



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# **Personal History Statement Form**

#### \*\*\*MISCONDUCT IN THE WORKPLACE\*\*\*

Your employment history is regarded by many prospective employers as some of the most significant information in a pre-employment background. While your present or former employers may have entered into an agreement with you to conceal prior accusations of misconduct, you should be aware that the California Courts have held some of the agreements to be contrary to public policy of this State and therefore illegal and unenforceable. While such an agreement might legally entitle you to deny a specific disciplinary action taken against you by your employer, it will not entitle your factual involvement in misconduct and will unquestionably result in your disqualification. However, when your prospective employer has a legitimate opportunity in independently evaluate acts of misconduct, you will at least be given their thoughtful consideration to assessing the relevance, decency and impact of such acts. It is to your ultimate advantage to be as complete, candid and accurate as possible in all information you furnish.

\*\*\*

Each area or distinct set of questions has a brief explanation or instructions concerning completing it. If for any reason there is insufficient room on the front of the form for you to furnish the required information, several pages have been furnished at the back of this information. Please note which Question Number you are answering when using the back pages of the form. You may attach supplemental pages if you run out of room.

You are encouraged to make a copy of your completed form for your own records (California Labor Code § 432): This document is treated as a highly confidential document and, with the exception of an authorized criminal investigation, will not be shared with anyone outside of your prospective employer, polygraph examiner (if one is used in connection with this process) and background investigator(s). It becomes a permanent part of you pre-employment background file with your prospective employer and will not be released to any other party without your signed authorization or the order of a competent court.

#### \*\*\*\* CERTIFICATION OF APPLICANT \*\*\*\*

I hereby certify that I have read and understand the instruction for completing this document. I understand that I am solely responsible for the accuracy, completeness and truthfulness of the information contained in this form, and I will personally complete each item contained on this form.

Date:Signature of Applicant:
------------------------------

# Personal History Statement Form

#### \*\*\*INSTRUCTIONS - DO NOT DETACH FROM THIS FORM\*\*\*

Completion of this type of form is required by your prospective employer. In the case of Peace Officer Applicants completion of this form is required by POST regulation (California Code of Regulations § 1002(a)(5)). Please note that your ability to complete this form in a neat, timely and accurate fashion is a very important part of the background investigation process. While your background investigator will review this form with you, box by box, and line by line, it is nonetheless your responsibility to make sure that you have read each question asked you, that you understand each question, and that you have answered truthfully and completely.

This form is used by your prospective employer to, among other things, determine your legal qualifications for the position for which you are applying. In addition to state or federal mandates in this area, your prospective employer has an obligation to itself and to the citizens of its service area to assure that persons who are not qualified for this position will be lawfully excluded from further consideration.

This form must be completed in your **own handwriting**, in **ink**. We ask that you **print** legibly. Because it differs substantially from some of the Personal History Statement forms with which you may already be familiar, you should exercise care in answering the questions. You may **not** attach portions of other Personal History Statement forms, resumes, or applications in substitution for information required on this form.

Your Name:	Telephone number at which you can be reached:
Agency at which you have applied:	Position you have applied for:

Please be as specific as possible in your answers. Vague answers only require explanations during your interview. Please remember that there is no such thing as a perfect person or candidate. Your prospective employer is not looking for perfection; rather, they want an open and honest opportunity to fairly evaluate your qualifications for this position.

You are responsible for the accuracy of information on this form. It is your responsibility to make certain that the information is complete and correct. Please note that **deliberate misstatements or omissions** on this form **will** result in your application being rejected, regardless of the nature or reason for the misstatements/omissions. Read questions thoroughly before answering. If you do not understand a question, please ask your background investigator to clarify the question for you. Because you are an applicant for public employment, California Law (Labor Code §432.2) specifically authorizes your prospective employer to require a polygraph or other lie detection examination as a condition of employment, if they so choose.

# \*\*\*\* THE AMERICANS WITH DISABILITIES ACT \*\*\*\*

Completion of this form is invariably required prior the extension of any conditional offer of employment. It has been designed to avoid making inquiries about the existence, nature or severity of any disability an applicant may have. However, you should exercise care in responding to questions so as to avoid inadvertently furnishing such information.

For example, when asked about why you left a job, do not indicate if you were disabled or granted a disability retirement. You should respond with "Unable to meet job requirements" or with just "Retired" in such cases. Also, you may indicate that you have sued (or had a suit settled) as a result of an accident, but do not indicate (at this time) if you were injured in that incident.

When responding to questions about any prior use of illegal drugs, you should note the drug or controlled substance used and when you last used the drug, but do not indicate how many times you might have used that substance. You may be asked to furnish this information about controlled substances which are lawfully prescribed to you, unless you were arrested for driving under the influence of alcohol and/or drugs. In such cases do not identify the specific drug in question other than "lawfully prescribed".

#### \*\*\*\* LEGAL QUESTIONS \*\*\*\*

All peace officer applicants and others (when indicated) are required to disclose their prior involvement in illegal acts within certain specified reported periods, regardless of any legal process which may or may not have occurred as a result of those acts. Please note that you are required to disclose acts which you have committed even if you were never caught, arrested, or prosecuted. In many cases your response will be subject to verification by polygraph examination, and inconsistent statements you make between this documents and your polygraph will undoubtedly result in your disqualification.

For questions regarding the use/possession of illegal drugs, remember that the legal term "possession" also includes any use whatsoever. It includes using, experimenting with, trying, ingesting, smoking, injecting, or being under the influence of. It also includes drugs which were in your possession, in your clothing or in your car, even if you did not use them, even if they subsequently turned out to be harmless.

You are instructed to answer questions about infractions and misdemeanors you may have committed during the past 7 years - or at any time during or after you first worked (or volunteered) in a law enforcement agency, whether civilian or military. You are also instructed to answer questions about felonies you may have committed at any time during your lifetime.

With respect to questions about legal processes initiated against you (detentions, arrests, plea bargains, diversions and/or convictions), you may have legal right to answer "No" to certain of these questions as a result of the provisions of California Law (such as juvenile arrest records sealed or expunged under Penal Code § 851.7 or § 851.8). You should consult with your own attorney if you feel that you may be legally entitled to deny these processes under the law. However, the fact that a criminal conviction may have been legally expunged does not entitle you to deny having committed the act itself, and under certain circumstances (such as conviction set aside Penal Code § 1203.4 or Penal Code § 1000.4), you may be required to disclose the conviction because you are applying for public employment in a criminal justice agency (Labor Code § 432.7).

# PERSONAL HISTORY STATEMENT

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The following information will be used for verification and contact purposes. Print or type all information, initial each page, and sign your regular signature where requested.

1. Your Name:						
Last	First	Middle				
Other names, including nick	knames, you have used or ha	ive been known by:				
2. Address where you reside	:					
Number Str	eet	City	State	Zip Code		
Mailing address, if different fro	om residence:	•	1			
3. Telephone numberes (Incl	ude Area Code):					
Residence	Business Ot	her (Fax, pager, cell)	E-Mail			
( ) (	) (	)				
4. Birth Date  Month Date Year	specific peace off	There are three different citizenship requirements depending upon the specific peace officer classification applied for. Given the requirements below, can you meet the citizenship requirement? [ ] Yes [ ] No				
6. Social Security Number	Must be a United S  Aurshall Must be a "Citizen  Must be a United S  resident alien who  for citizenship.	of the State" tates Citizen	or permanent			
7. For identification purpose	s provide the following:					
Height	Weight	Natural Hair Color	Еу	e Color		
City of Birth	County of Birth	State of Birth	Coun	try of Birth		

#### ATTACHMENT B



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# INFORMED CONSENT RELEASE AND HOLD HARMLESS FOR CONFIDENTIALITY OF PRE-EMPLOYMENT BACKGROUND INVESTIGATION DATA

I fully recognize that under California Law, individuals must clearly demonstrate their personal, medical, and psychological fitness to serve in the position of a Peace Officer. I further recognize that an employing agency has both a legal and moral obligation to take every reasonable effort to insure that any person employed by them, as peace officers will conform to the very highest standards.

I understand that I am authorizing an intensive investigation into all aspects of my personal, medical and psychological fitness, and that such an investigation will include contacting persons and/or organizations who have information protected under § 832.7 of the Penal Code and § 1043 of the Evidence Code. I also understand that those persons and/or organizations may feel inhibited, intimidated or otherwise reticent about furnishing legitimate information concerning my fitness unless the confidentiality of their identities can be guaranteed on a permanent basis.

I further recognize that although some of the information contained in this report is a matter of public record, or would otherwise be accessible to me, this information will be inextricably interwoven with other confidential data to which I would otherwise not be privy. I have also been contracted, whether solicited or unsolicited, enjoy absolute privilege under the law, pursuant to California Civil Code § 47. This information may be shared with my prospective employer or any other governmental agency upon authorization.

Therefore, I exonerate, release and discharge San Francisco State University Police, their officers, agents, or assigns, now and in the future, from any claim or damages, whether in law or in equity, on behalf of myself, my heirs, agents, or assigns, for their refusal to make available any and all information contained in the pre-employment investigation deemed confidential pursuant to law, including but not limited to the identity of any person or organization who may have supplied information in the course of this investigation, as well as the substance of any such information supplied which might identify that person.

I have had adeq	uate time to review	this form, I un	destand its meaning	and purpose, and have
been furnished a copy	of it pursuant to Ca	lifonia Labor C	ode § 432.	
				San Francisco, State of
California. (This releas	se is valid for 120 da	ays from date	of signature).	
	Si	gnature of App	licant	

Signature of Witness

#### ATTACHMENT C



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#### REQUIRED DOCUMENTS

Instructions: Please read and follow these instructions carefully. Your ability to follow instructions accurately and in a timely manner is part of the background investigation process, so do not call and ask if you really need to follow these instructions. Please note that all of the items covered on this list are **your** responsibility to obtain and should be sent to the address listed above. It may take several weeks to arrange for some of these documents, so begin working on them at once. Do not delay completing your Personal History Statement form or other application materials while waiting for these documents. If you wish to be reimbursed for the costs of obtaining these documents, forward the *original receipt* to your Background Investigator.

The following documents must be mailed from the issuing institution or agency directly to this department. These must be certified or official copies which bear a raised / official seal. They will **not** be returned.

- Your Birth Certificate (available from the City/County Registrar of Births or the State Vital Statistics Office. Note: If
  you were born outside of the United States, you will need to show either your original Certificate of Naturalization
  or your U.S. Passport to the Background Investigator.)
- Official High School transcript, whether or not you graduated.
- Official College Transcripts (if any) from each college you attended, whether or not you graduated.

Each of the following that apply to you should be mailed or brought to the department

- A copy of your High School Diploma, GED Certificate, or Certificate of High School Proficiency
- A copy of any college diploma you possess
- A copy of your Social Security Card
- A copy of your current driver's license
- A copy of your DMV driving record
- A copy of your current auto insurance
- A copy of your Selective Service Registration (if male and born after January 15, 1960, call 1-847-688-6888 Central Time or on the Internet at http://www.sss.gov)
- A copy of your DD2214 Long Form if you were in the military, along with any awards or decorations your received
- If you were married, a copy of your County-issued Marriage Certificate for each Marriage
- For any dissolved Marriages, a copy of the final dissolution/ annulment for each Marriage
- A copy of any traffic collisions in which you were listed as the driver in the past 3 years
- A copy of any police reports in which you were arrested. If you are not a Police Officer candidate, you need to
  furnish only those police reports copies which resulted in a conviction
- Copies of any other certificates, awards, recognitions, etc. you would like considered

#### **ACKNOWLEDGMENT**

I have received a copy of this form and understand that it is my responsibility to arrange for all the documents above which apply to me. Failure to promptly arrange for these documents as specified will result in my application being dropped from consideration for this position.

Date:	Signature:

# ATTACHMENT D



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#### Memorandum

Advisement to Applicants Regarding the Use of Credit Information for Employment Purposes

The U.S. Fair Credit Reporting Reform Act of 1996 (15 U.S. Code 1681 § 604 (b) and California's Information Act (Civil Codes § 1785.20.5) require that you be notified separately of your rights before any prospective employer may use credit data as part of their employment decision. In some cases, an evaluation of your financial history is mandated by law (California Code of Rules & Regulations § 1002 (a), Commission Procedure C-1, 1-5 (j)) and by policy of this department.

You are hereby notified that your prospective employer intends to use credit reporting data as part of it decision-making process for the position for which you have applied. The Credit Reporting Agency which will furnish this data will be Experian ® Information Services, 425 N. Martingale Road, Schaumberg, IL. 60173, 1-800-282-4879. You will be automatically furnished a copy of this report, but before any adverse actions are taken as a result of this document, you are advised of the following:

- Access to your file is limited to persons recognized by FRCA;
- 2. Your consent is required for reports that are provided to employers or that contain medical information;
- 3. You can find out what is in your credit file, although some information, such as "risk scores" or "credit scores" may be lawfully withheld;
- 4. You have been informed of the name, address, and telephone number of the Credit Reporting Agency which is furnishing this data;
- 5. You can dispute inaccurate information with the Credit Reporting Agency;
- 6. Inaccurate information must be corrected or deleted;
- 7. Outdated information may not be reported (seven years for most information, ten years for bankruptcies):
- 8. You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers;
- 9. You may seek damages from violators, and;
- 10. The complete text of this act may be found on the internet at http://www.ftc.gov

Certification: I certify that the San Francisco State University Police Department has my consent to obtain a copy of my Credit Report for the limited purpose of my pre-employment background investigation; that I have been furnished with the name, address and telephone of the Credit Reporting Agency, I have been informed that I will receive a copy of my credit report and that I have been informed in summary of my rights under the FCRA.

	<u> </u>	
Date:	Signed:	
Duic.	Gigned.	

#### ATTACHMENT E



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To Whom It May Concern:

I am an applicant for the position of Peace Officer with this agency. Under California Law, Government Code Section 1031 (d) and Code of Regulations, Title 11, Division 2, Article 1, Section 1002 (a)(3), my prospective employer is required to conduct an investigation into my personal and medical fitness to serve in this capacity.

San Francisco State University Police inquires into all areas of my background, which may affect my suitability to be employed as a Peace Officer, and they have reason to believe that you may have information relevant to that purpose concerning me.

I hereby direct you, your organization, its custodian of records, and/or persons in your employ to release any and all information which you may have concerning me, including information which may be of a confidential, privileged and/or derogatory nature (pursuant to § 6254 (c) of the Government Code), including but not limited to: employment information, official employment documents, employment performance data, character reference information, educational records and transcripts (pursuant to Public Law 93-380), medical, surgical, psychological, and dental records if I am offered employment with this agency (pursuant to the Medical Information Act, Civil Code Section 56 et seq. And 29 C.F.R. 1630), credit and financial information (pursuant to the Banking Privacy and Fair Credit Reporting Acts), local criminal history information (pursuant to Penal Code Section 13300 [b] [10], including my name and address pursuant to penal Code Section 293 (d) if I have been a victim of sexual assault), and/or any other information which you may possess. And I exonerate, release and discharge you, your organization, its officers agents, and assigns, from any liability or damages, whether in law or equity, now and in the future, for furnishing the information requested in the bearer of this authorization form.

Individual responses, whether solicited or unsolicited, enjoy absolute privilege pursuant to California Civil

Code § 47. You may retain this form for your files.	
Signature of Applicant	Date
State of California, County of San Francisco} ss.	
proved to me or whose name is subscribed to the within instrumen	, Notary Public, personally appeared n the basis of satisfactory evidence to be the person t and acknowledge to me that he/she executed the same signature on the instrument, the person, or the entity upon strument.
WITNESS my hand and official seal	Notary Signature

THIS RELEASE EXPIRES 120 DAYS FROM THE DATE OF SIGNATURE

#### ATTACHMENT F



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



#### ADVISEMENT TO DISPATCHERS SEEKING LATERAL PLACEMENT

California Code of Rules and Regulations § 1081(c) [enacted pursuant to California Penal Code § 13510(c)] prohibits the employment of persons who are not of good moral character or who are not fit to serve as a Public Safety Dispatcher. This legal prohibition applies equally to persons seeking employment as a Public Safety Dispatcher as well as to persons already employed as Public Safety Dispatchers seeking appointment in another jurisdiction.

#### **STATEMENT**

You will undergo a rigorous, in-depth background investigation as a result of your application for this position. In the event that your background investigation for this position should uncover information that you have, or are suspected of having or have been engaged in illegal activities while *employed* as a public safety dispatcher, this information will likely bar you from further consideration from this position. Further, in the event that this illegal activity occurred during the time of your present employer as a Public Safety Dispatcher, or if this background should uncover information which raises questions about your fitness to continue to serve as a Public Safety Dispatcher, this information may be transmitted to your present Public Safety Dispatch employer for their independent investigation.

#### **CERTIFICATION**

I certify that I have read this advisement, understa	and it's implications and have received a copy of it.
Dated:	
	Signature of Applicant
	Applicant's Printed Name

#### ATTACHMENT G



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# **BACKGROUND INVESTIGATION QUESTIONNAIRE**

As an applicant for a position with this agency, you are required to complete this background questionnaire. This questionnaire supplements your Personal History Statement (PHS) and will be treated with the same confidentiality as your PHS.

Pursuant to the Americans with Disability Act (ADA), you are not expected nor are your required to furnish any information in this questionnaire which is of a medical nature. For example, do not report any work absences which were from illnesses or worker compensation injuries. Do not discuss or report any disabilities you may have. Do not discuss or report any information concerning illnesses you may have. This information is strictly medical in nature and, as this questionnaire is part of the pre-offer background suitability investigation, is not subject to disclosure during this portion of the process.

Please read and answer all of the following questions. All of the answers must be in your hand writing. You may not type the answers to the questions. You are admonished to answer all of the questions truthfully and completely. If you are dishonest in your answers, fail to fully answer any question, or mis-state any material facts, you will be disqualified from further consideration for this position.

The commission of one or more of the offenses listed on this questionnaire may not automatically disqualify you from consideration for this position. Public Safety agency employees must demonstrate integrity and credibility as a witness in a court of law. Your responses to these questions will be evaluated and considered in relationship to your entire background. Remember, your responses are subject to verification by a polygraph.

If you answer "Yes" to any of the questions, you must provide an explanation. Your explanation must be on a separate 8.5" x 11" piece of paper. You must hand write your explanation, fully explaining the circumstances of each "Yes" response. Each "Yes" response will require a separate sheet of paper.

#### INFRACTION OFFENSES

1.	If you have committed any of the following infractions within the past seven years or since becoming employed with a public safety agency, please answer "Yes." If you have not, please write "No."					
	a.	Violation of city ordinances?				
	b.	Possession of Marijuana (including experimentation)				

Other

W.

# **MISDEMEANOR OFFENSES**

2.	If you have committed any of the following misdemeanor offenses within the past seven years or since becoming employed with a public safety agency, please answer "Yes." If you have not, please answer, "No."					
	a.	Petty Theft		b.	Vandalism	
	C.	NSF Checks		d.	Drunk in Public	
	e.	Joy Riding		f.	Illegal Gambling	
	g.	Hit and Run		h.	Brandish a Weapon	
	i.	Possess Alcohol as Minor		j.	Possess/Use Altered ID or License	
	k.	Prostitution		I.	Defraud Innkeeper	
	m.	Soliciting Prostitute		n.	Indecent Exposure	
	0.	Voyeurism		p.	Possess Stolen Property	
	q.	Impersonate Police Officer/Sheriff		r.	Carry Concealedor Illegal Weapon	
	S.	Make Annoying or Prank Phone Calls		t.	Assault or Battery (Includes Fighting)	
	u.	Drunk Driving		V.	Hunt or Fish without License	

# **FELONY OFFENSES**

3.	If you have ever committed any of the following offenses, please write "Yes" on the line. If you have not, please write "No" on the line.					
	a.	Murder		b.	Unlawful Sexual Intercourse	
	C.	Rape		d.	Spousal Battery	
	e.	Robbery		f.	Burglary	
	g.	Arson		h.	Grand Theft	
	i.	Forgery		j.	Kidnapping	
	k.	Embezzlement		I.	Any Sexual Activity with Child	
	m.	Child Abuse		n.	Forcible Sexual Activity	
	0.	Auto Theft		p.	Possess Controlled Substance	
	q.	Domestic Violence		r.	Cultivate/Manufacture Controlled Substance	
	S.	Hit and Run with Injury		t.	Aggravated or Felonious Assault	
	u.	Credit Card Theft				
			GENEF	RAL QI	JESTIONS	
4.	1. Do you own any firearms?					
	a.	If so, please provid	e the number	and ty	pe on a separate sheet of paper.	
5.	How many assault style weapons do you own (e.g., Uzi, AR-15, etc.)?					
	a.	If they are required to be registered, initial if you have done so.				

6.	Have you ever discharged any firearm other than at an approved range, during the course of approved training, while hunting, or during military operations?			
7.	Have you ever been detained, questioned, investigated, or arrested for suspicion of having committed a criminal act, whether or not you were convicted?			
8.	Have you ever been questioned as a witness in any criminal investigation?			
9.	Have you ever been contacted by the police for any reason not previously discussed?			
	a. If yes, please provide an explanation on a separate sheet of paper.			
10.	Did you fail to register for the Selective Service?			
11.	Have you been adjudged as a "Mentally Disordered Sex Offender"?			
12.	Have you ever carried, either on your person or in your vehicle, any type of weapon for protection, other than while you were employed as a peace officer or a member of the military on official duties?			
13.	Are you currently delinquent on any child support or alimony?			
14.	Have you ever failed to make or been late in paying any child support obligations you were legally required to make?			
15.	Do you have any prejudices against any group based upon their race, religion, ethnic origin, or nationality?			
16.	Have you ever been a member of, or supported financially or otherwise, any organization or group which advocates, advises, or supports the use of force or other unlawful means to deny other persons their rights under the Constitution of the United State or the Constitution of the State of California?			
17.	Did you in any way cheat, lie, or commit fraud during the application or evaluation process or during any portion of the background process?			

# **EMPLOYMENT HISTORY**

18.	Have you ever resigned form employment in lieu of termination or as the result of any allegations of misconduct, whether founded or not?			
19.	Have you ever resigned to avoid being fired or terminated?			
20.	Have you ever quit a job without giving proper notice to your employer?			
21.	Have you ever failed to complete a probationary period from any job?			
22.	Have you ever taken anything from your employer without authorization?			
23.	Have you ever received any disciplinary action; including an oral or written reprimand, demotion, denial of merit increase, suspension with or without pay, surrendering earned time off, or any non-judicial punishment?			
24.	Have you ever had any problems with any of your supervisors?			
25.	Have you had any problems with any of your coworkers?			
26.	Have you ever had any conflicts or problems with your dealings with the public?			
27.	How many sick days have you used in the past five years which were not due to illness?			
	DRIVING RECORD			
28.	Has your automobile insurance ever been canceled for any reason?			
29.	Have you ever been refused a driver license?			
30.	Have you received a parking citation in the past 2 years?			
	a. If so, please provide state violation(s) and approxmiate date(s).			
31.	Have you been notified that you are responsible for a delinquent parking citation?			

Back Page	ground investigation Questionnaire e 6	
32.	Have you ever falsified any information on a driver license or identification card application?	
33.	Have you ever had a license issued by another state or country?	
34.	Has your automobile insurance even been placed in an assigned risk category?	
	FOR APPLICANTS WITH EXPERIENCE AS LATERAL ENTRY, PRIOR LAW ENFORCEMENT (INCLUDING MILITARY POLICE) OR SECURITY/LOSS PREVENTION OFFICERS	
35.	Have you ever falsified or embellished any police, security, evidence, or other official report?	
36.	Have you ever "stretched the truth" or "added a little" to your testimony in any judicial proceedings?	
37.	Have you ever perjured yourself under oath?	
38.	Has any supervisor or manager ever conducted any formal or informal investigations into your conduct?	
39.	Have you ever used your badge or identification card as a means to avoid a traffic citation or any other criminal process?	
40.	How many formal or informal citizen complaints have been made about you or any actions you did?	
	List all complaints, dates of incidents, and the findings of the investigations.	

1.	List all claims that have been filed with a public agency during the past seven years in which you were named a party (including any settled for any reason).				
-	List all lawsuits in which you were a named party filed within the past seven years which were filed in any local, state or federal court.				

#### **GENERAL TOPICS**

Please answer these questions as part of this questionnaire. If you need additional space, please use a separate piece of paper for your explanations. Number each response and use a separate sheet for each answer.

- 43. Are you a citizen of the United States?
- 44. Have you ever been known by any other name other than the one you have used on your Personal History Statement (including any maiden names)?
- 45. How many physical fights have you been involved in since the age of 18?
- 46. When was the last time you were involved in a physical fight (DO NOT COUNT ALTERCATIONS OR FIGHTS WHICH OCCURED WHILE WORKING AS A LAW ENFORCEMENT OFFICER)?

- 47. Have you ever slapped, punched, kicked, or otherwise injured any spouse, room mate, or romantic partner?
- 48. If there is anything else you feel the background investigator should know about you or your experiences, please attach a separate piece of paper with an explanation.

#### **CERTIFICATION**

I hereby certify that all of the answers provided and statements made in this questionnaire are true and complete. I understand any mis-statements of material fact, omissions, incomplete answers, or inaccurate responses will subject me from disqualification or dismissal.

Signature of Applicant	Date Signed
Printed Name of Applicant	



NUMBER: 2-24 APPROVED:

Reginald Parson, Chief of Police

Reginded Pa

EFFECTIVE: July 25, 2016

REVIEWED/REVISED: Dec. 10, 2019 SUPERSEDES:

SUBJECT: FAIR AND EQUITABLE OVERTIME DISTRIBUTION (UNIT 8)

I. PURPOSE: To establish procedural guidelines related to overtime posting and distribution practices.

II. POLICY: It is the goal of the department to post all Unit 8 related overtime in a timely manner, without unnecessary delay, so as to allow Unit 8 members to plan and coordinate their schedules. It is the policy of this department to distribute overtime in the most fair and equitable manner to all Unit 8 members of the department. This policy does not supersede or override the Unit 8 Collective Bargaining Agreement.

#### III. DEFINITIONS:

- A. Emergency: As defined by the Unit 8 Collective Bargaining Agreement, an emergency "means a circumstance requiring immediate action; a sudden, unexpected happening; an unforeseen occurrence or condition. 'Emergency' shall not include staffing shortages caused by common occurrences, such as an employee calling in sick or staff reductions due to preplanned leaves."
- B. Emergency Overtime (OT): Is defined as overtime generated by an emergency.
- C. Outside Overtime (OT): Is defined as any overtime that is administered and compensated/ reimbursed by any police agency other than this department (i.e. SFPD, another CSUPD or a UCPD).
- D. Patrol Overtime (OT): Is defined as overtime related to patrol coverage (minimum shift coverage) at this department.
- E. SFSU Special/Planned Event Overtime (OT): Is defined as overtime that is offered through our department related to any special events (such as Commencement or Welcome Days) or planned events (such as scheduled protests). Overtime of this nature should be coordinated, posted and assigned in a timely manner, as soon as practical, but preferably no later than one (1) day (24 hours) in advance of the scheduled overtime.
- F. Specialized Overtime (OT): Is defined as overtime that is designated only for Unit 8 members who possess specific skills required for the particular overtime being offered (i.e. dispatch coverage overtime shall be offered only to dispatch qualified Unit 8 members or AVOID checkpoint overtime shall be offered only to DUI trained officers). Specialized Overtime will not be offered to officers who do not possess the necessary skills required for the overtime.
- G. Sudden Need Overtime (OT): Is defined as overtime that arises with little to no notice

- (approximately 0-2 hour time window) where posting for overtime through the standard posting procedure is not practical due to minimum staffing requirements and/or officer safety reasons (i.e., an unexpected incident which cannot be planned for and requires additional personnel as soon as possible, such as a major arrest or a spontaneous protest).
- H. Total Overtime (OT) Hours: Is defined as the total amount (hours or fraction thereof) of overtime a Unit 8 member works, regardless of where or how the overtime is earned. This shall include paid overtime (for our department and other departments) as well as overtime compensated as CTO.

#### IV. PROCEDURES:

- A. In accordance with the Unit 8 Collective Bargaining Agreement, overtime shall be posted and distributed in a fair and equitable manner.
- B. The intent of posting and distributing overtime in a fair and equitable manner is to provide all Unit 8 members with opportunities to work overtime, if they desire, while eliminating favoritism and the first come-first serve scenario that is often disadvantageous to Unit 8 members assigned to the night shift.
- C. Additionally, by posting and distributing the overtime in a fair and equitable manner, it is also intended to prevent the abuse of Unit 8 members with less seniority and an excessive amount of accrued overtime hours, from being assigned/ordered to work overtime on a non-voluntary basis when there are no volunteers for the overtime and there are other Unit 8 members (regardless of seniority and/or rank) with less accrued overtime hours available to work it.
- D. Overtime Guidelines
  - 1. Per General Order 2-19.IV.A.8.c.4.d, a maximum of a 16 hour total work day is allowed. Members are not authorized to work in excess of sixteen (16) hours, without approval from the Chief of Police or his designee and only in emergency situations.
  - 2. Per General Order 2-19.IV.A.8.c.4.d, the minimum rest period between the end of one workday and the start of the next is eight (8) hours. Members are not authorized to work with less than an eight (8) hour rest period, without approval from the Chief of Police or his designee and only in emergency situations.
  - 3. Total Overtime Hours will be updated daily, when feasible, by the Admin/Scheduling Sergeant and/or the Field Operations/Patrol Lieutenant and posted on the UPD intranet link, which will be viewable to all members.
  - 4. Total Overtime Hours will be calculated and maintained on the UPD intranet link, according to the department shift rotation schedule, which occurs on the first Sunday of January and the first Sunday of July. At the start of each shift rotation, the members' accrued totals will be zeroed out. However, to maintain a fair and equitable approach to overtime assignments, the Scheduling Sergeant will publish an overtime priority list on the UPD intranet link, which will rank the member with the least Total Overtime Hours accrued for the previous rotation through the member with the most Total Overtime Hours accrued for the previous rotation. Members ranking higher on the list will receive priority in overtime assignments than those lower on the list. This list will be utilized to assign overtime to requesting members in the initial stage of the shift rotation only until members begin to accrue overtime hours. Then the Total Overtime Hours accrued posting for the current shift rotation will be utilized for determining overtime shift assignments.

5. Priority for overtime assignments, as set forth in the procedures below, should always go to the member(s) with the least Total Overtime Hours, when feasible.

# E. Standard Procedures for Posting Overtime

- 1. The Scheduling Sergeant is responsible for posting and distributing overtime in a fair and equitable manner.
  - a. In the absence of the Scheduling Sergeant (i.e. between shifts or on days off), the Field Operations Patrol Lieutenant and/or the on duty Shift Sergeant/Supervisor is responsible for posting any and all overtime opportunities that cannot wait for the return of the Scheduling Sergeant due to time constraints, which include (but are not limited to) Sudden Need Overtime and Outside Overtime.
  - b. In the event that overtime is posted by anyone other than the Scheduling Sergeant, the posting officer is required to notify the Scheduling Sergeant, via email, of the posted overtime with all required information and the results of the overtime posting.
- 2. Information required for overtime notification:
  - a. Title or Type of Overtime being offered (i.e. Commencement, Welcome Days, building fire watch)
  - b. Day(s), Date(s) and Time(s) of the overtime
  - c. Location of the overtime
  - d. Number of Unit 8 members needed
  - e. Preferred manner of communication to accept, decline or request further information regarding the overtime (i.e. response via text, phone call, email)
- 3. Overtime notifications will be posted via text messages using the department cell phone. All eligible Unit 8 members, unless previously opted out, will receive a text message via the department cell phone providing the above referenced information. Members who are ineligible will NOT receive a text message. Examples of ineligible members include, but are not limited to:
  - a. Members who are already working their regularly assigned shift or a separate overtime event during the overtime in question,
  - b. Members who are on leave status (i.e., paternity leave, EIDL, and
  - c. Members whose combined working hours with the overtime event will exceed 16 hours (i.e., a patrol officer working 0600-1800 hours and an overtime event from 1800-0200 hours, which would exceed the 16 hour maximum if the officer worked it).
- 4. Where feasible, overtime notifications are to be posted for twenty-four (24) hours prior to assigning the overtime, in order to allow all eligible members the opportunity to respond to the overtime notification. In those situations where the posting of the overtime for twenty-four (24) hours is not possible due to the start time of the overtime assignment and the constraints of member response times, the posting

- supervisor should allow as much time as possible for members to respond before assigning the overtime, even if only for fifteen (15) minutes. A first come-first serve basis should be avoided, where possible, to avoid unfair distribution.
- 5. Additionally, overtime postings should not be posted prior to 1400 hours, unless necessary due to the time constraints of the start of the overtime assignment only (i.e. an unexpected overtime beginning at 1600 hours on that day which the department did not learn about until 1200 hours on the same day). The intent is to minimize the disruptiveness of overtime notifications during the sleep cycle of Watch II officers.
- 6. Unit 8 members are to follow the directions in the text notification for responding to OT notifications. Acceptable response methods include (but are not limited to):
  - a. Text or phone call to the posting employee (or his/her designee)
  - b. Email to the posting employee (or his/her designee)
  - c. Speaking to the posting employee in person (or his/her designee)
- 7. When responding to overtime notifications, members who are only interested in partial shift, should indicate such to the posting supervisor and include what portion of the overtime shift is desired. (Please see the Splitting Overtime Shifts for when shifts may be split and the procedures for doing so.)
- 8. In those situations where multiple Unit 8 members respond in the affirmative for a posted overtime, the Total Overtime Hours accumulated during the current overtime period for each of the requesting members will be compared. The overtime shall be awarded to the Unit 8 member with the least amount of Total Overtime Hours accrued during the period in question.
  - a. Total Overtime Hours are determined by calculating the sum total of all overtime hours a member has worked during the current overtime period, regardless of where or how the overtime is earned. This total shall include both SFSUPD OT (home agency) and outside agency overtime, such as CSU SharePoint OT.
  - b. SFSUPD OT includes any and all overtime worked or generated at this department, in any capacity, to include (but not limited to): Planned/Special Event OT, Outside OT, Specialized OT, Sudden Need OT, Minimum Shift Coverage OT, Court OT, Watch Carry-Over OT, and Training OT.
  - c. All overtime totals will be updated daily (where feasible) by the Admin/Scheduling Sergeant and/or the Patrol Lieutenant and posted on the UPD intranet link, which will be viewable to all members.
  - d. In the event that there is a tie between requesting members for a specific overtime, the member with the least accrued SFSUPD Overtime (home campus) will be awarded the posted overtime.
- 9. If an insufficient number of officers agree to work an overtime event, the guidelines specified in the Unit 8 Collective Bargaining Agreement (CBA) sections 13.13.a-c shall be adhered to. Depending on the classification of the overtime, the overtime may be:
  - a. Posted on the CSU SharePoint OT website,

- b. Posted for outside (non-CSU) agencies, or
- c. The eligible member(s) with the least amount of Total Overtime Hours accrued during the current overtime period may be assigned to work the overtime.
- 10. In all instances of overtime postings from this department, the posting supervisor shall notify each responding member whether or not the member was awarded the overtime, once it has been determined who will receive the overtime assignment.

# F. Opting out of overtime text message notifications:

- 1. Members are permitted to opt out of overtime text message notifications.
- 2. Classifications for opting out of overtime text message notifications are:
  - a. SFSU Overtime (generated by this department)
  - b. Outside Overtime (generated by other agencies)
  - c. All Overtime
- 3. In order to do so, the requesting member shall submit a signed memo, via his or her chain of command, to the Chief of Police indicating which of the three categories of overtime assignments above that the member no longer wants to receive.
- 4. If the member decides to change his or her opt out preferences, a new memo will need to be submitted, via his or her chain of command, to the Chief of Police.
- 5. The Scheduling Sergeant shall maintain an updated list of member opt out requests on the UPD intranet link, so that all overtime posting members have access to the opt out requests. This should prevent the various overtime notifications from being sent to members who do not want to receive them.
- 6. Opting out of overtime notifications does not relieve members from the potential of being assigned overtime on an involuntary basis, depending on the type of overtime and the assignment procedures for the overtime in question. (Please refer to each category of overtime for the specific assignment process.)

#### G. Patrol Overtime

- 1. Patrol Overtime is overtime related to patrol/minimum shift coverage at this department.
- 2. In general, overtime of this nature will be posted via the standard procedures for posting overtime; unless it qualifies under the Sudden Need Overtime, in which those guidelines will be followed.
- 3. If there is an insufficient number of eligible members desiring to work the Patrol Overtime, the posting supervisor with the permission from the Chief of Police or his designee may:
  - a. Assign the overtime on an involuntary basis to the eligible member with the least Total Overtime Hours accrued during the current overtime period, or
  - b. Post the Patrol Overtime on the CSU SharePoint website.
- 4. Patrol Overtime hours will be included in the Total Overtime Hours accrued

calculation.

# H. SFSU Special/Planned Event Overtime

- SFSU Special/Planned Event Overtime is related to any Special Events (such as Commencement or Welcome Days) or Planned Events (such as scheduled protests).
- 2. Overtime of this nature shall be posted according to the Unit 8 Collective Bargaining Agreement Section 13.13.a and the Standard Procedures for Posting Overtime set forth in this policy, as follows: The posting supervisor, in coordination with the Chief of Police or his designee, shall determine the number of officers needed to staff the event. A percentage of these officers, as set forth below, shall be eligible members from this department. However, if five officers or less are required to staff the event, one eligible member from this department may be assigned to work the event pursuant to sections (1) and (2) below. Overtime assignments of this nature shall be posted in the following order:
  - a. To eligible members of this department at least seventy-two (72) hours in advance of the event. Where feasible, the overtime will be posted for a period of twenty-four (24) hours to allow all eligible members to respond to the posting. Said overtime shall be offered, assigned, and distributed in an equitable and impartial manner to the extent possible.
    - 1) If 20% or more of the available overtime has been filled by eligible members of this department, the remaining overtime opportunities shall be offered to bargaining unit members on other campuses as set forth in section (3) below.
    - 2) If less than 20% of the available overtime has been filled by eligible members of this department, the posting supervisor, in coordination with the Chief of Police, may assign the overtime to the eligible member from this department with the least Total Overtime Hours accrued.
  - b. The posting supervisor, in coordination with the Chief of Police or his designee, shall assign overtime to eligible members from this department so a maximum of 20% of the overtime positions needed to staff the event are filled by eligible department numbers from this department. Such overtime shall be assigned and distributed in an equitable and impartial manner at least seventy-two (72) hours in advance. Members may not decline such overtime assignments.
  - c. In the event that the minimum number of eligible members from this department has been met and there are still available overtime slots, the remaining overtime shall then be offered to members from other campuses for a period of seventy-two (72) hours. The posting supervisor, at the approval of the Chief of Police or his designee, shall be responsible for posting the overtime for members of other campuses.
    - 1) The Chief of Police, or his designee, reserves the right to deny a bargaining unit member from another police department access to overtime assignments at this department due to documented performance issues observed during

previous overtime assignments worked at this department.

- d. If available overtime slots still remain after the seventy-two (72) hour posting period for bargaining members of other campuses, the Chief of Police or his designee may offer the remaining available overtime slots to non-CSU agencies (i.e. SFPD, SFSO and CHP). However, the department is not required to do so.
- e. If available overtime slots still remain open after the above requirements are fulfilled, the posting supervisor, in coordination with the Chief of Police or his designee, may assign the overtime, on an involuntary basis, to eligible members from this department. The overtime shall be assigned and distributed in an "equitable and impartial manner". When feasible, the overtime shall be assigned to those eligible members with the least Total Overtime Hours accrued. Members at this stage may not decline the overtime assignment. Note: Those members who have been approved for vacation on the day of the scheduled event prior to the involuntary assignment of the overtime shall not be assigned.
- 3. SFSU Special/Planned Event Overtime will be included in the Total Overtime Hours accrued calculation.

#### I. Sudden Need Overtime

- 1. Sudden Need Overtime includes all overtime that arises within two (2) hours of the start time of the overtime assignment, which could not have been planned in advance for. Examples of this category of overtime include (but are not limited to).
  - a. Minimum shift coverage needs arising from a member calling off due to an unplanned event, requiring a quick or immediate filling of overtime by the department.
  - b. A major arrest or case requiring additional members as soon as possible.
  - c. An unplanned/unpublicized event, such as a spontaneous protest, requiring additional members immediately or as soon as possible.
- 2. Sudden Need Overtime may be offered to those eligible members who can fulfill the needs of the overtime within the required time parameters or as quickly as possible, prior to extending the overtime to all eligible members. For example, in the case of a major arrest at 1715 hours that requires additional officers to assist immediately, the overtime may be offered to those members in the vicinity of the station (i.e. members who recently ended their shift at 1700 hours or are waiting to start their shift at 1800 hours) prior to offering it to other eligible members whose response would cause unnecessary and unacceptable delays (i.e. members on scheduled days off).
- 3. The Shift Sergeant or Supervisor retains the discretion to determine the response time constraints, within reason, for the Sudden Need Overtime, based on the requirements/start time of the overtime assignment.
- 4. If multiple eligible members (within the determined time/response constraint) respond in the affirmative for the Sudden Need Overtime, the eligible member with the least Total Overtime Hours accrued will be awarded the Sudden Overtime assignment.

- 5. If insufficient eligible members request to work a Sudden Need Overtime, the posting supervisor, in coordination with the Chief of Police or his designee, may:
  - a. Assign an on-duty member to cover the overtime, if feasible, depending on staffing levels,
  - b. Leave the available slots unfilled, or
  - c. Assign the overtime to an eligible member on an involuntary basis, taking into consideration response time constraints and Total Overtime Hours accrued rates. Involuntary assignments must comply with the guidelines set forth in the sections regarding Patrol Overtime, SFSU Special/Planned Event Overtime, and/ or Emergency Overtime, depending on the nature of the overtime.
- 6. Sudden Need Overtime hours will be included in the Total Overtime Hours accrued calculation.

# J. Emergency Overtime

- 1. As defined by the Unit 8 Collective Bargaining Agreement, an emergency "means a circumstance requiring immediate action; a sudden, unexpected happening; an unforeseen occurrence or condition. 'Emergency' shall not include staffing shortages caused by common occurrences, such as an employee calling in sick or staff reductions due to preplanned leaves."
- 2. Per section 13.13.c of the Unit 8 Collective Bargaining Agreement, members may not decline overtime assignments in emergency situations.
- 3. Where feasible and depending on the personnel needs of the Emergency Overtime, the Shift Sergeant or Supervisor will adhere to the guidelines set forth under Sudden Need Overtime, prior to ordering members to work the overtime.
- 4. Emergency Overtime hours will be included in the Total Overtime Hours accrued calculation.

# K. Specialized Overtime

- Specialized Overtime shall only be offered to those members who possess the specific skills/training required for the particular overtime being offered and are eligible to work the overtime (i.e., do not have a scheduling conflict).
- 2. If multiple qualifying Unit 8 members respond in the affirmative for the Specialized Overtime assignment, the eligible member(s) with the least Total Overtime Hours accrued shall be awarded the overtime assignment.
- 3. Specialized Overtime hours will be included in the Total Overtime Hours accrued calculation.

#### L. Outside Overtime

1. All overtime offered by outside agencies (i.e. CSU SharePoint OT) will be subject to the policies and procedures of the hosting agency. This policy does not govern those agencies. Any issues arising from the posting or disbursement of said overtime will need to be addressed at the host agency or via SUPA.

- 2. Outside Overtime may be posted via text message to eligible department members at the request of an outside administrator.
- 3. It is the responsibility of interested Unit 8 members to seek out Outside Overtime opportunities. It is imperative that interested members refer to the CSU SharePoint website for available Outside Overtime opportunities, as they will not be posted via department text unless specifically requested by the hosting agency.
- 4. Members accepting Outside Overtime assignments, for officer safety reasons, are required to abide by the time restrictions of this policy when signing up for overtime at other agencies. The onus is on the member when signing up for the overtime to ensure that this policy is complied with.
  - a. Per General Order 2-19.IV.A.8.c.4.d, a maximum of a 16 hour total work day is allowed. Members are not authorized to work in excess of sixteen (16) hours, without approval from the Chief of Police or his designee and only in emergency situations.
  - b. Per General Order 2-19.IV.A.8.c.4.d, the minimum rest period between the end of one workday and the start of the next is eight (8) hours. Members are not authorized to work with less than an eight (8) hour rest period, without approval from the Chief of Police or his designee and only in emergency situations.
- 5. Upon accepting Outside Overtime assignments, it is the responsibility of the member accepting the overtime assignment to notify the Chief of Police via his or her chain of command, in writing, of the overtime assignment (per Unit 8 Collective Bargaining Agreement Section 13.13.a.3.i). Information required in the written notification shall include:
  - a. Location of the Overtime
  - b. Day(s), Date(s) and Time(s) of the overtime
  - c. Title or Type of Overtime being offered (i.e. Commencement, Patrol Coverage)
- 6. Outside Overtime hours will be included in the Total Overtime Hours accrued calculation.

# M. Splitting Overtime Shifts

- 1. In order to maintain the integrity of an overtime assignment, all SFSUPD related overtime assignments will be awarded to the requesting eligible member with the least Total Overtime Hours accrued who is willing and able to work the entire overtime shift, prior to allowing/offering the overtime shift to be split.
- 2. In those cases where there are open overtime shifts still remaining after posting, the overtime shifts may be parceled into smaller blocks and split amongst eligible members, where possible.
- 3. An additional overtime notification text message will need to be sent to all eligible members via the text notification process advising of the possibility to split shifts. Interested members are to respond via the response process indicated in the text message with their available hours.
- 4. When feasible, the overtime should be split into a minimum of four (4) hour

increments.

- 5. The overtime posting supervisor will determine how to split the shifts based on the affirmative responses received and the available hours of the requesting members, with the goal of providing maximum coverage while minimizing disruption to the overtime assignment (the less members splitting a shift the better). For example, if an overtime shift is posted from 1800-0600 hours and the affirmative responses include members willing to work 1800-2200 hours, 1800-0000 hours, 2200-0200 hours, 0000-0600 hours and 0200-0600 hours. Precedence will be provided to those members willing to work 1800-0000 hours and 0000-0600 hours because this scenario would provide full coverage for the shift and be least disruptive to the shift.
- 6. If multiple eligible members request to work the same hours, the eligible member with the least Total Overtime Hours accrued will be awarded the overtime. In the prior example, if two members requested to work 1800-0000 hours, the member with the least Total Overtime Hours accrued during the overtime period in question would be awarded the overtime.

### N. Shift Adjustments to Accommodate Overtime Assignments

- 1. Members are not allowed to adjust their regular work shifts (alter their shift beginning or end times) in order to work overtime assignments, except in emergency situations and when approved by the Chief of Police or his designee. However, members may use time from one of their banks (i.e. vacation time and CTO) during their shift (start or end) to work overtime hours outside of their regular work shift, specifically to avoid the sixteen (16) hour maximum work day and/or to comply with the eight (8) hour rest period between shifts.
- 2. Members are not authorized, under any circumstance, to work overtime assignments during the hours that they are on scheduled paid or unpaid leave. For example, an officer on scheduled vacation leave from 0600-1800 hours may not work overtime (SFSUPD related overtime or Outside Overtime) during the hours of 0600-1800 hours. However, the officer may work overtime from 1800-2300 hours, on that day, as long as the procedures set forth in this policy are adhered to.
- 3. Members on a shift swap are permitted to work overtime on their assigned swap off day.

# O. Overtime Shift Responsibilities Once Assigned

- Once a member has been assigned an overtime shift, the member is responsible for working the shift, except in unexpected/emergency situations, for sick call outs or if approved by the Chief of Police or his designee. The member is not authorized to trade or give away the shift.
- 2. If a member no longer desires to work an overtime shift, the member must coordinate with the Scheduling Sergeant (or Shift Supervisor) to have the overtime assignment re-posted and the procedures outlined in this guideline followed, to identify a new eligible member to work the overtime assignment.
- 3. In those situations where a new eligible member cannot be identified, the original member who signed up for the overtime is responsible for working the overtime, unless excused (i.e. personal emergencies, sick call outs or approval from the Chief

- of Police of his designee).
- 4. With this in mind, members should notify the Scheduling Sergeant or Shift Supervisor, as soon as possible, if an overtime shift is no longer desired, so as to increase the likelihood of identifying a replacement member to work the overtime assignment and relieving the original member from responsibility for the overtime assignment.
- V. APPENDIX: None.
- VI. ATTACHMENT: None.



NUMBER: 2-24 APPROVED:

Reginald Parson, Chief of Police

Reginded Pa

EFFECTIVE: July 25, 2016

REVIEWED/REVISED: Dec. 10, 2019

SUPERSEDES:

SUBJECT: UNIT 8 (FAIR and EQUITABLE) OVERTIME DISTRIBUTION

I. PURPOSE: To establish procedural guidelines related to overtime posting and distribution practices.

II. POLICY: It is the goal of the department to post all Unit 8 related overtime in a timely manner, without unnecessary delay, so as to allow Unit 8 members to plan and coordinate their schedules. It is the policy of this department to distribute overtime in the most fair and equitable manner to all Unit 8 members of the department. This policy does not supersede or override the Unit 8 Collective Bargaining Agreement.

#### III. DEFINITIONS:

- A. Emergency: As defined by the Unit 8 Collective Bargaining Agreement, an emergency "means a circumstance requiring immediate action; a sudden, unexpected happening; an unforeseen occurrence or condition. 'Emergency' shall not include staffing shortages caused by common occurrences, such as an employee calling in sick or staff reductions due to preplanned leaves."
- B. Emergency Overtime (OT): Is defined as overtime generated by an emergency.
- C. Outside Overtime (OT): Is defined as any overtime that is administered and compensated/ reimbursed by any police agency other than this department (i.e. SFPD, another CSUPD or a UCPD).
- D. Patrol Overtime (OT): Is defined as overtime related to patrol coverage (minimum shift coverage) at this department.
- E. SFSU Special/Planned Event Overtime (OT): Is defined as overtime that is offered through our department related to any special events (such as Commencement or Welcome Days) or planned events (such as scheduled protests). Overtime of this nature should be coordinated, posted and assigned in a timely manner, as soon as practical, but preferably no later than one (1) day (24 hours) in advance of the scheduled overtime.
- F. Specialized Overtime (OT): Is defined as overtime that is designated only for Unit 8 members who possess specific skills required for the particular overtime being offered (i.e. dispatch coverage overtime shall be offered only to dispatch qualified Unit 8 members or AVOID checkpoint overtime shall be offered only to DUI trained officers). Specialized Overtime will not be offered to officers who do not possess the necessary skills required for the overtime.
- G. Sudden Need Overtime (OT): Is defined as overtime that arises with little to no notice

- (approximately 0-2 hour time window) where posting for overtime through the standard posting procedure is not practical due to minimum staffing requirements and/or officer safety reasons (i.e., an unexpected incident which cannot be planned for and requires additional personnel as soon as possible, such as a major arrest or a spontaneous protest).
- H. Total Overtime (OT) Hours: Is defined as the total amount (hours or fraction thereof) of overtime a Unit 8 member works, regardless of where or how the overtime is earned. This shall include paid overtime (for our department and other departments) as well as overtime compensated as CTO.

#### IV. PROCEDURES:

- A. In accordance with the Unit 8 Collective Bargaining Agreement, overtime shall be posted and distributed in a fair and equitable manner.
- B. The intent of posting and distributing overtime in a fair and equitable manner is to provide all Unit 8 members with opportunities to work overtime, if they desire, while eliminating favoritism and the first come-first serve scenario that is often disadvantageous to Unit 8 members assigned to the night shift.
- C. Additionally, by posting and distributing the overtime in a fair and equitable manner, it is also intended to prevent the abuse of Unit 8 members with less seniority and an excessive amount of accrued overtime hours, from being assigned/ordered to work overtime on a non-voluntary basis when there are no volunteers for the overtime and there are other Unit 8 members (regardless of seniority and/or rank) with less accrued overtime hours available to work it.
- D. Overtime Guidelines
  - 1. Per General Order 2-19.IV.A.8.c.4.d, a maximum of a 16 hour total work day is allowed. Members are not authorized to work in excess of sixteen (16) hours, without approval from the Chief of Police or his designee and only in emergency situations.
  - 2. Per General Order 2-19.IV.A.8.c.4.d, the minimum rest period between the end of one workday and the start of the next is eight (8) hours. Members are not authorized to work with less than an eight (8) hour rest period, without approval from the Chief of Police or his designee and only in emergency situations.
  - 3. Total Overtime Hours will be updated daily, when feasible, by the Admin/Scheduling Sergeant and/or the Field Operations/Patrol Lieutenant and posted on the UPD intranet link, which will be viewable to all members.
  - 4. Total Overtime Hours will be calculated and maintained on the UPD intranet link, according to the department shift rotation schedule, which occurs on the first Sunday of January and the first Sunday of July. At the start of each shift rotation, the members' accrued totals will be zeroed out. However, to maintain a fair and equitable approach to overtime assignments, the Scheduling Sergeant will publish an overtime priority list on the UPD intranet link, which will rank the member with the least Total Overtime Hours accrued for the previous rotation through the member with the most Total Overtime Hours accrued for the previous rotation. Members ranking higher on the list will receive priority in overtime assignments than those lower on the list. This list will be utilized to assign overtime to requesting members in the initial stage of the shift rotation only until members begin to accrue overtime hours. Then the Total Overtime Hours accrued posting for the current shift rotation will be utilized for determining overtime shift assignments.

5. Priority for overtime assignments, as set forth in the procedures below, should always go to the member(s) with the least Total Overtime Hours, when feasible.

#### E. Standard Procedures for Posting Overtime

- 1. The Scheduling Sergeant is responsible for posting and distributing overtime in a fair and equitable manner.
  - a. In the absence of the Scheduling Sergeant (i.e. between shifts or on days off), the Field Operations Patrol Lieutenant and/or the on duty Shift Sergeant/Supervisor is responsible for posting any and all overtime opportunities that cannot wait for the return of the Scheduling Sergeant due to time constraints, which include (but are not limited to) Sudden Need Overtime and Outside Overtime.
  - b. In the event that overtime is posted by anyone other than the Scheduling Sergeant, the posting officer is required to notify the Scheduling Sergeant, via email, of the posted overtime with all required information and the results of the overtime posting.
- 2. Information required for overtime notification:
  - a. Title or Type of Overtime being offered (i.e. Commencement, Welcome Days, building fire watch)
  - b. Day(s), Date(s) and Time(s) of the overtime
  - c. Location of the overtime
  - d. Number of Unit 8 members needed
  - e. Preferred manner of communication to accept, decline or request further information regarding the overtime (i.e. response via text, phone call, email)
- 3. Overtime notifications will be posted via text messages using the department cell phone. All eligible Unit 8 members, unless previously opted out, will receive a text message via the department cell phone providing the above referenced information. Members who are ineligible will NOT receive a text message. Examples of ineligible members include, but are not limited to:
  - a. Members who are already working their regularly assigned shift or a separate overtime event during the overtime in question,
  - b. Members who are on leave status (i.e., paternity leave, EIDL, and
  - c. Members whose combined working hours with the overtime event will exceed 16 hours (i.e., a patrol officer working 0600-1800 hours and an overtime event from 1800-0200 hours, which would exceed the 16 hour maximum if the officer worked it).
- 4. Where feasible, overtime notifications are to be posted for twenty-four (24) hours prior to assigning the overtime, in order to allow all eligible members the opportunity to respond to the overtime notification. In those situations where the posting of the overtime for twenty-four (24) hours is not possible due to the start time of the overtime assignment and the constraints of member response times, the posting

- supervisor should allow as much time as possible for members to respond before assigning the overtime, even if only for fifteen (15) minutes. A first come-first serve basis should be avoided, where possible, to avoid unfair distribution.
- 5. Additionally, overtime postings should not be posted prior to 1400 hours, unless necessary due to the time constraints of the start of the overtime assignment only (i.e. an unexpected overtime beginning at 1600 hours on that day which the department did not learn about until 1200 hours on the same day). The intent is to minimize the disruptiveness of overtime notifications during the sleep cycle of Watch II officers.
- 6. Unit 8 members are to follow the directions in the text notification for responding to OT notifications. Acceptable response methods include (but are not limited to):
  - a. Text or phone call to the posting employee (or his/her designee)
  - b. Email to the posting employee (or his/her designee)
  - c. Speaking to the posting employee in person (or his/her designee)
- 7. When responding to overtime notifications, members who are only interested in partial shift, should indicate such to the posting supervisor and include what portion of the overtime shift is desired. (Please see the Splitting Overtime Shifts for when shifts may be split and the procedures for doing so.)
- 8. In those situations where multiple Unit 8 members respond in the affirmative for a posted overtime, the Total Overtime Hours accumulated during the current overtime period for each of the requesting members will be compared. The overtime shall be awarded to the Unit 8 member with the least amount of Total Overtime Hours accrued during the period in question.
  - a. Total Overtime Hours are determined by calculating the sum total of all overtime hours a member has worked during the current overtime period, regardless of where or how the overtime is earned. This total shall include both SFSUPD OT (home agency) and outside agency overtime, such as CSU SharePoint OT.
  - b. SFSUPD OT includes any and all overtime worked or generated at this department, in any capacity, to include (but not limited to): Planned/Special Event OT, Outside OT, Specialized OT, Sudden Need OT, Minimum Shift Coverage OT, Court OT, Watch Carry-Over OT, and Training OT.
  - c. All overtime totals will be updated daily (where feasible) by the Admin/Scheduling Sergeant and/or the Patrol Lieutenant and posted on the UPD intranet link, which will be viewable to all members.
  - d. In the event that there is a tie between requesting members for a specific overtime, the member with the least accrued SFSUPD Overtime (home campus) will be awarded the posted overtime.
- 9. If an insufficient number of officers agree to work an overtime event, the guidelines specified in the Unit 8 Collective Bargaining Agreement (CBA) sections 13.13.a-c shall be adhered to. Depending on the classification of the overtime, the overtime may be:
  - a. Posted on the CSU SharePoint OT website,

- b. Posted for outside (non-CSU) agencies, or
- c. The eligible member(s) with the least amount of Total Overtime Hours accrued during the current overtime period may be assigned to work the overtime.
- 10. In all instances of overtime postings from this department, the posting supervisor shall notify each responding member whether or not the member was awarded the overtime, once it has been determined who will receive the overtime assignment.

#### F. Opting out of overtime text message notifications:

- 1. Members are permitted to opt out of overtime text message notifications.
- 2. Classifications for opting out of overtime text message notifications are:
  - a. SFSU Overtime (generated by this department)
  - b. Outside Overtime (generated by other agencies)
  - c. All Overtime
- 3. In order to do so, the requesting member shall submit a signed memo, via his or her chain of command, to the Chief of Police indicating which of the three categories of overtime assignments above that the member no longer wants to receive.
- 4. If the member decides to change his or her opt out preferences, a new memo will need to be submitted, via his or her chain of command, to the Chief of Police.
- 5. The Scheduling Sergeant shall maintain an updated list of member opt out requests on the UPD intranet link, so that all overtime posting members have access to the opt out requests. This should prevent the various overtime notifications from being sent to members who do not want to receive them.
- 6. Opting out of overtime notifications does not relieve members from the potential of being assigned overtime on an involuntary basis, depending on the type of overtime and the assignment procedures for the overtime in question. (Please refer to each category of overtime for the specific assignment process.)

#### G. Patrol Overtime

- 1. Patrol Overtime is overtime related to patrol/minimum shift coverage at this department.
- 2. In general, overtime of this nature will be posted via the standard procedures for posting overtime; unless it qualifies under the Sudden Need Overtime, in which those guidelines will be followed.
- 3. If there is an insufficient number of eligible members desiring to work the Patrol Overtime, the posting supervisor with the permission from the Chief of Police or his designee may:
  - a. Assign the overtime on an involuntary basis to the eligible member with the least Total Overtime Hours accrued during the current overtime period, or
  - b. Post the Patrol Overtime on the CSU SharePoint website.
- 4. Patrol Overtime hours will be included in the Total Overtime Hours accrued

calculation.

#### H. SFSU Special/Planned Event Overtime

- SFSU Special/Planned Event Overtime is related to any Special Events (such as Commencement or Welcome Days) or Planned Events (such as scheduled protests).
- 2. Overtime of this nature shall be posted according to the Unit 8 Collective Bargaining Agreement Section 13.13.a and the Standard Procedures for Posting Overtime set forth in this policy, as follows: The posting supervisor, in coordination with the Chief of Police or his designee, shall determine the number of officers needed to staff the event. A percentage of these officers, as set forth below, shall be eligible members from this department. However, if five officers or less are required to staff the event, one eligible member from this department may be assigned to work the event pursuant to sections (1) and (2) below. Overtime assignments of this nature shall be posted in the following order:
  - a. To eligible members of this department at least seventy-two (72) hours in advance of the event. Where feasible, the overtime will be posted for a period of twenty-four (24) hours to allow all eligible members to respond to the posting. Said overtime shall be offered, assigned, and distributed in an equitable and impartial manner to the extent possible.
    - 1) If 20% or more of the available overtime has been filled by eligible members of this department, the remaining overtime opportunities shall be offered to bargaining unit members on other campuses as set forth in section (3) below.
    - 2) If less than 20% of the available overtime has been filled by eligible members of this department, the posting supervisor, in coordination with the Chief of Police, may assign the overtime to the eligible member from this department with the least Total Overtime Hours accrued.
  - b. The posting supervisor, in coordination with the Chief of Police or his designee, shall assign overtime to eligible members from this department so a maximum of 20% of the overtime positions needed to staff the event are filled by eligible department numbers from this department. Such overtime shall be assigned and distributed in an equitable and impartial manner at least seventy-two (72) hours in advance. Members may not decline such overtime assignments.
  - c. In the event that the minimum number of eligible members from this department has been met and there are still available overtime slots, the remaining overtime shall then be offered to members from other campuses for a period of seventy-two (72) hours. The posting supervisor, at the approval of the Chief of Police or his designee, shall be responsible for posting the overtime for members of other campuses.
    - 1) The Chief of Police, or his designee, reserves the right to deny a bargaining unit member from another police department access to overtime assignments at this department due to documented performance issues observed during

previous overtime assignments worked at this department.

- d. If available overtime slots still remain after the seventy-two (72) hour posting period for bargaining members of other campuses, the Chief of Police or his designee may offer the remaining available overtime slots to non-CSU agencies (i.e. SFPD, SFSO and CHP). However, the department is not required to do so.
- e. If available overtime slots still remain open after the above requirements are fulfilled, the posting supervisor, in coordination with the Chief of Police or his designee, may assign the overtime, on an involuntary basis, to eligible members from this department. The overtime shall be assigned and distributed in an "equitable and impartial manner". When feasible, the overtime shall be assigned to those eligible members with the least Total Overtime Hours accrued. Members at this stage may not decline the overtime assignment. Note: Those members who have been approved for vacation on the day of the scheduled event prior to the involuntary assignment of the overtime shall not be assigned.
- 3. SFSU Special/Planned Event Overtime will be included in the Total Overtime Hours accrued calculation.

#### I. Sudden Need Overtime

- 1. Sudden Need Overtime includes all overtime that arises within two (2) hours of the start time of the overtime assignment, which could not have been planned in advance for. Examples of this category of overtime include (but are not limited to).
  - a. Minimum shift coverage needs arising from a member calling off due to an unplanned event, requiring a quick or immediate filling of overtime by the department.
  - b. A major arrest or case requiring additional members as soon as possible.
  - c. An unplanned/unpublicized event, such as a spontaneous protest, requiring additional members immediately or as soon as possible.
- 2. Sudden Need Overtime may be offered to those eligible members who can fulfill the needs of the overtime within the required time parameters or as quickly as possible, prior to extending the overtime to all eligible members. For example, in the case of a major arrest at 1715 hours that requires additional officers to assist immediately, the overtime may be offered to those members in the vicinity of the station (i.e. members who recently ended their shift at 1700 hours or are waiting to start their shift at 1800 hours) prior to offering it to other eligible members whose response would cause unnecessary and unacceptable delays (i.e. members on scheduled days off).
- 3. The Shift Sergeant or Supervisor retains the discretion to determine the response time constraints, within reason, for the Sudden Need Overtime, based on the requirements/start time of the overtime assignment.
- 4. If multiple eligible members (within the determined time/response constraint) respond in the affirmative for the Sudden Need Overtime, the eligible member with the least Total Overtime Hours accrued will be awarded the Sudden Overtime assignment.

- 5. If insufficient eligible members request to work a Sudden Need Overtime, the posting supervisor, in coordination with the Chief of Police or his designee, may:
  - a. Assign an on-duty member to cover the overtime, if feasible, depending on staffing levels,
  - b. Leave the available slots unfilled, or
  - c. Assign the overtime to an eligible member on an involuntary basis, taking into consideration response time constraints and Total Overtime Hours accrued rates. Involuntary assignments must comply with the guidelines set forth in the sections regarding Patrol Overtime, SFSU Special/Planned Event Overtime, and/ or Emergency Overtime, depending on the nature of the overtime.
- 6. Sudden Need Overtime hours will be included in the Total Overtime Hours accrued calculation.

#### J. Emergency Overtime

- 1. As defined by the Unit 8 Collective Bargaining Agreement, an emergency "means a circumstance requiring immediate action; a sudden, unexpected happening; an unforeseen occurrence or condition. 'Emergency' shall not include staffing shortages caused by common occurrences, such as an employee calling in sick or staff reductions due to preplanned leaves."
- 2. Per section 13.13.c of the Unit 8 Collective Bargaining Agreement, members may not decline overtime assignments in emergency situations.
- 3. Where feasible and depending on the personnel needs of the Emergency Overtime, the Shift Sergeant or Supervisor will adhere to the guidelines set forth under Sudden Need Overtime, prior to ordering members to work the overtime.
- 4. Emergency Overtime hours will be included in the Total Overtime Hours accrued calculation.

#### K. Specialized Overtime

- Specialized Overtime shall only be offered to those members who possess the specific skills/training required for the particular overtime being offered and are eligible to work the overtime (i.e., do not have a scheduling conflict).
- 2. If multiple qualifying Unit 8 members respond in the affirmative for the Specialized Overtime assignment, the eligible member(s) with the least Total Overtime Hours accrued shall be awarded the overtime assignment.
- 3. Specialized Overtime hours will be included in the Total Overtime Hours accrued calculation.

#### L. Outside Overtime

1. All overtime offered by outside agencies (i.e. CSU SharePoint OT) will be subject to the policies and procedures of the hosting agency. This policy does not govern those agencies. Any issues arising from the posting or disbursement of said overtime will need to be addressed at the host agency or via SUPA.

- 2. Outside Overtime may be posted via text message to eligible department members at the request of an outside administrator.
- 3. It is the responsibility of interested Unit 8 members to seek out Outside Overtime opportunities. It is imperative that interested members refer to the CSU SharePoint website for available Outside Overtime opportunities, as they will not be posted via department text unless specifically requested by the hosting agency.
- 4. Members accepting Outside Overtime assignments, for officer safety reasons, are required to abide by the time restrictions of this policy when signing up for overtime at other agencies. The onus is on the member when signing up for the overtime to ensure that this policy is complied with.
  - a. Per General Order 2-19.IV.A.8.c.4.d, a maximum of a 16 hour total work day is allowed. Members are not authorized to work in excess of sixteen (16) hours, without approval from the Chief of Police or his designee and only in emergency situations.
  - b. Per General Order 2-19.IV.A.8.c.4.d, the minimum rest period between the end of one workday and the start of the next is eight (8) hours. Members are not authorized to work with less than an eight (8) hour rest period, without approval from the Chief of Police or his designee and only in emergency situations.
- 5. Upon accepting Outside Overtime assignments, it is the responsibility of the member accepting the overtime assignment to notify the Chief of Police via his or her chain of command, in writing, of the overtime assignment (per Unit 8 Collective Bargaining Agreement Section 13.13.a.3.i). Information required in the written notification shall include:
  - a. Location of the Overtime
  - b. Day(s), Date(s) and Time(s) of the overtime
  - c. Title or Type of Overtime being offered (i.e. Commencement, Patrol Coverage)
- 6. Outside Overtime hours will be included in the Total Overtime Hours accrued calculation.

#### M. Splitting Overtime Shifts

- 1. In order to maintain the integrity of an overtime assignment, all SFSUPD related overtime assignments will be awarded to the requesting eligible member with the least Total Overtime Hours accrued who is willing and able to work the entire overtime shift, prior to allowing/offering the overtime shift to be split.
- 2. In those cases where there are open overtime shifts still remaining after posting, the overtime shifts may be parceled into smaller blocks and split amongst eligible members, where possible.
- 3. An additional overtime notification text message will need to be sent to all eligible members via the text notification process advising of the possibility to split shifts. Interested members are to respond via the response process indicated in the text message with their available hours.
- 4. When feasible, the overtime should be split into a minimum of four (4) hour

increments.

- 5. The overtime posting supervisor will determine how to split the shifts based on the affirmative responses received and the available hours of the requesting members, with the goal of providing maximum coverage while minimizing disruption to the overtime assignment (the less members splitting a shift the better). For example, if an overtime shift is posted from 1800-0600 hours and the affirmative responses include members willing to work 1800-2200 hours, 1800-0000 hours, 2200-0200 hours, 0000-0600 hours and 0200-0600 hours. Precedence will be provided to those members willing to work 1800-0000 hours and 0000-0600 hours because this scenario would provide full coverage for the shift and be least disruptive to the shift.
- 6. If multiple eligible members request to work the same hours, the eligible member with the least Total Overtime Hours accrued will be awarded the overtime. In the prior example, if two members requested to work 1800-0000 hours, the member with the least Total Overtime Hours accrued during the overtime period in question would be awarded the overtime.

#### N. Shift Adjustments to Accommodate Overtime Assignments

- 1. Members are not allowed to adjust their regular work shifts (alter their shift beginning or end times) in order to work overtime assignments, except in emergency situations and when approved by the Chief of Police or his designee. However, members may use time from one of their banks (i.e. vacation time and CTO) during their shift (start or end) to work overtime hours outside of their regular work shift, specifically to avoid the sixteen (16) hour maximum work day and/or to comply with the eight (8) hour rest period between shifts.
- 2. Members are not authorized, under any circumstance, to work overtime assignments during the hours that they are on scheduled paid or unpaid leave. For example, an officer on scheduled vacation leave from 0600-1800 hours may not work overtime (SFSUPD related overtime or Outside Overtime) during the hours of 0600-1800 hours. However, the officer may work overtime from 1800-2300 hours, on that day, as long as the procedures set forth in this policy are adhered to.
- 3. Members on a shift swap are permitted to work overtime on their assigned swap off day.

#### O. Overtime Shift Responsibilities Once Assigned

- Once a member has been assigned an overtime shift, the member is responsible for working the shift, except in unexpected/emergency situations, for sick call outs or if approved by the Chief of Police or his designee. The member is not authorized to trade or give away the shift.
- 2. If a member no longer desires to work an overtime shift, the member must coordinate with the Scheduling Sergeant (or Shift Supervisor) to have the overtime assignment re-posted and the procedures outlined in this guideline followed, to identify a new eligible member to work the overtime assignment.
- 3. In those situations where a new eligible member cannot be identified, the original member who signed up for the overtime is responsible for working the overtime, unless excused (i.e. personal emergencies, sick call outs or approval from the Chief

- of Police of his designee).
- 4. With this in mind, members should notify the Scheduling Sergeant or Shift Supervisor, as soon as possible, if an overtime shift is no longer desired, so as to increase the likelihood of identifying a replacement member to work the overtime assignment and relieving the original member from responsibility for the overtime assignment.
- V. APPENDIX: None.
- VI. ATTACHMENT: None.



# CALIFORNIA STATE UNIVERSITY POLICE DEPARTMENTS SYSTEMWIDE OPERATIONAL GUIDELINES



# Chapter 22 INTERNAL AFFAIRS COMPLAINTS AND INVESTIGATIONS

Penal Code §832.5 requires that agencies that employ peace officers must establish a procedure to investigate citizen complaints against the officers and make a written description of the procedure available to the public. This requirement provides an avenue for the public to advance complaints of misconduct. In addition, the agency can provide a number of means to detect violations. Working familiarity with the Public Safety Officers Procedural Bill of Rights Act (Government Code Section 3300 et seq.) is essential.

If an officer who is the subject of a complaint from a CSU campus is assigned to another CSU campus, the Chief of the original campus shall report it to the Chief of the officer's new campus. The Internal Affairs investigation will be conducted by, and pursuant to, procedures/policies of the officer's new campus. The Chief shall also notify, in writing, the officer against whom the complaint is filed.

#### I. Statement of Purpose

- A. The goal for an internal affairs investigation is to ensure that the integrity of the department is maintained through a system of internal discipline where objectivity, fairness, and justice are assured by intensive, impartial investigations and review.
- B. These guidelines, together with impartial investigations, will help determine real or potential causes of problems relating to human relations, and remedy identified deficiencies, to insure proper corrective action is taken when appropriate, and to protect personnel from unwarranted criticism when they perform their duties in an approved manner. These procedures are intended to do the following:
  - a. Clear those innocent of misconduct.
  - b. Establish fault of wrongdoers.
  - c. Facilitate prompt and just action.
  - d. Uncover defective procedures.

#### II. Investigative Bifurcation

- A. If a complaint against an officer is both an allegation that the department rules were violated, and an allegation of criminal conduct, the investigation should be bifurcated. The facts surrounding each investigation must be evaluated to determine the procedure to follow, and for purposes of making a decision on the use of an administrative or criminal investigation, or both.
- B. In a criminal investigation, the officer has a right not to answer questions that would incriminate him or her. The officer is entitled to all the rights of any other suspect. This investigation should be conducted and completed prior to the administrative investigation, and when completed, it should be filed as any other criminal investigation. The district attorney should review the completed criminal investigation to determine if formal criminal charges will be filed. If the district attorney declines to prosecute, the decision shall be in writing and be included in the criminal investigation file.
- C. In the administrative investigation, the officer does not have a right to refuse to answer the questions of the agency. This investigation must be conducted in accordance with the requirements of Government Code Section 3303, Subdivision (e) of Section 3303 provided, in part, "an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action." Thus, the agency has a duty to inform the officer and the officer has a duty to cooperate. When the officer does answer the questions, the answers cannot be used against the officer in a criminal proceeding. For a discussion of this issue, see Lybarger v. City of Los Angeles (1985), 40 Cal.3d 822, 221 Cal. Rptr. 529, which held that a peace officer may be questioned by his or her employer about suspected misconduct, even if that misconduct might amount to a crime, but that the officer may not be disciplined for refusing to answer questions, unless he or she has been warned that discipline for insubordination may result if the questions are not answered. The answers given under these circumstances may not be used against the officer in a criminal proceeding.
- D. The criminal investigation goal is the prosecuting of appropriate cases on behalf of the People. The administrative investigation's goal is to determine whether a department rule has been violated, and whether the officer committed the violation. The Peace Officers' Procedural Bill of Rights Act (Government Code §3300 et seq.) applies to administrative investigations but not to criminal investigations. Clearly, each investigation travels on a different track, and the rules for these investigations are separate and distinct.

- E. Penal Code §832.7 provides that the investigations of complaints against peace officers are confidential and cannot be released, except by filing a motion pursuant to Evidence Code §1043 (Pitches Motion). The provision of confidentiality does not apply to the district attorney, attorney general, or grand jury when inquiring into the conduct of the officer or agency, pursuant to the same statute.
- F. After a thorough administrative investigation, the complainant is entitled to the following disposition:
  - Unfounded— When the investigation indicates the act complained of did not occur.
  - 2. **Exonerated—** When the investigation indicates the act occurred but that the act was justified and proper.
  - 3. **Not Sustained** When the investigation discloses insufficient evidence to clearly prove or disprove the allegations made.
  - 4. **Sustained** When the investigation discloses that the act complained of did occur and constitutes misconduct or improper job performance.
- G. The Peace Officers Bill of Rights and the Unit 8 contract shall be followed regarding the notification of the officer concerning the results of the investigation. Government Code Section 3304 (f) requires notification within 30 days of an agency's decision to impose discipline.
- H. The CPOA Internal Affairs Manual should be used for consistency in conducting internal affairs investigations. The forms in the model policy manual are included in the appendix for reference.
- All CSU Police Departments shall make available to the public its process for investigating complaints pursuant to Penal Code Section 148.6 and Civil Code 47.5.

#### California Penal Code 148.6 (False Report of Peace Officer Misconduct).

Each person who files any allegation of misconduct against any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, knowing the report to be false, is guilty of a misdemeanor.

Any law enforcement agency accepting an allegation of misconduct against a peace officer shall require the complainant to read and sign the following information advisory, all in boldface type:

YOU HAVE A RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE MISCONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

California Civil Code Section 47.5 (Action for Defamation Against Individual Filing False Complaint Against a Police Officer).

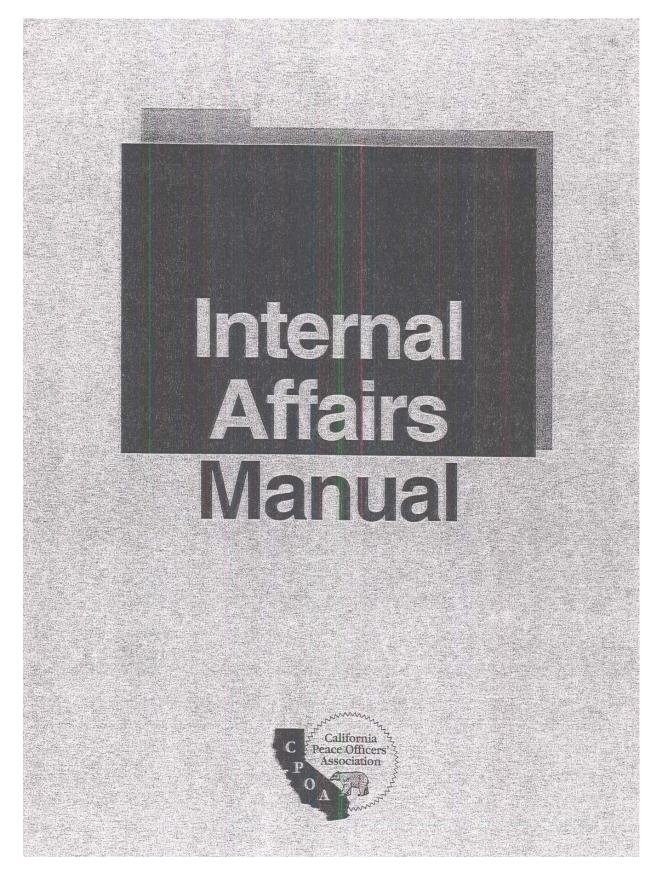
Not withstanding Section 47, a peace officer may bring on action for defamation against an individual who has filed a complaint with that officer's employing agency alleging misconduct, criminal conduct, or incompetence, if that complaint is false, the complaint was made with knowledge that it was false, and that it was made with spite, hatred, or ill will. Knowledge that the complaint was false may be proved by showing that the complainant had no reasonable grounds to believe the statement was true and the complainant exhibited a reckless disregard for ascertaining the truth.

V		
Х	Signature of person making complaint.	•

I have read and understood the above statements.

Chapter 2

#### APPENDIX B



### Internal Affairs Manual

#### Prepared by CPOA's Police Legal Advisors Committee

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# Introduction and Purpose

This manual was prepared to assist first-line supervisors and others who may be charged with the investigation of citizens' complaints and administrative internal investigations involving sworn and non-sworn law enforcement personnel. It is intended as a walk-through, but should not replace input from management and the agency's counsel.

For example, in many of the areas covered by the topics within this manual, there is no right or wrong way to proceed. How an individual agency or an individual person proceeds depends upon the size of the agency, the nature of the problem, and other factors which differ around the state and among agencies.

#### Statement of Purpose

A goal for internal affairs investigation is to insure that the integrity of the department is maintained through a system of internal discipline where objectivity, fairness and justice are assured by intensive, impartial investigations and review.

It is hoped that this manual, together with impartial investigations, will help determine real or potential causes of problems relating to human relations and remedy identified deficiencies; to insure proper corrective action is taken when appropriate; and, to protect personnel from unwarranted criticism when they perform their respective duties in an approved manner. Such procedures are intended to do the following:

- 1. Clear those innocent of misconduct.
- 2. Establish fault of wrongdoers.
- 3. Facilitate prompt and just disciplinary action.
- 4. Reveal faulty practices or procedures.

Working familiarity with the Public Safety Officers' Procedural Bill of Rights Act and applicable decisional law is essential, and a copy of the act as it existed as of January, 1996, is part of the appendix to this volume. Pertinent case citations are provided where applicable as well.

#### 1

### **Rules of Conduct**

#### Why Establish Rules of Conduct?

Each agency, regardless of size, needs a basis upon which to establish proper conduct and provide for the investigation of potential misconduct. That is, what's "wrong" about an employee's conduct must fit within a specific rule, regulation, city Charter provision or policy mandate in order that the agency may successfully discipline employees for violations. It is generally advisable to insure that the challenged conduct fits within an articulable written rule or policy provision when attempting to discipline an employee, in order to avoid a court's later reversing the discipline on the basis that the challenged conduct did not fit within the dictates of the rule or that the rule was unreasonably vague. In some instances, however, where the specific conduct does not fall under an narrowly articulated policy provision, the rules governing "conduct unbecoming" may be applicable. Agencies may discipline their employees under a "conduct unbecoming" theory. (See Cranston v. City of Richmond, (1985) 40 Cal.3d 755)

#### Contents

All organizations have missions and goals that serve as the reason why they function. In order to meet those goals and objectives, levels of performance are established so the members of the organization know what is expected and what level of discretion they may exercise in helping the organization achieve its goals.

Performance objectives may be temporary to achieve some short term goals, or they may be permanent to inform all members of the organization what the organization expects from them in daily performance. Permanent performance objectives many times take shape in the form of rules, orders or procedures. Rules are permanent long-term statements from the organization that demand that its members perform in a certain way when confronted with certain facts and circumstances.

The organization does this so it can predict with some level of certainty how it will go about accomplishing its mission and achieving its goals. If a member does not follow these permanent rules, the organization must inform the member of the deviation and either correct the behavior by counseling or take disciplinary action which could be as mild as a reprimand or as severe as termination.

The rules of the organization must be published and distributed to all members so that everyone, whether supervisor or subordinate, operates from the same set of common rules. If the organization believes a member has deviated from those rules, it can point to the rules and say with certainty that there are rules which call for specified behavior and that the member did not conform. The organization can then clearly say the member knew or should have known about the rule and its violation. Once the member responds, it is a question of fact whether the conduct complained of violated department rules.

In addition, members of the organization know where they can look if they have any questions or doubts on how to perform in a given set of circumstances. The members can make judgments about what the organization stands for and what it expects.

Most agencies already have rules, policies and regulations governing the conduct of employees. If your agency lacks such rules, either within a standard operating procedures (SOP) manual, the civil service rules, code of ethics or otherwise, we recommend you review Government Code § 19572, which lists causes for discipline of state employees. Government Code § 19572, as it existed in January 1996, is set out below:

#### § 19572. Causes for Discipline

Each of the following constitutes cause for discipline of an employee, or person whose name appears on any employment list:

- (a) Fraud in securing appointment.
- (b) Incompetency.
- (c) Inefficiency.
- (d) Inexcusable neglect of duty.
- (e) Insubordination.
- (f) Dishonesty.
- (g) Drunkenness on duty.
- (h) Intemperance.
- (i) Addiction to the use of controlled substances.
- (j) Inexcusable absence without leave.
- (k) Conviction of a felony or conviction of a misde meanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of

nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.

- (l) Immorality.
- (m) Discourteous treatment of the public or other employees.
- (n) Improper political activity.
- (o) Willful disobedience.
- (p) Misuse of state property.
- (q) Violation of this part or board rule.
- (r) Violation of the prohibitions set forth in accordance with § 19990.
- (s) Refusal to take and subscribe any oath or affirmation which is required by law in connection with the employment.
- (t) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the appointing authority or the person's employment.
- (u) Any negligence, recklessness, or intentional act which results in the death of a patient of a state hospital serving the mentally disabled or the developmentally disabled.
- (v) The use during duty hours, for training or target practice, of any material which is not authorized therefor by the appointing power.
- (w) Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, disability, marital status, sex, or age, against the public or other employees while acting in the capacity of a state employee.
- (x) Unlawful retaliation against any other state officer or employee or member of the public who in good faith reports, discloses, divulges, or otherwise brings to the attention of, the Attorney General, or any other appropriate authority, any facts or information relative to actual or suspected violation of any law of this state or the United States occurring on the job or directly related thereto.

The significance of the state standards, even though they do not apply directly to a local agency's employees, is that they provide a good basis for reviewing your own rules and regulations to insure that the major categories of conduct available for disciplining an employee are covered. You will note that some of the rules are very specific, but others are broad enough to encompass many potential problem areas, as, for example, "misuse of property" and "incompetency." Rules forbidding conduct involving such subjective areas as "moral turpitude" or "immorality" are problematic in that courts frequently overturn such standards as "too vague" or indefinite to be enforceable.

However, conduct which by its nature is inconsistent with, inimical to, or in conflict with the duties of an employee may be prohibited, and are enforceable as long as there is a "nexus" between the conduct and the duties of the employee.

Again, in addition to having a valid rule, it is also crucial to insure that the employees who may be subject to discipline for violation of those rules are made aware of their content. This may be done by providing each employee with a copy or by making copies available with each employee stipulating in writing that the rules have been made available to him or her. Additionally, each employee should be required to familiarize themselves with those rules, so that a claim of ignorance to the rules is itself a violation of them.

You should also note that it is not necessary that such exhaustive and detailed causes for discipline be established in order to successfully match wrongful conduct to a rule prohibiting that conduct.

For example, the Los Angeles Police Department defines misconduct as follows:

- · Commission of a criminal offense.
- · Neglect of duty.
- Violation of department policies, rules or procedures.
- Conduct which may tend to reflect unfavorably upon the employee or the department.

#### Particular Disciplinary Problems

Some of the most frequent types of disciplinary actions in public agencies involve the following types of conduct:

- Absenteeism and Improper Use of Sick Time
- · Tardiness
- Incompetency
- · Insubordination
- · Violation of Agency Rules
- · Falsification of Employment Applications
- Falsification of Time and Production Records
- Theft
- Conduct Outside Working Hours
- · Criminal Conduct
- · Assaults on Supervisors
- · Fighting Between Employees
- · Horseplay
- Substance Abuse

There are many similarities in the causes of these problems, but also many crucial differences. The similarities permit a certain pattern of disciplinary action to be established. However, the differences make it imperative that flexibility be linked with supervisory judgment and discretion in the imposition of discipline.

### Connections Between Rule and Violation (Mechanisms for Detecting Violations)

The size of the organization will in large part determine what mechanism is appropriate to use. Penal Code § 832.5 mandates that agencies which employ peace officers must establish a procedure to investigate citizen complaints against personnel of such departments or agencies, and shall make a written description of the procedure available to the public. Penal Code § 832.5 provides an avenue for the public to advance complaints of misconduct. In addition, the organization should institute measures to detect violations.

It is crucial to have first-line supervisors be a part of the

management team and as such be responsible for ensuring that quality service is provided by peace officers. First-line supervisors are in the best position to observe the activities of peace officers on a daily basis and therefore are able to detect deviations from accepted practices or policy.

A staff inspection can serve as a mechanism of the agency's chief executive to check all aspects of the agency's operation to ensure the organization is in fact following the rules and policies as published. The role of the first line supervisor is critical. If quality first-line supervision is not taking place, then good order and discipline are nearly impossible to achieve.

# Organization

#### Responsibility for Investigation

The investigation of complaints of misconduct should be under the direct authority of the chief of police or sheriff. The reason for this is that the agency chief should be aware of allegations of misconduct, so when the situation calls for it, the agency head can reassign or, if necessary, put an officer on paid administrative leave pending completion of the investigation.

The chief should consider reassignment or paid administrative leave when the member is accused of a crime or the allegations are such that the confidence of the public in the agency's integrity would be adversely impacted should the officer not be removed from public contact, particularly from enforcement duties.

Most agencies and/or civil service commissions have provisions for taking such action. In some small agencies the chief may be forced to be the investigator. If possible, however, the investigation should be carried out by a supervisory officer other than the one responsible for imposing any discipline that may arise. If necessary, the supervisory officer may be temporarily assigned to do complaint investigation in addition to other duties. If this is the case, the investigating officer should be responsible to the head of the agency for this administrative investigation. The investigator may remain responsible within the normal chain of command for other assignments. However, for reasons that will be explained later, should the matter under investigation involve a criminal allegation, the investigator must not perform both the criminal and administrative investigations.

Each agency must operate for the good of the community it serves. But whatever form the organization takes, it should provide an avenue in which the public has confidence that the complaint will be thoroughly and fairly investigated.

#### Investigative Bifurcation and Purpose

If a complaint against a department member is both an allegation that the department rules were violated and an allegation of criminal conduct, the investigation should be bifurcated. This means that two investigations, separate from one another, must be undertaken. The facts surrounding each investigation must be evaluated to deter-

mine the procedure to follow for purposes of making a decision on the use of an administrative or criminal investigation or both.

In a criminal investigation, the officer has a right not to answer questions which would incriminate him or her. The officer is entitled to all the rights of any other person being investigated for a crime. This investigation should be conducted by criminal investigators, not administrative investigators, and when completed, should be filed as any other criminal investigation.

The district attorney (or other prosecutor should there be a conflict) should review the completed criminal investigation to determine if formal criminal charges will be filed. If the prosecutor declines to prosecute, it is recommended that the decision be in writing and be included in both the criminal and administrative investigation files.

In the administrative investigation, the officer does not have a right to refuse to answer the questions of the agency when the questions relate to good order and efficiency of the agency. The "quid pro quo" is that when the member does answer these questions, the answers can not be used against the officer in a criminal and/or state court civil proceeding subject to certain exceptions. (Refer to Government Code § 3303 (f) & (h). For a discussion of this issue see Lybarger v. City of Los Angeles (1985), 40 Cal.3d 822, which held that a peace officer may be questioned by his or her employer about suspected misconduct even if that misconduct might amount to a crime, but that the officer may not be disciplined for refusing to answer questions unless he or she has been warned that discipline for insubordination may result if the questions are not answered and that answers given under these circumstances may not be used against the officer in a criminal proceeding.

The criminal investigation's goal is the prosecution of appropriate cases on behalf of the People. The administrative investigation's goal is to determine whether a department rule has been violated and whether the officer committed the violation. The Public Safety Officers' Procedural Bill of Rights Act (Govt. Code § 3300 et seq.) applies to administrative investigations but not to criminal investigations. Clearly, each investigation travels on a different track and the rules for these investigations are

separate and distinct.

#### Confidentiality of Investigations

Penal Code § 832.7 provides that the investigations of complaints against peace officers are confidential and can not be released unless a motion has been filed pursuant to Evidence Code § 1043 (Pitchess Motion) and the court has ordered the release of the records. If information is ordered released, the protective order provided for in Evidence Code § 1045(e) should always be obtained. The provision of confidentiality does not apply to the district attorney, attorney general, or grand jury when inquiring into the conduct of the officer or the agency. (Penal Code § 832.7(a)) Proceedings in federal court differ in that there is no specific privilege protecting these documents.

We recommend that the coerced statements of officers not be released voluntarily to the district attorney, attorney general, or the grand jury. However, if you receive a request for a coerced statement, you should be aware that

a difference of opinion exists as to whether the request should be acceded to. Please contact your legal advisor for advice on this issue. Specifically, some agencies demand the request in writing, put in writing their concerns over the use of the information disclosed, and, in the same memo, state that release is made only pursuant to Penal Code § 832.7. Thereafter, if the prosecuting agency runs into evidentiary problems as a result of having seen the coerced statements, the agency will be on record as having alerted them to that problem in advance. Other agencies resist the demand until and unless a court orders release of the coerced information to the prosecutor. In that event, we again recommend recording your written concerns be expressed as outlined above. Should the officer be prosecuted following the release of a coerced statement, a hearing must ensue to determine whether the information on which the prosecutor is proceeding is tainted or was otherwise legally obtained.

# Complaints

#### Statutory Requirements

Pursuant to Penal Code § 832.5, California law requires every agency to have a procedure to investigate citizens complaints. Every person has the right to make a complaint against a peace officer for any improper police conduct. All alleged or suspected violations of law, ordinances, or department rules, regulations, or orders, should be investigated pursuant to each department's policy. Each agency must make available to the public a written description of it's procedure to investigate a citizen's complaint.

#### How to Intake Personnel Complaints— Internal/Citizen's

A personnel complaint is any allegation made against an employee for a suspected violation of law, ordinance or departmental policy, rule, regulation or order. The complaint may be generated internally or externally. An internal complaint is any complaint initiated by a member of the department. A citizen's complaint is any complaint initiated by a member of the public.

#### Internal Complaints

Each agency should establish a procedure for the investigation of an internally generated complaint. It may provide that, for instance, an internal investigation may be initiated by any supervisor.

The initiating supervisor should inform the employee's supervisor of all allegations under investigation. This notification should be in writing and through the chain of command. Depending on agency size and organization, the employee's supervisor should, in turn, inform the agency chief of the allegations and the status of the investigation.

Depending on departmental procedure and the nature of the alleged misconduct, as well as the size of the department, the supervisor may assign the investigation to another supervisor in the chain of command, or the agency chief may assign the investigation to internal affairs or professional standards division.

#### Citizen's Complaints

Citizen's complaints may be made in person, by tele-

phone, by mail, or by a third party, i.e., a witness, a representative of an organization, the city manager's office, the district attorney's office, press, etc. In other words, a citizen's complaint may arrive in any of several forms, and should not be refused due to any perceived procedural defects. For instance, if a complainant is asked to make a complaint in writing but declines, the department should still regard the complaint as a complaint in accordance with the department's established procedures.

Penal Code § 148.6 enacted January of 1996 makes it a misdemeanor to file an allegation of misconduct against any peace officer, knowing the report to be false. Any law enforcement agency accepting an allegation of misconduct is required to have the complainant read and sign a specified information advisory. (See Appendix A for specific language of Penal Code § 148.6). The practical application of this statute has yet to be determined. An employee may still seek civil remedies for false complaints pursuant to Civil Code § 47.5.

A person making a complaint in person or by telephone, during the normal business hours of the internal affairs bureau, would ordinarily be referred directly to the internal affairs officer who would accept the complaint. If the complaint is taken by telephone, the agency's procedure should provide that the information advisory of Penal Code § 148.6 be read to the complainant over the telephone. It is suggested that if the agency follows this practice it may want to consider tape recording the reading of the information advisory and acknowledgment by the complainant. In accordance with state law, if a telephone conversation is recorded, the individual must be advised.

When the internal affairs officer is unavailable, or if the agency doesn't have an I.A. officer, persons making a complaint in person or by telephone should be interviewed by the watch commander or other supervisor so designated if the agency has a designated person to receive complaints. It is not advisable to request a citizen come back later or telephone when the designated person is available, because delays make discovery of the truth more difficult. Taking the complaint when initially made communicates to the public that the agency is genuinely interested in correcting any deficiencies that may be present. At a minimum, the following categories of citizens' complaints

should be investigated:

#### Infractions:

- Violations of departmental rules and regulations involving transgressions that are not serious violations.
- b. Discourtesy, rudeness.

#### Serious Violations:

- a. A violation of statutes or ordinances defining criminal offenses.
- b. The use of unnecessary force.
- Use of profanities or other insulting or offensive language.
- d. Language or conduct derogatory to a person's race, sex, religion, national origin, lifestyle or sexual preference.
- e. Abuse of authority.

Upon receipt of a citizen's complaint, the supervisor receiving such complaint should accomplish the following:

- Screen the complaint to make sure that department personnel are involved.
- b. Ascertain if there is validity to the complaint as opposed to the lack of understanding of agency procedures. Sometimes a complaint may be resolved by a simple explanation of agency procedures.

In the case of a minor procedural complaint, the supervisor may be able to satisfactorily resolve the problem with the complainant at that time. Care should be taken to ensure that the involved employee understands the nature of the complaint and that action is taken to ensure that the complained of conduct is not repeated.

If the complaint is of such a serious nature that immediate action is required, the person taking the complaint should take the action or refer the situation to someone who has the authority to do so.

In all cases, it is advisable to complete the complaint investigation form and have the complainant, if present, write a brief statement of the incident about which he or she is complaining on the form. The only exception to the preparation of a written complaint would arise if the complainant, after receiving an explanation of, for example, a challenged procedure, asks that the complaint be withdrawn, and it is apparent no misconduct has occurred.

We do not recommend use of this exception, however, because of the possibility of misuse or misapplication. Even if an oral complaint is taken and resolved, we recommend a written record be made as to the nature of the complaint and its resolution.

When investigating the complaint, it is appropriate to obtain written statements from all witnesses to the incident. A complainant's refusal to make a written complaint

does not mean that no complaint was made.

When applicable, the receiving supervisor should also:

- Take instant print photos of injuries or damaged property;
- b. Get medical releases signed, in duplicate, for each doctor or hospital treating an injured complainant. Be sure your forms comply with the requirements of your local hospitals, and recognize that different forms will likely be required for some types of problems; as, for example, psychiatric records or child abuse or sexual assaults.

Explain internal affairs bureau procedures to the complainant and advise the complainant to contact the internal affairs officer regarding any subsequent information or questions. Penal Code § 832.7(b) requires an agency to release to the complaining party a copy of his or her own statements at the time the complaint is filed.

The complaint investigation form, with attachments, should be forwarded in accordance with department procedures to the internal affairs officer or the supervisor assigned to investigate the complaint. The internal affairs officer should directly inform the agency chief or designated individual of the nature of each complaint, personnel involved and the investigative steps being undertaken.

The agency has an obligation to show the complaint to the involved employee if it is to go into that employee's personnel file. Notice of the nature of the allegations of the complaint must be given to the employee prior to any interview pursuant to Government Code § 3303(c).

An internal affairs investigation should ordinarily be completed as quickly as possible to protect the rights of complainants and department personnel, and to facilitate the collection of evidence. Penal Code § 832.7(d) provides that the department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition. The disposition of the complaint is generally one of the following four findings: Unfounded, Sustained, Not Sustained or Exonerated

The following definitions are offered for purposes of this manual to remove the ambiguity and uncertainty of certain personnel complaint classifications.

**Discourtesy:** "Discourtesy" may involve any improper remark or demeanor by an on-duty employee that constitutes a rude act or when the remark or demeanor is offensive in manner or action.

Discrimination: Complaints are classified as "discrimination" which involve conduct that demonstrates prejudice against any person or group on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, sex, sexual preference, medical condition or disability.

**Dishonesty:** This classification applies to conduct including but not limited to: lies, intentional misrepresentations, theft, falsification of documents, misuse of departmental property, etc. If the conduct occurs off-duty, there must be a job connection or "nexus."

**Improper Tactics:** Complaints are classified as "improper tactics" when the conduct is inconsistent with approved policy, not amounting to summary punishment, nor committed as an act of vengeance.

Neglect of Duty: This classification is generally used to include on-duty conduct not normally covered by other classifications. It covers failures to perform the duties and obligations of the position held.

#### Examples:

- Failure to qualify, appear in court, report for medical exam, or make appropriate reports.
- 2. Absent or late for duty without adequate reason.
- Improper disposition or handling of evidence and other property.

Conduct Unbecoming: This classification may be used to cover most improper off-duty and on-duty conduct.

#### Examples:

- Unnecessary involvement in neighbor, family, land lord/tenant disputes, verbal or physical altercations resulting in the involvement of an other law enforcement agency.
- Any off-duty conduct wherein the employee's employment is revealed and therefore could subject the employing department to embarrassment, e.g., public intoxication, DUI, theft, disturbing the peace, etc.
- Other conduct which by its nature tends to reflect unfavorably on the department or the employee. In order to establish an unfavorable reflection, there must normally be a connection established between the conduct and the agency

Unnecessary Force: Complaints are classified as "unnecessary force" when physical abuse is alleged and the type or degree of force employed was neither necessary nor appropriate, or when it appears that force of any degree was used as punishment or for vengeance. Examples:

- Striking an individual when no force was necessary, or after the reason for the initially justifiable use of force no longer existed.
- The vindictive application of a control hold for the purpose of inflicting pain or injury.
- 3. Unprovoked battery.
- Use of deadly force when the situation does not justify or current statutory and decisional law prohibits

Sexual Harassment: Complaints alleging conduct that

violates the department's policy prohibiting sexual harassment to include state and federal law.

#### Closing Out Complaints

The internal affairs investigator may enter opinions or conclusions concerning the actions of the officer in the body of his or her report, but generally should not express an opinion as to appropriate penalty. With many agencies, the internal affairs investigator is strictly the gatherer of facts. Opinions, conclusions and often the recommended disposition, and if appropriate, the recommended penalty, is determined via the chain of command with the final determination left to the chief administrator of the department. The final determination as to classification of the findings and any discipline to be imposed should be left to the chief administrator of the department.

This policy lends objectivity to the investigator and the internal investigation so the officers can feel they were treated fairly and impartially by the investigator. An agency should avoid having the investigator form conclusions and make recommendations. However, if this is done, such recommendations should be deemed confidential and not used by the department head to form part of the basis for his or her decision. If the investigator forms conclusions and makes recommendations that form a separate part of the file and are part of the investigation used by the agency head to make a disciplinary decision, the affected officer is entitled to review and sign that document and is entitled to a copy of it as part of his or her Skelly material.

Different departments determine the outcome of citizen complaints and internal investigations by various processes. The importance of the final decision in each investigation being made by the department head cannot be overemphasized.

One agency subjected to federal Grand Jury investigation and Civil Rights prosecution stressed that it is the chief of police or sheriff's responsibility to make the final determination on each complaint against members of the department. Of course, a division commander or other member of the department can make recommendations regarding culpability and the severity of punishment, but it is the head of the agency who is ultimately responsible.

Some medium or large departments work well with a board of review process. A board of review may consist of the department head of each division, and a member of the employee association. All will vote on the culpability, if any, of the officer under investigation. If it is determined that the officer is at fault, the board will make a recommendation on the punishment.

All members of the board of review are advisors to the agency head and the final disposition must be made by the

agency head. Usually under the board of review process the investigator who conducted the investigation will be present; not as a member of the board, but to answer any questions that may be asked by members of the board concerning the investigation.

Once a disposition of the investigation has been made by the department head, the case should be returned to the investigator who must notify the complaining party of the disposition of the complaint within 30 days of the disposition. (Penal Code § 832.7 (d)) The notification to the complaining party should include advice that the citizen's complaint was thoroughly investigated and it MUST advise one of the following: Sustained, Not Sustained, Exonerated or Unfounded. The exact nature of discipline, if any, should not be included, however a reference may be made to "appropriate action" having been taken in case of a "sustained" finding.

The original investigation or complaint should be routed back to the internal affairs investigator through the chain of command so that the officer's unit commander is advised of the results of the investigation. A sign-off sheet of some type is recommended as a permanent record to indicate that it has been read by each member of the chain of command and returned to the officer's complaint file or personnel record. While these suggestions are not exhaustive, they may be helpful in assisting an agency in dealing with internal investigations. We recommend that agencies look to other agencies for models on how to establish viable review mechanisms so that the employees and the general public have confidence in the process.

#### How and Where to File Complaints

Each law enforcement agency in the State of California is required by law to maintain records of citizens' complaints, pursuant to Penal Code § 832.5. That statute, as of 1996, reads as follows:

§ 832.5. Citizens' complaints against personnel; investigation; description of procedure; retention of records

- (a) Each department or agency in this state which employs peace officers shall establish a procedure to investigate citizens' complaints against the personnel of such departments or agencies, and shall make a written description of the procedure available to the public.
- (b) Complaints and any reports or findings relating thereto shall be retained for a period of at least five years.

A sample written description of the procedure, which the agency must make available to the public, is attached as an exhibit at the appendix to this manual. The Penal Code further specifies that citizens' complaints are part of a peace officer's personnel records. Penal Code § 832.8 provides specifically that a peace officer's personnel records include, among other things:

- (e) Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she per-
  - \* formed his or her duties;

Thus, by statute, complaints and investigatory materials related to complaints are considered part of a peace officer's personnel records. Agencies differ as to where and how such complaints and related materials are filed. Some agencies prefer to maintain a separate file within an individual's personnel file containing only materials related to citizen complaints and investigations of those complaints. Other agencies keep the complaints and investigatory materials in a separate location. Regardless of the method of filing or the physical location of the complaint records, it is important to recognize that, by statute, such records are part of an officer or deputy's personnel records, and must, therefore, be available to the court for Evidence Code § 1043 (Pitchess Motion) purposes, as they are discoverable in court proceedings under specified circumstances.

It is also important to recognize that complaints are part of a peace officer's personnel records for purposes of the Public Safety Officer's Procedural Bill of Rights Act (Government Code § 3305) regarding an officer or deputy's right to review and sign negative comments in his or her personnel records prior to their being filed therein. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer or deputy.

Similarly, Civil Code § 47.5 provides for defamation actions against persons filing false complaints alleging misconduct, criminal conduct or incompetence, under specified circumstances, against a peace officer. Penal Code § 148.6 provides for criminal charges against persons knowingly filing a false complaint against a peace officer. Without accessibility to complaints filed by citizens, a peace officer would have no way of pursuing the rights afforded by Civil Code § 47.5.

Most agencies periodically purge files of dated material, including citizen complaints. It is highly recommended that this practice be followed. Evidence Code § 1045 (b) (1) requires a state court to rule that information concerning complaints occurring more than five years prior to the underlying incident in question (usually an arrest) as not relevant and there for not discoverable in a "Pitchess" Motion. Note that the section does not necessarily exempt the records more than five years old from the in camera inspection stage of a "Pitchess Motion," but rather directs the court as to the relevance of specified

material. Therefore, we advise you to take all existing complaints to court, regardless of age, and to notify the court, if necessary, of the provisions of Evidence Code § 1045 (b) (1). If a judge indicates he is going to release information that is more than five years old or otherwise violative of the Evidence Code, the agency and its representing attorney can request the court to stay it's release of the information in order to allow the agency to seek review by a higher court. In an extreme situation where the court indicates it will release information, the agency might refuse to allow the release of the information thereby subjecting the custodian of the records to a contempt order by the court. In the unlikely event this occurs, Code of Civil Procedure § 128(b) provides for a 3-day stay of the judge's contempt order which allows time for the agency to file a writ to review the lawfulness of the judge's order.

Agencies following the practice indicated above of purging records more than five years old will not encounter this problem.

In federal court you may make a request that the court take into consideration the provisions of Evidence Code §

1043, and the applicable Penal Code statutes. However, the federal courts are under no obligation to apply state law. There is no time limitation imposed by federal discovery law limiting the release of information if it is in the agency's possession.

Records, including personnel records, must be maintained by public agencies for specified periods of time before they may be destroyed. Government Code § 34090 et seq. applies to cities and Government Code § 26200 et seq. applies to counties. Note that as to either city or county records, the destruction provisions do not apply to records otherwise required to be kept longer than the two year provisions of the Government Code § 26202 (county) and § 34090 (city). For instance, Evidence Code § 1045 (b) (1), makes records up to five years prior to an event in question subject to discovery, and therefore, mandates longer retention of those particular records. After expiration of the five-year period that these records must be retained, the documents may be purged in accordance with the government code provided that the governing body of the local agency has passed the required resolution allowing for such purging. (See Appendix J.)

### Investigation

#### How To—General and Specialized Concerns Selection of Investigators

The person selected must have a proven ability as a competent investigator and be recognized as such throughout the department. The investigator should have the ability, knowledge and technical skills to fairly and satisfactorily conduct administrative investigations and complete thorough, well-written and concise reports.

An investigator must have the appointing authority's absolute confidence and be delegated authority to command members of the department to cooperate in administrative investigations.

If selection is for a full-time assignment, a periodic review of the psychological and sociological impacts on the officer as a result of this assignment should be made. Regrettably, an officer in this assignment may suffer from feelings of being an outcast, mistrusted, and feared, and be disliked by colleagues and former colleagues.

#### Basis for Conducting Administrative Investigations

a. Citizen Complaints: Every law enforcement agency that employs peace officers shall establish a procedure to investigate citizen complaints against the officer or agency. This procedure must be in writing and available to the public (Penal Code § 832.5).

b. Statements/Allegations: Investigators receiving factual complaints from citizens must translate this information into a violation of the department's rules/regulations and city or county personnel rule violation. Prior to an interview, the officer under investigation shall be informed of the nature of the investigation. See Government Code § 3303(c). If a criminal violation is alleged, a decision should be made early on as to which investigation has priority. Generally, the criminal investigation should be conducted first.

Although parallel investigations may be conducted, each case must be considered on its own set of facts. Administrative and criminal investigations should be separately conducted and by different individuals. Many agencies have designated personnel who conduct such separate investigations, however, consideration should be given to referring the criminal investigation to the district attorney when more practical for smaller agencies.

c. Administrative Investigations: When a supervisor or manager notes a violation of rules or regulations by a member of the department and punitive action may result if sustained, a formal investigation should be conducted. These investigations should proceed along predetermined guidelines set by the department head which are understood by all members of the department.

#### Notice to the Affected Officer

If a determination is made that the administrative investigation will not interfere with pending criminal investigations, the officer should be told who complained, the nature of the complaint and the time and place of the interview regarding the complaint. In an administrative investigation the facts may dictate short notice for the interview. For example, an officer caught by his or her supervisor sleeping on duty will no doubt be asked questions at the time of discovery by the supervisor. Care should be used when conducting this type of interview to ensure that all rights are afforded to the officer and that emotions do not overcome legal process.

The timeliness of an investigation should always be given consideration, and should not take any longer than circumstances dictate, e.g., the investigator's workload, a criminal investigation pending against the complainant, witness availability, etc.. An administrative investigation that has been unnecessarily prolonged is subject to attack on that basis (affirmative defense of administrative laches) through an allegation that witnesses memories have faded. (See Brown v. California State Personnel Board (1985)166 Cal. App.3d 151; Gates v. Dept. of Motor Vehicles (1979) 94 Cal. App.3d 921; Lam v. Bureau of Security and Investigative Services (1995) 34 Cal. App.4th 29.

#### Investigation

Was the department's investigation conducted in a fair and objective way? Was it comprehensive and complete prior to the disciplinary action being taken? These questions are asked by the employee and his or her counsel at every *Skelly* hearing and must be answered by the hearing officer. So, with that in mind, the investigation must be conducted in a manner that ensures these questions are answered correctly.

- a. Preparing for the Interview:
- Review the complaint: Is there a violation of the department's rules or regulations? While specific policy violations need not be cited to the officer at the time of the interview, the nature of the investigation must be made known to the officer being interviewed.
- Other Evidence: Do the allegations of the complaint require photographs and/or diagrams of the location? Are there items of physical evidence to be maintained or displayed during the interview?
- Interview(s): Are they complete? Are there people still left to be interviewed? Remember the burden of proof in this type of case is a preponderance of the evidence. The more information you have, the better for all parties.
- Review the employee's personnel file, including training. The employee's representative/attorney may want to see it. You should know what is in it prior to the interview.
- Select a room where you will have privacy, but with room enough for at least five persons.
- All questions directed to a peace officer under investigation shall be asked by and through no more than two interrogators at one time (Government Code § 3303(b)).
- Make sure that your recording device is operating
  and placed on the desk or in an open space for all to
  see. Do not use hidden microphones to record the
  interview. We recommend use of two recording
  devices so the officer may take his or her choice of
  either recording at the conclusion of the interview.
  The officer or representative may bring their own
  recording device.
- Assess the issues prior to the interview, and format the questions you need answered in regard to those issues in writing prior to the start. Make sure you get the answers to those questions.
- If you are investigating what could amount to criminal conduct, be prepared to investigate those issues first, making it clear to the person being interviewed which particular investigation you are conducting: criminal, not administrative. While this practice is generally discouraged, it can be accomplished by the same person if it is well established that the answers to the questions in the criminal investigation are not being coerced by virtue of the supervisor/subordinate relationship between the parties. Complete the criminal investigation in its entirety before pursuing the administrative investigation in these instances.
- b. The Interview: When the employer wishes to compel

the employee to answer questions directly related to acts performed under color of authority or course and scope of employment, the following procedure may be used:

- Advise the employee of the nature of the complaint and the purpose of the interview; that information received will be used to determine whether an adverse action is warranted based on the facts obtained during the investigation; that all statements received will be used in a finding of facts, which may lead to an administrative action against the employee, and that discipline may include termination.
- Inform the officer that all questions must be answered completely and truthfully or a separate violation of insubordination may be charged which may lead to additional disciplinary action.
- Make sure the employee understands that compelled statements made by him or her during the administrative interview cannot be used in any criminal proceeding. (See Lybarger v. City of Los Angeles (1985) 40 Cal.3d 822). The use of a compelled statement in a civil proceeding is limited. (See Government Code § 3303(f) in Appendix)
- c. Possible Criminal Violation: Where there is a *possibility* of criminal conduct and you are conducting an interview with a public safety officer for the sole purpose of effecting an administrative remedy, the following admonition or similar language is required:

#### Miranda Warning

You must first inform the officer of his/her rights according to Miranda with the following statement:

- · You have the right to remain silent.
- Anything you say may be used against you in a court of law.
- You have the right to an attorney before and during questioning.
- If you cannot afford an attorney, one will be appointed for you before questioning, if you wish.
- Do you understand each of these rights that I have explained to you?
- Do you waive them?" If the officer waives his rights at this point of an administrative investigation, certain facts should be made clear to the employee. Upon such a waiver, any statements made to the administrative investigator are not "immunized," that is, they can be used in a subsequent criminal proceeding. The employee should be made aware of this fact. Generally speaking however, the officer under investigation at this point will invoke his Miranda rights, and should then be ordered to respond to questioning. The answers he provides then enjoy some

measure of immunity from use in any subsequent criminal proceeding.

#### Order to Answer

If the officer invokes his/her Miranda rights, then inform the officer that the interview is for administrative purposes and order the officer to answer.

#### Lybarger Warning

Inform the employee of the following:

- While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer my administrative questions.
- This is strictly an administrative investigation.
- I am, therefore, now ordering you to discuss this matter with me.
- If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline, up to and including termination.
- Any statement you make under compulsion or the threat of such discipline cannot be used against you in a later criminal proceeding.

At any time during the course of the investigation of a personnel complaint, should it appear that criminal conduct on the part of the employee is likely, the department head, at his or her discretion, should to consult with the district attorney's office, concerning potential criminal prosecution.

The administrative investigative reports shall include only evidence pertaining to the allegations and the statements of witnesses and involved parties. The report may identify those rules, regulations, policies, procedures, orders or laws that the employee may have violated if the allegations are found to be true. The report may include the expert opinion of the investigator, or any other member of the department, as it pertains to any factual information in the report. The investigator's recommendation as to any punishment should not be included.

- d. Non-Criminal: Where there is no known possibility of criminal conduct in the investigation, and generally, where the conduct if true would warrant a written reprimand or greater, the following format may be used:
  - State the purpose of the interview and that it is solely for administrative reasons.
  - Inform the employee that he or she is entitled to a representative of their choice.
  - Inform the employee of the date and time, nature of the investigation, your current assignment, the names of other persons present and, whether they will also be asking questions. Remember, no more than two

- interrogators at one time [Government Code § 3303(b)].
- Inform the employee that he or she must answer questions truthfully and honestly.
- Inform the employee that the interview is being tape recorded and of his or her right to do so.
- You may inform the employee that his or her statement along with other information and evidence may be used to determine if the allegations of misconduct can be sustained.

During an investigation, the accused employee may be requested to submit to a chemical, physical or psychological test, to participate in a physical line-up, to submit to photographs or to submit financial records if they are deemed appropriate to either prove or disprove the allegations under investigation. Employees may not be forced, coerced or intimidated into taking any such tests except as otherwise permitted by law when investigating criminal violations. In a personnel action for circumstances under which an officer may be compelled to produce financial records, see Government Code § 3308 in the Appendix.

#### e. Tape Recordings:

- Always advise the officer you are taping. Surreptitious tape recording of an administrative investigation is prohibited by law.
- The officer has the right to tape record the interview. If the officer tape records the interview, the investigating supervisor should tape record it also. We recommend taping every interview regardless of whether the employee does so.
- If the interview is recorded, the officer shall have access to the tape.
- If the interview is recorded, the tape must be filed in internal affairs with completed reports. NOTE: Refer to Government Code § 3303(g).
- Officers who are witnesses to an administrative investigation and not subject to punitive action are not entitled to tape record their interview.

#### Findings

Usually allegations against personnel will be classified as sustained, not sustained, exonerated or unfounded. For details see "Administrative Review System" on page 17 of this manual.

#### Dealing with Labor Representatives

Discipline and the Employee Labor Representative
One of the most delicate types of discipline cases is one
involving an employee labor representative. The dual role
of a local union officer or labor organization representative, as an employee and also as an official of a labor

organization, gives an added dimension to his or her conduct which is not shared by other employees. In the role of employee, the representative has the rights and privileges of other rank and file employees within the same bargaining unit and is governed by the rules and regulations which apply to co-workers. While performing the regular duties as an employee of the agency, the requirements of attendance, punctuality, quality, output, and the like are the same for the representative as they would be for any other employee.

But while operating in the capacity of union representative, he or she may enjoy a certain latitude and freedom in the day-to-day application, administration, and implementation of the union contract. As a union representative, the employee becomes co-equal with the agency's supervisors to the extent that he or she represents and advocates the positions and interests of his or her constituents as authorized by the Memorandum of Understanding, personnel rules, ordinances, etc.

Therefore, when considering any disciplinary case that is focused upon a union representative, the supervisor has two basic decisions to make: 1) whether the employee was acting in his or her role as an employee or as an employee representative or as both, and 2) the relevance of the employee's actual role at the time of the offense to the offense itself.

A Union Representative as an Employee Representative

In some cases the employee who is the subject of an investigation will select as his or her representative the person who serves as the union representative. In the role as employee representative, no different rights or privileges are given or afforded to the representative because of their union affiliated status.

The union representative and the employee under investigation do not enjoy the same legal privileges as those that exist between attorney and client. Therefore any conduct which is of a criminal nature that is divulged to the union representative is not protected.

#### Searches of Employees and Employee's Property

Generally, Article I §13 of the California Constitution and the Fourth Amendment of the United States Constitution prohibit unreasonable searches and seizures. Peace officers are not relegated to a watered-down version of constitutional rights, *Garrity v. New Jersey* (1967), 385 U.S. 493.

The general inquiry for determining reasonableness is outlined by the Supreme Court in *Delaware v. Prouse* (1979), 440 U.S. 648,654.

[T]he permissibility of a particular law enforcement practice is judged by balancing its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests. Implemented in this manner, the reasonableness standard usually requires, at a minimum, that the facts upon which an intrusion is based be capable for measurement against "an objective standard," whether this be probable cause or a less stringent test. In those situations in which the balance of interests preclude insistence upon "some quantum of individualized suspicion," other safeguards are generally relied upon . . .

However, in an administrative investigation the rights of the peace officer employee, with respect to such intrusions, may be somewhat more limited than that of the average citizen, primarily because of their position of trust in the community as a peace officer. With this in mind, examples of specific searches follow:

Strip Searches of Peace Officers

In Kirkpatrick v. (City of Los Angeles (9th Cir. 1986), 803 F.2d 485, the United States Court of Appeals, Ninth Circuit, ruled that in spite of a police agency's interest in police integrity, strip searches of police officers for investigative purposes must be supported by reasonable suspicion that evidence will be discovered even when searches are conducted in a courteous manner with the minimum invasion of privacy possible.

Reasonable suspicion to search exists when the person responsible for the search is aware of specific articulable facts, and inferences from those facts, which reasonably warrant suspicion that evidence will be discovered.

In Kirkpatrick, the court ruled that no reasonable suspicion existed to warrant a strip search of the officers and therefore their Fourth Amendment rights were violated. In this case, an arrestee accused the officers of taking his money. The amount varied from six hundred dollars to sixty dollars, and then he refused to repeat the allegation when questioned by the officers' sergeant.

The preliminary investigation, including a search of the officers' police vehicle, pockets, wallets, and weapons belts, revealed that neither officer possessed over five dollars. Later at the police station, the officers were ordered to submit to a strip search after they refused to consent to such a search. No money was found during the strip search.

Obviously, the expectation of privacy and the limitation on the ability to conduct searches vary considerably with the type, time, place, method and manner of the search. The search of an employee's locker or work area at a police facility is considerably less intrusive than a strip search of any employee.

Searches of a Police Officer's Desk, Work Area, or Locker Within the Police Facility

Desks, work areas, or lockers within the police facility are subject to search pursuant to Government Code § 3309 which provides:

"No public safety officer shall have his locker, or other space for storage that may be assigned to him searched, except in his presence, or with his consent, or unless a valid search warrant has been obtained, or where he has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency."

Employees may have a "reasonable expectation" of privacy in some areas under the employers control. (See O'Connor v. Ortega, (1987) 480 U.S. 709, 714-19). In those cases where there is a doubt as to whether a particular search would be permissible without a search warrant orvalidconsent, contact your agency's attorney for advice.

No judicial or statutory authority permits an administratively coerced search of locations other than those under department control. (See Los Angeles Police Protective League v. Gates, (9th Cir. 1990) 907 F. 2d 879, 884-886). If the department wishes to avoid the possible exclusion of evidence obtained in a search of locations such as an officer's vehicle or home (and a possible lawsuit for violation of civil rights), it must obtain the officer's consent or a valid search warrant. An officer who is faced with a departmental order to permit the search of his or her vehicle or home may comply with the order to avoid a charge of insubordination, but the officer may have grounds for exclusion of the evidence and a civil lawsuit.

Remember, the searches discussed above only apply to searches in conjunction with administrative investigations. Searches of employees who are arrested may be conducted in accordance with the procedures permitted by current statutory and decisional law in this area.

#### Drug or Alcohol Testing On-Duty/Off Duty

Obtaining a sample of an employee's blood, breath, or urine for the purpose of determining if the employee has alcohol, narcotics, or drugs in his or her system constitutes a search under the fourth amendment. (See *Jackson v. Gates*. (9th Cir. 1992) 975 F.2d 648, 652). However, in many administrative investigations it may be necessary or beneficial to obtain such a sample.

In the absence of a prior standing contractual agreement (MOU) which permits random drug or alcohol testing of employees, the courts have ruled that an "articulable suspicion" must be established or demonstrated prior to obtaining a sample.

In a case where "reasonable and articulated suspicion" is present, and the employee refuses to comply, insubordination exists and the employee may be disciplined for his or her refusal to comply with the lawful order. Here again, this applies to administrative investigations.

If the employee is under arrest, a requirement or demand for a body fluid sample should be in accordance with the with the procedure permitted by current statutory and decisional law in this area.

Agencies should negotiate provisions for random drug and alcohol testing as part of a Memorandum of Understanding with safety employees. Litigation can be averted when clearly established guidelines for drug and alcohol testing are agreed to in advance. Random testing for drugs and alcohol may be implemented if employees fall into any of the following categories:

- 1) Required to carry arms
- Involved in the direct interdiction of drugs and narcotics and/or
- 3) Have access to confidential material.

(See National Treasury Employees Union v. Von Raab, (1989) 489 U.S. 656,109).

#### Polygraphs

Pursuant to the Public Safety Officer's Procedural Bill of Rights Act, an officer may not be compelled to submit to a polygraph against his or her will, and the department is not allowed to mention refusal to submit to a polygraph in any reports.

In order to avoid any conflict as to whether a refusal was used against the employee, you may consider either not asking the employee or asking the representative if he or she wishes the employee to take the test. If an employee is threatened with a polygraph examination, any admissions made as a result of that threat will be excluded by a court in considering the merits of resulting disciplinary action. (See *Estes v. City of Grover City* (1978) 82 Cal.App.3d 509). Even if a peace officer were to submit to a voluntary polygraph examination, the results may not be admitted in a subsequent administrative hearing. See *Aengst v. Board of Medical Quality Assurance* (1980) 110 Cal.App.3d 275.

\* NOTE: Refer to Governmental Code § 3307 for the precise restrictions on polygraphs. In addition, Government Code § 3307 prohibits entering any references to a peace officer's refusal to submit a polygraph in any report. The California Supreme Court in Long Beach City Employees' Association v. City of Long Beach, (1986), 41 Cal.3d 937, prohibits requiring any public employee (sworn or nonsworn) to submit to a polygraph exam. However, applicants can be required to undergo a polygraph examination.

A department may require a polygraph examination for officers who voluntarily seek to be promoted or transferred into a few specialized divisions where the work is unusually sensitive and requires the highest level of integrity. See Los Angeles Protective League v. City of Los Angeles (1995) 35 Cal. App. 4th 1535.

#### Administrative Review System

If your agency has a board of review, its purpose is to consider personnel complaints alleging misconduct on the part of an employee. Such a board generally serves only as an advisory panel to the department head who must make the final decision.

A board of review, department head or his or her designee may recommend one of the following disposi-

Sustained: The allegation is found to be true and in violation of the rules, regulations, policies, procedures or orders of the department.

Not Sustained: The allegation can neither be proved nor disproved and no further action is to be considered.

Exonerated: The alleged act or failure to act is found to be true; however, such act or failure to act is permitted, or at least not prohibited, by the department and/or was appropriate under the circumstances in the instant case.

*Unfounded:* The allegation has no basis of fact or has been disproved through the investigation.

If a board of review or designated staff officer recommends that the allegation be sustained, a disciplinary recommendation should also be made. Again, the board of review or designated staff officer serves only to advise the department head who makes the final decision.

In considering appropriate discipline, the department head and the board of review, if any, should consider the employee's performance ratings, any or all prior personnel complaints, supplemental information submitted by the investigating officer or the employee's supervisors, or any other information deemed appropriate by the department head, so long as that information is later provided to the employee as part of the *Skelly* process.

If the department head decides to impose discipline, local rules governing the imposition of discipline must be followed. Be aware that a transfer, for purposes of punishment, entitles an officer to request an administrative appeal pursuant to Government Code § 3304 (b).

If the discipline imposed is anything more severe than

a reprimand, the department head must prepare a report recommending disciplinary action for the appropriate agency decision maker, if other than the department head (e.g.—city manager).

#### Routing and Retention of Records

If an agency is large, all personnel complaints and records of disciplinary action are usually rerouted through the chain of command to the employee. It is advisable that each individual on the routing slip initial same, indicating he or she has read the documents and is aware of their content. If an employee refuses to initial, that fact should be indicated on the routing slip or other form and witnessed by a third person.

After the records are reviewed by the employee, they shall be routed to the department head for his or her review and approval prior to being placed in the employee's personnel file or the department's personnel complaint file.

Citizen complainants must be notified, in writing, of the disposition of the complaint within 30 days of the disposition of the complaint. (Penal Code § 832.7) It is a recommended practice to also advise the complaining party that the complaint was thoroughly investigated. A sample letter is part of the appendix.

When disciplinary action is taken as the result of a citizen complaint this information need not be disclosed, however, the complainant may be told that "appropriate" action has resulted and it will be noted in the follow-up report that the complainant was so advised. The specific disciplinary action should not be released, because release may be improper disclosure of information from peace officer personnel records where there is an existing civil or criminal proceeding, see Evidence Code § 1043, et seq. and Penal Code § 832.7. Absent a civil or criminal proceeding, department heads have the discretion to disseminate the results of a presumptively open disciplinary hearing. Bradshaw v. City of Los Angeles (1990) 221 Cal. App. 3d 908. However, it is cautioned that the agency head's discretionary release of information is not on a case by case basis. Once this practice is established, the department may be bound in the future to adhere to a "policy" of releasing the information.

Upon notification of the complainant, the citizen's complaint should be routed as above and placed in the appropriate department/personnel complaint file.

# **Appendix**

#### A. Laws Related to Citizens' Complaints

Penal Code § 148.6 Filing false allegation of misconduct against peace officer; Misdemeanor.

- (a) Every person who files any allegation of misconduct against any peace officer, as defined in Chapter 4.5 (commencing with § 830) of Title 3 of Part 2, knowing the report to be false, is guilty of a misdemeanor.
- (b) Any law enforcement agency accepting an allegation of misconduct against a peace officer shall require the complainant to read and sign the following information advisory, all in boldface type:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A PEACE OFFICER FOR ANY IMPROPER POLICE CONDUCT, CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO IN-VESTIGATE CITIZENS' COMPLAINTS, YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COM-PLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROS-ECUTED ON A MISDEMEANOR CHARGE.

I have read and understood the above statement.

Complainant (Added by Stats.1995)

Civil Code § 47.5 Peace officers; defamation action against person filing false complaint alleging misconduct, criminal conduct, or incompetence.

Notwithstanding § 47, a peace officer may bring an action for defamation against an individual who has filed a complaint with that officer's employing agency alleging misconduct, criminal conduct, or incompetence, if that complaint is false, the complaint was made with knowledge that it was false and that it was made with spite, hatred, or ill will. Knowledge that the complaint was false may be proved by a showing that the complainant had no reasonable grounds to believe the statement was true and that the complainant exhibited a reckless disregard for ascertaining the truth.

(Added by Stats.1982)

Penal Code § 832.5 Procedure for Investigation of Citizens' Complaints Against Personnel

- (a) Each department or agency in this state which employs peace officers shall establish a procedure to investigate citizens' complaints against the personnel of such departments or agencies, and shall make a written description of the procedure available to the public.
- (b) Complaints and any reports or findings relating thereto shall be retained for a period of at least five years.

(Added by Stats.1974, amended by Stats.1978)

Penal Code § 832.7 Confidentiality of Peace Officer Records

- (a) Peace officer personnel records and records maintained by any state or local agency pursuant to § 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of police officers or a police agency conducted by a grand jury, a district attorney's office, or the Attorney General's office.
- (b) Notwithstanding subdivision (a), a department or agency shall release to the complaining party a

copy of his or her own statements at the time the complaint is filed.

- (c) Notwithstanding subdivision (a), a department or agency which employs peace officers may disseminate data regarding the number, type or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.
- (d) The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition.

The notification described in this subdivision shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of this state or the United States.

(e) Nothing in this section shall affect the discovery or disclosure of information contained in a peace officer's personnel file pursuant to § 1043 of the Evidence Code.

(Added by Stats.1978, amended by Stats.1985, 1988, 1989, 1994)

#### Penal Code § 832.8 Personnel Records

As used in § 832.7, "personnel records" means any file maintained under that individual's name by his or her employing agency and containing records relating to:

- (a) Personal data, including marital status, family members, educational and employment history, or similar information;
- (b) Medical history;
- (c) Election of employee benefits;
- (d) Employee advancement, appraisal, or discipline;
- (e) Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties; or
- (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

(Added by Stats.1978, amended by Stats.1990)

Evidence Code § 1043 Peace Officer Personnel Records: Discovery or Disclosure: Procedure (Pitchess motion)

(a) In any case in which discovery or disclosure is sought of peace officer personnel records or records maintained pursuant to § 832.5 of the Penal Code or information from such records, the party seeking such discovery or disclosure shall file a written motion with the appropriate court or administrative body upon 10 days' written notice to the governmental agency which has custody and control of such records. Upon receipt of such notice the governmental agency served shall immediately notify the individual whose records are sought.

- (b) Such motion shall include:
  - Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the peace officer whose records are sought, the governmental agency which has custody and control of such records, and the time and place at which the motion for discovery or disclosure shall be heard;
  - A description of the type of records or information sought; and
  - (3) Affidavits showing good cause for the discovery or disclosure sought, setting forth the materiality thereof to the subject matter involved in the pending litigation and stating upon reasonable belief that such governmental agency identified has such records or information from such records.
- (c) No hearing upon a motion for discovery or disclosure shall be held without full compliance with the notice provisions of this § except upon a showing by the moving party of good cause for noncompliance, or upon a waiver of such hearing by the governmental agency identified as having such records.

(Added by Stats. 1978, amended by Stats. 1989)

Evidence Code § 1044 Medical or Psychological History Records: Right of Access

Nothing in this article shall be construed to affect the right of access to records of medical or psychological history where such access would otherwise be available under § 996 or 1016. (Added by Stats. 1978)

Evidence Code § 1045 Peace Officers: Access to Records of Complaints or Discipline Imposed: Relevancy: Protective Orders

(a) Nothing in this article shall be construed to affect the right of access to records of complaints, or investigations of complaints, or discipline imposed as a result of such investigations, concerning an event or transaction in which the peace officer participated, or which he perceived, and pertaining to the manner in which he performed his duties provided that such information is relevant to the subject matter involved in the pending litigation.

- (b) In determining relevance the court shall examine the information in chambers in conformity with § 915, and shall exclude from disclosure:
  - Information consisting of complaints concerning conduct occurring more than five years before the event or transaction which is the subject of the litigation in aid of which discovery or disclosure is sought.
  - (2) In any criminal proceeding the conclusions of any officer investigating a complaint filed pursuant to § 832.5 of the Penal Code.
  - (3) Facts sought to be disclosed which are so remote as to make disclosure of little or no practical benefit.
- (c) In determining relevance where the issue in litigation concerns the policies or pattern of conduct of the employing agency, the court shall consider whether the information sought may be obtained from other records maintained by the employing agency in the regular course of agency business

- which would not necessitate the disclosure of individual personnel records.
- (d) Upon motion reasonably made by the governmental agency which has custody or control of the records to be examined or by the officer whose gecords are sought, and upon good cause showing the necessity thereof, the court may make any offer which justice requires to protect the officer or agency from unnecessary annoyance, embarrassment or oppression.
- (e) The court shall, in any case or proceeding permitting the disclosure or discovery of any peace officer records requested pursuant to § 1043, order that the records disclosed or discovered may not be used for any purpose other than a court proceeding pursuant to applicable law.

(Added by Stats.1978, amended by Stats.1982)

This information is limited strictly to citizens' complaints as that information applies to state law.

### B. Copy of Public Safety Officer's Procedural Bill of Rights

#### Chapter 9.7 Public Safety Officers

Sections 3300-3311, Chapter 9.7, Division 4, Title 1, of the Government Code, Added in 1976 and amended in 1977, 1978, 1979, 1980, 1982, 1983, 1989, 1990, and 1994.

§ 3300. Short title.

§ 3301. Definition; legislative findings and declara-

§ 3302. Political activity; membership on school board.

§ 3303. Investigation and interrogations: conduct; conditions; representation; reassignment.

§ 3304. Lawful exercise of rights; insubordination; administrative appeal.

§ 3305. Comments adverse to interest; entry in personnel file or in other record; opportunity to read and sign instrument; refusal to sign.

§ 3306. Response to adverse comment entered in personnel file; time.

§ 3307. Polygraph examination; right to refuse; effect.

§ 3308. Financial disclosure; right to refuse; exceptions.

§ 3309. Search of locker or storage space; consent; search warrant.

§ 3309.5 Local public safety officers; applicability of chapter; jurisdiction; remedies.

§ 3310. Procedures of public agency providing same rights or protections; application of chapter.

§ 3311. Mutual aid agreements; effect of chapter upon.

§ 3300. Short title

This chapter is known and may be cited as the Public Safety Officers Procedural Bill of Rights Act. (Added by Stats. 1976, c. 466, p. 1202, § 1)

§ 3301. Definition; legislative findings and declaration

For purposes of this chapter, the term public safety officer means all peace officers specified in §s 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.38, 830.4, and 830.5 of the Penal Code.

The Legislature hereby finds and declares that the rights and protections provided to peace officers under this

chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that such stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.

(Added by Stats.1976, amended by Stats.1978, 1982, 1983, 1989,1990)

§ 3302. Political activity; membership on school board

(a) Except as otherwise provided by law, or whenever on duty or in uniform, no public safety officer shall be prohibited from engaging, or be coerced or required to engage, in political activity.

(b) No public safety officer shall be prohibited from seeking election to, or serving as a member of, the governing board of a school district. (Added by Stats. 1976, amended by Stats. 1978)

§ 3303. Investigations and interrogations; conduct; conditions; representation; reassignment

When any public safety officer is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department, that could lead to punitive action, the interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action means any action that may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the public safety officer is on duty, or during the normal waking hours for the public safety officer, unless the seriousness of the investigation requires otherwise. If the interrogation does occur during off-duty time of the public safety officer being interrogated, the public safety officer shall be compensated for any off-duty time in accordance with regular department procedures, and the public safety officer shall not be

released from employment for any work missed.

- (b) The public safety officer under investigation shall be informed prior to the interrogation of the rank, name and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. All questions directed to the public safety officer under interrogation shall be asked by and through no more than two interrogators at one time.
- (c) The public safety officer under investigation shall be informed of the nature of the investigation prior to any interrogation.
- (d) The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated. The person under interrogation shall be allowed to attend to his or her own personal physical necessities.
- (e) The public safety officer under interrogation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action. No promise of reward shall be made as an inducement to answering any question. The employer shall not cause the public safety officer under interrogation to be subjected to visits by the press or news media without his or her express consent nor shall his or her home address or photograph be given to the press or news media without his or her express consent.
- (f) No statement made during an interrogation by a public safety officer under duress, coercion, or threat of punitive action shall be admissible in any subsequent civil proceeding. This subdivision is subject to the following qualifications:
- (1) This subdivision shall not limit the use of statements made by a public safety officer when the employing public safety department is seeking civil sanctions against any public safety officer, including disciplinary action brought under § 19572.
- (2) This subdivision shall not prevent the admissibility of statements made by the public safety officer under interrogation in any civil action, including administrative actions, brought by that public safety officer, or that officer's exclusive representative, arising out of a disciplinary action.
- (3) This subdivision shall not prevent statements made by a public safety officer under interrogation from being used to impeach the testimony of that officer after an in-camera review to determine whether the statements serve to impeach the testimony of the officer.
- (4) This subdivision shall not otherwise prevent the admissibility of statements made by a public safety officer

under interrogation if that officer subsequently is deceased.

- (g) The complete interrogation of a public safety officer may be recorded. If a tape recording is made of the interrogation, the public safety officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The public safety officer shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed by the investigating agency to be confidential. No notes or reports which are deemed to be confidential may be entered in the officer's personnel file. The public safety officer being interrogated shall have the right to bring his or her own recording device and record any and all aspects of the interrogation.
- (h) If prior to or during the interrogation of a public safety officer it is deemed that he or she may be charged with a criminal offense, he or she shall be immediately informed of his or her constitutional rights.
- (i) Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, at his or her request, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation. The representative shall not be a person subject to the same investigation. The representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters.

This section shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.

- (j) No public safety officer shall be loaned or temporarily reassigned to a location or duty assignment if a sworn member of his or her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.
  - (Added by Stats. 1976, amended by Stats. 1978, 1994)
- § 3304. Lawful exercise of rights; insubordination; administrative appeal
- (a) No public safety officer shall be subjected to punitive action, or denied promotion, or be threatened with any such treatment, because of the lawful exercise of the rights granted under this chapter, or the exercise of any rights under any existing administrative grievance procedure.

Nothing in this section shall preclude a head of an agency from ordering a public safety officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, the agency may officially charge him with insubordination.

(b) No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken by any public agency without providing the public safety officer with an opportunity for administrative appeal. (Added by Stats. 1976)

§ 3305. Comments adverse to interest; entry in personnel file or in other record; opportunity to read and sign instrument; refusal to sign

No public safety officer shall have any comment adverse to his or her interest entered in his or her personnel file, or any other file used for any personnel purposes by his or her employer, without the public safety officer having first read and signed the instrument containing the adverse comment indicating he or she is aware of such comment, except that such entry may be made if after reading such instrument the public safety officer refuses to sign it. Should a public safety officer refuse to sign, that fact shall be noted on that document, and signed or initialed by such officer. (Added by Stats. 1976)

§ 3306. Response to adverse comment entered in personnel file; time

A public safety officer shall have 30 days within which to file a written response to any adverse comment entered in his or her personnel file. Such written response shall be attached to, and shall accompany, the adverse comment. (Added by Stats. 1976)

§ 3307. Polygraph Examination; right to refuse; effect No public safety officer shall be compelled to submit to a polygraph examination against his or her will. No disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take a polygraph examination. (Added by Stats. 1976)

§ 3308. Financial disclosure; right to refuse; exceptions

No public safety officer shall be required or requested for purposes of job assignment or other personnel action

to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered. (Added by Stats.1976)

§ 3309. Search of locker or storage space; consent; search warrant

No public safety officer shall have his locker, or other space for storage that may be assigned to him searched except in his presence, or with his consent, or unless a valid search warrant has been obtained or where he or she has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the employing agency. (Added by Stats. 1976)

§ 3309.5. Local public safety officers; applicability of chapter; violations; jurisdiction; remedies

(a) It shall be unlawful for any public safety department to deny orrefuse to any public safety officer the rights and protections guaranteed to them by this chapter.

(b) The superior court shall have initial jurisdiction over any proceeding brought by any public safety officer against any public safety department for alleged violations of this section.

(c) In any case where the superior court finds that a public safety department has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary, or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer. (Amended by Stats. 1980)

§ 3310. Procedures of public agency providing same rights or protections; application of chapter

Any public agency which has adopted, through action of its governing body or its official designee, any procedure which at a minimum provides to peace officers the same rights or protections as provided pursuant to this chapter shall not be subject to this chapter with regard to such procedure. (Added by Stats. 1976)

§ 3311. Mutual aid agreements; effect of chapter upon

Nothing in this chapter shall in any way be construed to limit the use of any public safety agency or any public safety officer in the fulfilling of mutual aid agreements with other jurisdictions or agencies, nor shall this chapter be construed in any way to limit any jurisdictional or

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interagency cooperation under any circumstances where such activity is deemed necessary or desirable by the jurisdictions or the agencies involved. (Added by Stats. 1976, Amended by Stats. 1977)

# C. Sample Description of Complaint Investigation Procedure Available to the Public

The department believes that a relationship of confidence and trust with the public is essential to effective law enforcement. Public safety officers must be free to exercise their best judgment and to initiate law enforcement action in a reasonable, lawful and impartial manner without fear of reprisal. So, too, enforcers of the law have a special obligation under the laws of this state and the Constitution of the United States to meticulously respect the rights of all persons.

The department acknowledges its responsibility to establish a system of complaint and disciplinary procedures which will subject public safety officers to corrective action when they conduct themselves improperly, but also to protect them from unwarranted criticism when they discharge their duties properly. To this end, the department welcomes constructive criticism of the department, its procedures, and valid complaints against its members.

Any member of the community who is aware of misconduct by a member of the department may file a "Citizen Complaint." The complaint may be made at any time to any member of the department. Complaints of misconduct will be accepted and recorded on a "Citizen Complaint" form available at all stations. A copy of your statement will be given to you at the time you file a complaint. Persons under 18 years of age may make complaints, but we ask that a parent or guardian be present when a formal complaint is filed.

The person receiving the complaint will ask you to provide as much information as possible. The complaint will then be investigated in a timely, professional manner by a department supervisor. The investigation consists of taking formal statements from all persons concerned and the collection and preservation of any physical evidence or other information related to the incident. Each allegation is examined on its own merits in an objective manner.

The employee's bureau chief or a disciplinary review board will examine the investigation and make a recommendation to the sheriff or chief of police, who will determine whether or not the involved public safety officer should be disciplined, or whether the involved policy or procedure should be modified.

#### **Further Information**

Generally, complaints will not be accepted from persons who are intoxicated. This is not designed to discourage complaints, but rather, to ensure that all facts and circumstances are accurately recorded. Persons who are intoxicated at the time they wish to file a complaint will be recontacted at a later time for the filing of the complaint.

You should also understand that if you knowingly make false accusations you may be liable to civil or criminal recourse under the law. You may also be asked to submit to a polygraph examination as part of the investigation, but you cannot be compelled to take a polygraph examination as part of this investigation.

If it is determined that the officer acted improperly, he or she will be subject to discipline by the department. If the officer's actions were criminal, the matter will be referred to the office of the district attorney.

Each person who complains will be notified of the disposition of the complaint in writing within 30 days of the disposition of the complaint.

(NOTE: Departments should consider whether or not to include an advisory to complaining persons that their name, address, and phone number may be subject to later disclosure pursuant to a "Pitchess Motion." This advisory, if made, should be given in a spirit of "full disclosure," rather than to discourage the filing of a complaint).

# Form Complaint Citizens' Sample 0

# Appendix D 26

AFTER YOUR COMPLAINT IS FILED, A POLICE DEPARTMENT MEMBER ASSIGNED BY THE CHIEF OF POLICE, WILL PROMPTLY GATHERALL INFORMATION PERTINENT TO EACH ALLEGA-TION OF MISCONDUCT IN THE COMPLAINT. THE FINAL DISPOSITION ON THE CASE WILL BE MADE BY THE CHIEF OF POLICE, YOU WILL BE NOTIFIED BY LETTER AT THE CONCLUSION OF THE INVESTIGATION. WHEN COMPLAINTS ARE FOUND TO BE SUSTAINED, THE CHIEF OF PO-LICE SHALL DETERMINE AND ADMINISTER AP-PROPRIATE CORRECTIVE ACTION.

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A PEACE OFFICER FOR ANY IM-PROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCE-DURE TO INVESTIGATE CITIZENS' COMPLAINTS.
YOU HAVE A RIGHT TO A WRITTEN DESCRIP-TION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE. (148.6 California Penal Code)

I HAVE READ AND UNDERSTOOD THE ABOVE STATEMENT

SIGNATURE\_

PHONE COMPLAINT
THE ABOVE STATEMENT (IN BOLD) WAS READ TO COMPLAINANT.

PERSON RECEIVING COMPLAINT

#### \* \* \* POLICE DEPARTMENT CITIZEN COMPLAINT FORM

NAME (FIRST, MIDDLE, LAST)	DA	TE OF BIRTH	TELEPHONE	HACE
ADDRESS (STREET, CITY, ZIP)			BUSINESS	TELEPHONE
WITNESSS (NAME)			DATE OF B	IRTH
ADDRESS			TELEPHON	IE
MITNESSS (NAME)			DATE OF B	IRTH
ADDRESS			TELEPHON	IE
OCATION OF OCCURRENCE			DATE	TIME
OFFICER INVOLVED (NAME)			BADGE #	CAR#
POLICY AND PROCEDURE	EXPLAINED	0		
hereby certify that the above facts and a civil Code 47.5, civil action can be	re true and correct. I ackn	owledge	that unde	r Califor-
complaint.	SIGNATURE OF PAR			
ERSON RECEIVING COMPLAINT			DATE	TIME

#### E. Notice to Officer

#### **Employee Advisement Form**

I understand that I am the subject of an investigation which involves, or could possibly involve, criminal misconduct.

I understand that I will be advised of my "Miranda" rights, and if I do not waive my Miranda Rights or if I refuse to answer questions on the grounds of self-incrimination, I can be ordered to provide a statement for administrative purposes only.

I understand that if I refuse to answer administrative questions after being ordered to do so, I could be subject to discipline up to and including my termination from employment. I also understand that any coerced statement I make under the threat of such discipline cannot be used against me in any subsequent criminal proceeding.

I have read and received a copy of the above advisement.

Employee signature	Date

## F. Letter to Complainant

# City of \* \* \* Police Department

RE: Personnel Complaint of
Dear
This letter is to inform you that the Police Department's Board of Review or Internal Affairs Division has reviewed your complaint filed against a member of the Police Department.  I wish to assure you that your complaint was thoroughly investigated by a department supervisor. I personally make the final decision in all matters of this nature. Please be advised that your complaint has been classified as (sustained, not sustained, exonerated or unfounded). (NOTE: In case of a "sustained" complaint, the complainant may be advised of the following: "appropriate action has been taken as a result of your complaint.") If you have any further questions, contact my office (or designated official), at, during regular business hours.
Sincerely,
Chief of Police or Department Head
<b>Note:</b> The release to the complainant of the disposition of the complaint is mandatory, per Penal Code § 832.7. The complainant must be advised of the disposition of the complaint within 30 days of the disposition of the complaint.

## G. Medical Release (complaint)

# City of \* \* \* Police Department

To Whom It May Concer	n:	
I,all records of medical trea	hereby authorize the release to thetment/diagnosis rendered to me as the result	
Date of incident		
Signature of complainant	(injured party)	Date
Witnessed by		Date

# H. Interview Procedure for Public Safety Officer Under Investigation

## \* \* \* Police/Sheriff Department

#### **Employee Interview**

This outline conforms to the standards set forth by AB 301 (3300 Government Code);
"The date of this interview is" "The location is theroom or Division."
"The time is"
"This investigation is under the direction and command of"
"Present in the room is(name/rank/command)."
"This interview is being conducted because(list violations here, if desired)," or "This interview is in reference to personnel complaint # in which complainantalleges"
"This interview is being recorded, and you are admonished that you are to answer all questions asked of you completely and that all your answers are to be truthful, knowingly making false or misleading statements during this interview will be considered a separate offense that could result in discipline up to and including termination. Do you understand this admonishment?"
"At this time, I'll advise you of your rights as per AB 301."
A. "You have the right to have a representative of your choice present during this interview:"
IF THEY HAVE A REPRESENTATIVE, STATE "AND YOU HAVE CHOSEN," THEN PROCEED DOWN TO SECTION (B) AND CONTINUE.
1. An attorney;
2. An association member; or
3. Anyone else not connected with this investigation.
B. "You have the right to make your own tape recording of this interview."
C. "You will have access to the department's tape recording of your interview if further proceedings are contemplated of prior to any further interrogation at a subsequent time."
D. "After the interview, you are entitled to a transcribed copy of any notes, or to any reports or complaints, except thos that are deemed confidential."

- E. "You will be questioned by no more than two interrogators at one time during the course of this interview."
- F. "If this interrogation is occurring during your off-duty time, you will be compensated in accordance with regular department procedures and you will not be released from employment for any time missed."
- G. "This interview session will be for a reasonable period of time based on all the circumstances and you will be allowed to attend to your own personal physical necessities."

"Do you understand these rights?"

Advise Miranda if any possible criminal behavior. If Miranda is not waived, do Lybarger admonishment. OFFICER CAN WAIVE ACTUAL READING OF MIRANDA—BUT YOU MUST ESTABLISH HIS/HER KNOWLEDGE.

"(Employee's name) I will order you to answer any and all questions asked of you in a truthful and accurate manner, failure to do so may be deemed insubordination and result in administrative discipline up to and including termination of your employment with the City\_\_\_\_\_."

"Did you have an opportunity to review your report?" "When did you?"

"Is this report correct and true as you relate it?"

NOW BEGIN YOUR INTERVIEW, making sure to address all issues and concerns thoroughly.

At the CONCLUSION of the interview, give this admonishment:

"(Employee/Officer), I am going to order you to not discuss this interview or investigation with anyone other than your representative or myself. Do you understand?"

#### MIRANDA ADVISEMENT

- · You have the right to remain silent.
- Anything you say may be used against you in court.
- You have the right to an attorney before and during questioning.
- · If you cannot afford an attorney, one will be appointed for you before questioning, if you wish.

#### MIRANDA WAIVER

Do you understand each of these rights that I have explained to you?

## LYBARGER WARNING (ONLY if Miranda is not waived.)

- Once the Miranda rights have been given, the "LYBARGER" admonishment is applied and the
  employee must be informed of the following:
- While you have the right to remain silent with regard to any criminal investigation, you do not
  have the right to refuse to answer my administrative questions.
- This is an administrative investigation. I am, therefore, now ordering you to discuss this
  matter with me.
- If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline, up to an including termination.
- Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding.

#### Appendix H Supplement

#### Read Aloud:

#### Interviewee:

"Is there a possibility this incident may in fact involve me from the standpoint of criminal prosecution?"

#### Investigator:

"There is that possibility."

#### Interviewee:

"At this point, I would decline to answer questions involving the criminal investigation."

"Is it the department's intention to pursue the matter from an administrative standpoint?"

#### Investigator:

"Yes."

#### Interviewee:

"If I refuse to participate in the administrative investigation, would I be subject to insubordination charges, which could result in my termination and loss of job?"

#### Investigator:

"Yes, that could happen."

#### Interviewee:

"Under those circumstances, facing possible charges of insubordination, I will decline to voluntarily participate, but will participate if I am specifically ordered to do so."

#### Investigator:

"You are directly ordered to answer all questions, fully and truthfully, as they specifically relate to the administrative investigation."

(Note: If an agency wants to ensure that an officer's statements are compelled and thereby afforded some protection, the above scenario can be incorporated into the agency's interview procedure.)

Appendix I

# I. Discovery Request Notification to Officer

# \* \* \* Police Department

FROM:	Personnel Division		
			on filed in the below case and will be heard in
	e with thePolice l		ll of your personnel or internal affairs records
illiar aro on xa			
CASE NO:_		DATE OF HEARING:_	
CASENAME	5:		
COURT/DIV	TSION		TIME:
NOTE: The I	aw does not require that we	us he present at the hearing. If you	choose to attend the hearing, it will be on ar
	s with no overtime compen		
CEPTIFICA	TION BY STIPERVISOR		
	TION BY SUPERVISOR		
		ial Discovery Motion on	
			Date
I notyified the			
I notyified the	e officer of the above Pretr		
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#### J. Sample Resolution to Purge Records

WHEREAS, Penal Code § 832.5 requires that citizen complaints against police department personnel and any related reports or findings be maintained for a period of at least five years; and

WHEREAS, Government Code § 34090 expressly authorizes the Chief of Police for the City of \_\_\_\_\_\_, upon resolution of the City Council and written consent of the City Attorney, to destroy City records, documents, instruments and other papers under his charge after the same are no longer required; and

WHEREAS the Chief of Police has agreed to review the status of any such citizen complaint investigation in excess of five years for pending related civil or criminal litigation prior to its destruction; and

WHEREAS, the City Attorney hereby gives his written consent for the destruction of the following records.

NOW, THEREFORE, BE IT RESOLVED that the Chief of Police is hereby granted the authority to order the destruction of any and all records, reports and findings relating to citizen complaints in excess of five years from the date of completion once the Chief of Police has determined that such are no longer required;

BEIT FURTHER RESOLVED that nothing in this resolution is intended to supersede or otherwise conflict with any other law or any lawful judicial process which might affect retention or destruction of such records.

# PROGRESSIVE DISCIPLINE GUIDELINES & Practice Directive P206 Effective Date:July 1985Revised: March 2004

#### **PROGRAM**

**P206.1** It is the philosophy of San Francisco State University and the California State University system, in conformance with the California Education Code, Title 5, and Collective Bargaining Agreements, to follow a program of progressive discipline when an employee fails to meet the required standards of performance. Progressive discipline establishes a process of clear, timely, consistent, and documented communications with an employee designed to ensure an understanding of job expectations, provide an opportunity to correct behavior, improve performance, and assure "due process". The process begins with a job description, appropriate training, communication of work rules, and regular performance evaluations.

**P206.2** The goal of progressive discipline is to modify specific behavior or to improve performance. The goal is not to punish the employee, but to alert the employee to the need to correct specific behavior.

**P206.3**Progressive discipline actions taken by SFSU administrators, deans, or unit heads shall remain confidential.

**P206.4** Effective performance is acknowledged through verbal reinforcement, written performance evaluations outlining specific examples of accomplishments and contributions, and recommendations for salary increases. (Refer to <a href="https://examples.org/length/9780">HR Practice Directive #P530 for Performance Evaluation</a> and #P300 for Compensation).

**P206.5**Poor performance should be addressed through a progressive pattern of pre-discipline and formal discipline. Pre-discipline includes special performance evaluations, counseling, verbal and written warnings, and letters of reprimand. Formal discipline includes suspensions without pay or demotion, and finally dismissal. This progressive pattern of discipline is designed to ensure proper communication between supervisor/administrator and employee, to provide an opportunity to reinforce appropriate behavior, and to correct unsatisfactory employee performance.

#### **SCOPE**

**P206.6** These guidelines apply to all staff employees covered by collective bargaining agreements and to employees in designated confidential positions. These guidelines do not apply to individuals hired as faculty, employees hired as administrators in the Management Personnel

Plan (MPP) or those in excluded classifications, e.g., student assistants, work-study, special consultants, etc. '

**P206.7**Where the provisions of this policy and procedure are in conflict with the collective bargaining agreements reached pursuant to Chapter 12, (commencing with Section 3560) of Division 4 of Title I of the Government Code, the collective bargaining agreements shall take precedence. Additionally, the Public Safety Officers' Procedural Bill of Rights shall pertain in cases where applicable.

#### **AUTHORITY**

**P206.8**At SFSU, the president has delegated authority to impose formal disciplinary action in the form of suspensions, demotions and dismissal to the cabinet level officers (appropriate vice president). Recommendations for such disciplinary actions are submitted by the dean to a Human Resources or Employee Relations officer.

**P206.9** The appropriate administrator (designated within the Management Personnel Plan) is responsible for initiating disciplinary action(s). Pre-disciplinary action, which includes counseling, oral and written warning(s), and letter(s) of reprimand, may be taken with or without consulting a Human Resources or Employee Relations officer. Formal disciplinary action, which includes suspension or demotion and dismissal, requires consultation with a Human Resources or Employee Relations officer and the concurrence of the cabinet level officer.

**P206.10**Immediate formal disciplinary action may be implemented in instances of serious misconduct where there is a clear and present danger to the university or its members. Such misconduct may include, but not be limited to, dishonesty, including fraud in securing employment, theft, misappropriation of University property or funds, acts endangering the health and safety of others, immoral conduct, and conviction of a felony or misdemeanor involving moral turpitude. In such instances, an employee may be temporarily suspended with pay for reasons related to a) the safety of persons or property; or b) the prevention of the disruption of programs and/or operations, or c) investigation for formal disciplinary action.

**P206.11** Typically, progressive discipline is implemented for ongoing failure or refusal to perform the normal and reasonable duties of the position, which includes, but is not limited to unsatisfactory performance, excessive absenteeism, tardiness, work rule violations, insubordination, or unprofessional conduct that may include verbal abuse toward another employee.

**P206.12**Employees should be advised of their right to consult with a union or personal representative prior to any discussion that could adversely affect working conditions or employment status.

#### **PROCEDURES**

**P206.13**For employees with temporary or probationary status, in cases where dismissal is requested prior to the end date established for a temporary position or where rejection during probation is requested, normally at least one performance evaluation shall be conducted prior to

the midpoint of the temporary appointment or probationary period, identifying areas and behavior needing improvement and time shall be provided to improve performance prior to dismissal. Where stipulated in collective bargaining agreements, performance evaluations should be administered according to the provisions contained therein.

**P206.14**Issues to consider prior to initiating progressive discipline:

- **a.**Have an accurate, comprehensive position description, clearly written performance expectations, and adequate training been provided to the employee?
- **b.** Are the standards of employee performance and rules of employee conduct being applied fairly and equitably? Have all employees demonstrating similar deficient behavior or violating similar rules been treated alike?
- **c.**Has information regarding performance expectations and deficient behavior been communicated regularly? Have written records been maintained of counseling meetings? Has the employee been provided the opportunity to respond? Has the progressive disciplinary action been initiated in a timely, consistent, and confidential manner?
- **d.** Does the University have a written guideline concerning the behavior, and was the employee given a copy?
- **P206.15**Counseling is normally the initial step in the progressive discipline process. Problems should be identified and discussed with the employee in a confidential manner. The appropriate supervisor, administrator, or unit head should seek input from the employee about the cause of the problem, and solutions should be identified and agreed upon. Follow up should be provided, and the employee should be advised of progress made in solving the problem. The purpose of counseling is to bring the problem to the employee's attention before it becomes so serious that it must become part of a written warning placed in the employee's file. This process may be repeated prior the initiation of a written warning or reprimand.
- **P206.16** Verbal and written warnings and reprimands are intended to constitute informal notice to the employee of a specific behavior that needs to be corrected. Oral and written warnings are not submitted to the Human Resources Department or placed in the official personnel file, but may go in a file as documentation for subsequent actions. A warning should describe the problem, indicate expected behavior, and outline the consequence for failure to correct the behavior. The administrator should maintain a record of the date and content of all conversations with an employee where a warning has been given and should retain copies of any written warnings. Administrators should prepare a memo to file documenting verbal warnings and conversations when improvements to performance have been addressed.
- **P206.17**Written warnings or reprimands are initiated only when counseling fails to produce the desired result. The problem should be clearly stated, the steps to correct the problem must be clearly identified, and a meeting should be held with the employee to discuss the steps necessary to correct the identified performance deficiency. This process may be repeated with stronger

consequence statements, including the statement that failure to correct this situation may lead to further disciplinary action.

**P206.18**For dismissal of an employee in a temporary or probationary appointment, the appropriate administrator shall prepare and submit a memo to a Human Resources or Employee Relations officer requesting dismissal and outlining the deficient performance, as well as the steps that have been taken to communicate with the employee regarding the improvements needed. The Human Resources or Employee Relations officer shall prepare a notice to the employee either ending the temporary appointment or rejecting him/her during probation. A copy of the request for dismissal from the appropriate administrator shall be attached to the notice. Normally, the employee shall be provided with two weeks' notice or pay in lieu of notice. If the employee has permanent status in another classification, the employee has the right to return to the classification in which he/she has permanent status. In such cases, the employee shall normally be reassigned to a position within the same cabinet area.

For more information concerning employee rights regarding probationary appointments and rejection during probation, refer to Human Resources' Supervisor's Step-by-Step Probationary Guide.

**P206.19**For employees with permanent status, except as specified in paragraph 206.8, the progressive discipline process shall occur prior to dismissal. The process may include discussions with the employee, unsatisfactory performance evaluations, and verbal and written warning(s), letter(s) of reprimand, suspension, and/or demotion.

**P206.20**Written reprimands shall be given by the appropriate Management Personnel Plan administrator to the employee, and shall be forwarded to the Human Resources Department for inclusion in the employee's personnel file. Since all personnel decisions regarding formal disciplinary action must be based on material contained in the employee's official personnel file, all deficient behavior should be carefully documented and all written reprimands must be clearly articulated. The written reprimand must be clearly identified as a written reprimand (e.g., Letter of Reprimand - Performance or Letter of Reprimand - Attendance) and must state that a copy of the reprimand is to be placed in the employee's personnel file (e.g., cc: Personnel File). The written reprimand should contain, but is not limited to, the following:

**a.What did the employee do?** Clearly identify the specific conduct deemed deficient and describe the conduct in complete and explicit terms using plain language. Include dates, names, places, events, witnesses, etc. Supplement general statements with specific examples to provide a proper factual foundation. The document should be a self-contained record; it should be fully understood by a third person unfamiliar with the employee's unsatisfactory conduct. A third person should be able to understand what the employee did that created the problem based upon reading the document, without having to refer to any other information source.

**b.How did the behavior violate a performance expectation/rule?** Include the rule, authority, and/or expectation relating to the deficient behavior, such as CSU policies or campus procedures, collective bargaining provisions, job descriptions, written work rules or written administrative memos/instructions/directives. Often, it will be necessary to translate the problem into a

recognized performance expectation, especially when the unsatisfactory behavior is not directly tied to a clearly defined written standard or expectation. This type of behavior may involve attitude and cooperation, job efficiency and accuracy, and adequate job skill levels. Examples include discourteous conduct, poor professional judgment, job carelessness, and disruptive behavior. Where the inappropriate behavior has previously occurred, a notation should be made of the prior violation and resulting action, if any.

- **c.What is the impact of the employee's conduct?** Cite the adverse effect of the employee's conduct on university operations and other persons especially where negative public notoriety occurs. Examples include: lack of dependability; unnecessary shift of duties to other employee; lack of continuity and consistency; unnecessary expenditure of supervisory time; interference in normal procedures causing delay in the completion of work; exposure to personal injury and university liability; destruction or damage to property and repair costs; and lack of compliance with required timelines.
- **d.What does the employee need to do to improve?** Provide specific suggestions and/or directives for the employee to meet job requirements. Outline directions regarding the proper behavior or level of performance expected in the future. It is important to be clear and unequivocal and to include the effective timelines and the consequence(s) if the employee fails to comply (e.g., further disciplinary action will occur that may result in dismissal, etc.). In other words, the employee must know what must be done to correct deficient performance or behavior and when and what will happen if the performance is not corrected. The description of the behavior must be unambiguous, easy to understand, and as complete as possible. Identify any assistance that the employee may require to meet job requirements such as additional training, equipment, etc.
- e.What rights does the employee have in connection with the disciplinary action? The employee has a right to receive a copy of any document(s) including a letter of reprimand that could lead to an adverse personnel action prior to their placement in the employee's official personnel file (five days prior to placement for Unit 4). The employee may in turn submit a response to these documents that must be included in the employee's official personnel file according to the provisions of the collective bargaining agreement in effect at the time. The employee also has the right to review his/her personnel file and obtain copies of all materials contained within it. When preparing a letter of reprimand, state at the bottom of the letter that a copy will be placed in the official personnel file and that the employee may submit a response. The employee may request a conference with the appropriate administrator to discuss the reprimand, may be represented at the conference by another employee or union representative and may request a review of the reprimand at the next level of supervision.

In summary, employees have the (1) right to union or personal representation; (2) right to be given the facts; i.e., to know the facts giving rise to the disciplinary action; (3) right to a hearing on the matter; (4) right to receive copies of all materials upon which the action is based; (5) right to appeal to a reviewing officer; and (6) right to file an appeal with the State Personnel Board.

**P206.21** Consultation with a Human Resources or Employee Relations officer is required prior to the submission of recommendations for formal disciplinary action (demotion, suspension and

dismissal). The recommendation shall document prior counseling, warnings, written reprimands and prior discipline, and shall include all supporting documentation, e.g., attendance records, copies of written reprimands. The documentation must describe the deficient behavior, identify the impact to the department, outline what actions have been taken prior to the recommendation to communicate with the employee about the deficient behavior and efforts made concerning the correction of behavior and include the names of witnesses if appropriate to the deficient behavior.

**P206.22** Where the deficient behavior is believed to be illegal or serious misconduct as outlined in 206.08, the appropriate administrator shall immediately notify the Chief of University Police, a Human Resources or Employee Relations officer, the University counsel and auditor, if appropriate.

**P206.23**A Human Relations or Employee Relations officer shall review the request for the formal disciplinary action, and shall forward a recommendation with all supporting documentation and employee notification to the appropriate Cabinet Level Officer for signature.

**P206.24**Upon signature, the Human Resources or Employee Relations officer shall either forward the notice to the appropriate administrator to be served on the employee in person, arrange for personal service, or send the notice of formal disciplinary action to the employee by certified mail at the employee's last known address. The notice shall contain information regarding employee rights, including the right to consult their union or personal representative.

**P206.25**Within five (5) days of receiving the notice of formal disciplinary action, the employee may provide a written statement and/or, by appointment, an oral statement, requesting a review by a Reviewing Officer appointed by the President or designee. The Reviewing Officer shall review all pertinent documentation and is empowered to affirm, modify or withdraw the notice.

**P206.26**Within thirty (30) days of receiving the notice of formal disciplinary action, the employee may appeal to the State Personnel Board.

**P206.27**If an employee requests a State Personnel Board Hearing, the Human Resources or Employee Relations officer shall notify the appropriate administrator and the appropriate union regarding the hearing, and shall assist the University counsel with necessary case preparation and presentation.

**P206.28**When not provided specifically by collective bargaining provisions, letters of reprimand may be removed from the official personnel file upon the employee's request after three (3) years from its effective date. If formal disciplinary action has been initiated and the reprimand is related to the action, the letter will not be removed. Nothing in this provision shall prohibit earlier removal of the reprimand upon mutual agreement by the administrator and employee.

Revised: March 2004



Office of the Chancellor 401 Golden Shore, 4th Floor Long Beach, CA 90802-4210 562-951-4411 email: hradmin@calstate.edu

Date: December 18, 2008 HR 2008-24 Code:

To: **CSU Presidents** Supersedes: HR 2003-06

Gail Brooks From: Gail E. Brooks

Vice Chancellor **Human Resources** 

Subject: Selection and Testing of CSU Police Personnel

Overview

Audience: CSU Presidents, HR Officers, Police Chiefs and campus designees responsible

for employment programs

**Action Items:** Communicate updated selection and testing guidelines for CSU police personnel

Affected Employee **Groups/Units:** 

CSU sworn police officers and police officer cadets

#### Summary

The policy for the selection and testing of sworn CSU police officers, including those in the Management Personnel Plan (MPP), and police officer cadets has been updated to provide additional clarification. This policy does not apply to other public safety classifications. Key updates to the policy are provided below. Campus designees responsible for employment programs and the recruitment of CSU police personnel should review the attached policy in its entirety.

The policy on the Selection and Testing for Sworn CSU Police Personnel and Police Officer Cadets has been updated to provide additional clarification. The revised policy is provided in Attachment A. Key changes to the policy are provided below:

- Minimum Standards and Appointment Requirements
  - Section D: Clarification on 14-day notice requirement
  - Section E: Clarification on age requirements, reading and writing ability, and the interview
  - Section F: Clarification on training and certification requirements
- II. CSU Police Officer and Cadet Testing Guidelines and Hiring Procedures
  - Testing guidelines and hiring procedures were combined for ease of reference
  - Section A: Clarification on covered classifications
  - Section B: Clarification on written examinations and testing guidelines
  - Section C: Clarification on hiring procedures, background investigations, conditional offers of employment, and testing required after conditional offer of employment is made
  - Exhibit I: Updated Physical Agility Waiver

#### Distribution:

**CSU Chancellor** Vice Presidents (all campus vice presidents) General Counsel

**Human Resources Officers** Systemwide Police Services Police Chiefs

Please note that this policy applies to sworn police officers, including those in the MPP, and police officer cadets. It does not apply to other public safety classifications. Please visit the POST Web site available at <a href="http://www.post.ca.gov/">http://www.post.ca.gov/</a> for POST-related information.

If you have any questions regarding this policy, please contact Human Resources Administration at (562) 951-4411.

This document is available on the Human Resources Administration Web site at: http://www.calstate.edu/HRAdm/memos.shtml.

GEB/If

Attachments

#### Selection and Testing Guidelines for Sworn CSU Police Personnel and Police Officer Cadets

#### I. MINIMUM STANDARDS AND APPOINTMENT REQUIREMENTS

The enclosed guidelines are intended to meet the related provisions of the California State University (CSU), State University Police Association (SUPA), California Peace Officers Standards and Training (POST), as well as related statutory rules and regulations outlined in Section II.

#### A. Overview

CSU police officer testing guidelines are developed to ensure selected candidates who are appointed as CSU police officers are physically, mentally, and emotionally equipped to carry out all duties of the position. Police officer applicants shall be tested for the demonstrated ability to perform all duties of the position and to determine any physical, mental, or emotional condition that might adversely affect applicants' abilities to exercise police officer powers.

To be eligible for appointment as a sworn campus police officer or cadet, an individual must be able to perform the essential functions of the job with or without reasonable accommodation. The Americans with Disabilities Act (ADA) requires that employment offers be made conditionally, <u>prior</u> to a medical examination. If the police officer or cadet candidate fails the medical examination, the conditional offer must be withdrawn. Campuses are advised to seek assistance from campus counsel on specific ADA or Fair Employment and Housing Act (FEHA) questions, as appropriate.

#### B. Authorities

- 1. State University Administrative Manual, Section 4021
- 2. California Government Code, Section 1031
- 3. California Education Code. Section 89560
- 4. California Penal Code, Section 830.2
- 5. POST (Police Officer Standards and Training) Administrative Manual, Section 1002.
- **6.** California Government Code Section 12926.1, et seg.
- 7. Americans with Disabilities Act (ADA)

#### C. Classifications Covered by Guidelines

Police officer classifications covered by the testing guidelines include the following: Police Cadet, Police Officer, Corporal, and Sergeant. Police management positions in the Management Personnel Plan (MPP) include Lieutenant, Captain, Commander, Deputy Chief, and Chief of Police, and CSU Systemwide Police Coordinator.

#### D. Notice of Recruitment

When a vacancy for a sworn police officer position occurs on any campus, notice of recruitment shall be posted on all campuses for at least 14 days. This notice will be posted in the campus Human Resources Office and at a pre-determined location at each campus police department. This 14-day notice applies to recruitments for sworn (lateral) or police cadet recruitments; therefore, campuses may wish to combine recruitment efforts for these positions to ensure continuity and flexibility with subsequent reclassifications of cadets to police officer positions.

Vacant positions to be filled by cadets will not be posted. This notice may run concurrent to recruitment efforts provided that the campus does not conduct application screening or hiring consideration prior to the 14 day notice expiration.

When a vacancy for corporal or sergeant occurs on a campus, it may be filled by promotion from within campus, at the sole discretion of the President, and does not require posting of a new position (SUPA, Article 12).

Announcements for vacant police officer positions shall include notice that a drug test will be administered as part of the required medical examination.

#### E. POST and Statutory Minimum Standards for Police Officer Candidates

California Government Code Section 1031 mandates that to be a police officer in California, one must meet certain basic requirements which are set forth in Statute. Additionally, each CSU Police Department must adhere to the regulations and standards of the California Commission on Police Officer Standards and Training (POST) in the employment and training of university police officers. All requirements of these regulations and standards shall apply to each peace officer, regardless of the rank to which the person is appointed.

Every police officer employed by the CSU shall be selected in conformance with the following requirements:

- **1. Felony Conviction** A convicted felon is disqualified from being employed as a police officer (Government Code Section 1029(a)(1)).
- 2. Domestic Violence Convictions Under federal law, any person who has been convicted of a misdemeanor crime containing the elements of domestic violence is prohibited from possessing a firearm or ammunition. This provision applies to all convictions, either prior to, or after the passage of law.
- **3. Fingerprint and Record Check** Each police department is required to fingerprint potential police officers and search local, state, and national files to discover the existence of criminal records (Government Code Section 1030 and 1031(c)).
- **4. Citizenship** A police officer must satisfy citizenship requirements as detailed in Government Code Section 1031(a) and 1031.5.
- 5. Age A police officer must be a minimum of 18 years of age (Government Code Section 1031(b)). However, CSU practices, in compliance with industry standards, require that all police officer candidates shall be at least 21 years of age by the time of appointment to a sworn position. As an example, one could theoretically begin a hiring process at age 20, have the same candidate begin the police academy at age 20.5 years, and have the same candidate re-classified to a sworn position at age 21 to successfully meet this provision.
- **6. Moral Character** A police officer must have good moral character as determined by a thorough background investigation (Government Code Section 1031(d)).
- 7. Education A police officer must be a United States high school graduate, pass the General Education Development (GED) Test indicating high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year or four-year degree from an accredited college or university (Government Code Section 1031(e)).

In addition to the above criteria, every peace officer candidate must successfully complete the following evaluations prior to the appointment date:

- 8. Reading and Writing Ability Must be able to read and write at the levels necessary to perform the job of a peace officer as determined by the use of the POST Entry-Level Law Enforcement Test Battery or other job-related tests of reading and writing ability. Peace officer candidates who have completed the Regular Basic Course or the Specialized Investigator's Basic Course are not required to complete reading and writing assessments. Refer to Testing Guidelines for more information.
- 9. Interview Must be personally interviewed prior to employment by the department head or a representative(s) to determine the person's suitability for law enforcement service, which includes, but is not limited to, the person's experience, problem solving ability, communications skills, interest/motivation, interpersonal skills, and community involvement/awareness. Refer to Testing Guidelines for Oral Interviews for more information.
- 10. Physical, Emotional and Mental Condition (post job offer) A police officer must be free from any physical, emotional and mental condition which might adversely affect the exercise of the powers of a police officer. (Government Code Section 1031(f)). The examinations shall be conducted as prescribed in the POST Administrative Manual, Section C-2, and by a licensed physician and surgeon and psychologist or psychiatrist, as outlined. Refer to Testing Guidelines for Medical and Psychological Examinations for more information.
- **11. Successful Completion of all Phases of Testing Process** A candidate must pass successfully all testing requirements to assess one's ability to comply with the above minimum standards and those outlined in Section II CSU Police Officer and Cadet Testing Guidelines.

#### F. Training and Certification Requirements

Entry level sworn officers must have successfully completed a POST-certified basic course or police academy and obtained a POST-certified training certificate for the basic course. These requirements must be met prior to appointment at the campus as a peace officer. The POST Basic Course Certificate is obtained upon completion of a certified police training program.

Entry level officers with more than one year of experience will possess the POST basic course certificate (or waiver) and likely possess the POST Basic Certificate (obtained only after successfully completing one year of active law enforcement experience).

Applicants who were sworn police officers in other states must receive the POST Basic Course Waiver prior to appointment at the campus. Refer to the POST Web site for information regarding the waiver process.

Applicants for police chief and/or for positions that will function at the second level of supervision or above (police management) who were sworn police officers in other states must complete the POST Basic Course Waiver process within one year of hire. An exception may be made by the campus president for extenuating circumstances such as inability to obtain required training, generally not to exceed six months. The applicant's Personal History Investigation should ascertain whether the applicant has completed successfully the minimum requirement to qualify for the Basic Course Waiver process.

Applicants who were previously sworn officers and have a three-year or longer break in service must successfully pass the POST re-qualification course prior to appointment.

Retirees who separate from an agency (with POST) and who return to sworn status must participate in the testing process and are subject to the three-year re-qualification rule.

A police officer cadet, a non-sworn individual who has not completed the POST academy or received a Basic Course Certificate, must possess a high school diploma or equivalent and eligibility to attend a certified POST basic training academy.

#### II. CSU POLICE OFFICER AND CADET TESTING GUIDELINES AND HIRING PROCEDURES

#### A. Testing Requirements by Classifications

Below are the required tests by classification, unless otherwise noted.

#### 1. Cadet/Police Officer/Corporal/Sergeant

- a. Written Examination\*
- b. Physical Agility Examination\*
- c. Oral Interview
- d. Personal History Investigation
- e. Polygraph Examination (optional)
- f. Medical Examination (including drug testing)
- g. Psychological Examination

#### 2. Police Management (MPP)

- a. Oral Interview
- b. Personal History Investigation
- c. Polygraph Examination (optional)
- d. Medical Examination (including drug testing)
- e. Psychological Examination

#### 3. CSU Systemwide Police Coordinator

- a. Vitae/Resume Screening
- b. Oral Interview

#### **B.** Testing Guidelines

Minimum testing requirements shall apply to applicants for vacant police officer position(s), including cadets who are not currently employed in a police officer classification by the hiring campus and/or headquarters office, and the following:

- Applicants who are sworn police officers at another CSU campus;
- Applicants who are former CSU employees, including retirees/rehired annuitants:
- And, applicants who have separated or retired from other State agencies.

These testing guidelines do not apply to police officers hired from other campuses or agencies on a parttime intermittent basis to work athletic or other special events for a specific duration.

The written examination may be waived for cadet applicants if the applicant has completed and achieved a passing score on a POST or Cooperative Personnel Services (CPS) test during the preceding twelve (12)

<sup>\*</sup> See conditions for waivers under appropriate section below.

month period. At the discretion of the police chief, the written test also may be waived if the applicant received a passing score on the Regular Basic Course or the Specialized Investigator's Basic Course and/or holds a valid and active POST Basic Certificate. This would include a POST qualified peace officer who separated in good standing from active service within the past three years.

All other candidates, including those employed as police officers on other CSU campuses, are required to complete all minimum testing requirements prescribed for each classification as noted at the end of this section.

Offers of employment are conditioned on the successful completion of all testing requirements. Applicants who either refuse or fail any required tests, or portion thereof, will not be eligible for appointment.

When a Corporal or Sergeant position becomes vacant, the campus president may appoint (promote) an officer in a lower classification/rank at the campus without posting the position (SUPA, Article 12). If the president elects to post the position and an officer from the campus applies and is considered for the position, only the written assessment and oral examination are required. In both instances, campuses are responsible for establishing testing procedures to determine if applicants meet the abilities, qualifications and performance requirements of the position.

An assessment center process may be used to determine suitability for appointment / promotion to Corporal / Sergeant / sworn MPP positions in lieu of the written examination. An assessment center process must evaluate candidates on job-related criteria such as written communication skills, oral communication skills, decision making & problem solving ability, leadership ability, initiative, computer literacy, and job knowledge.

When undertaking the process to hire a sworn police officer or cadet, the university must follow the hiring process outlined below: (Note: definitions and explanations apply to all classifications)

#### C. Hiring Procedures

Three following steps must be followed when hiring police personnel. Please note that not all tests are required for all police personnel.

- 1. Conduct Testing Required Before Conditional Offer of Job Employment
- **2.** Make Conditional Offer of Employment
- 3. Conduct Required Testing After Conditional Job Offer of Employment

#### STEP 1. Conduct Testing Required Prior to Conditional Job Offer of Employment

The following tests are required prior to making a conditional job offer of employment. Guidelines regarding each individual test are provided, as indicated.

#### 1. Application Screening

#### 2. Written Examination

Procedures for completing the required written exam shall be in accordance with current POST standards or the most current format from Cooperative Personnel Services. The CSU will follow the POST recommended minimum passing of T-42 on the POST basic examination. Candidates having previously and successfully completed the POST regular basic course are not required to take a written examination as noted above.

#### 3. Physical Agility Examination

A Physical Agility Examination is required for Cadet candidates and optional for lateral candidates.

Specified applicants will be required to complete satisfactorily all portions of the prescribed Physical Agility Examination, which shall consist of a POST approved Physical Agility Test, prior to consideration for appointment. Procedures for completing the test are in the POST Physical Conditioning Manual. Each campus is responsible for setting timeframes for completing components of the physical agility test. The applicant must sign a waiver prior to taking the Physical Agility test. A sample hold harmless agreement is attached with noted testing areas. See Exhibit 1.

Physical agility tests are not considered medical examinations and are permitted prior to offering a job. It is unlawful to ask an applicant whether he or she is disabled, or about the nature or severity of a disability, or to require the applicant to take a medical examination before offering that applicant a position. Applicants may be asked questions about their ability to perform job-related functions, as long as the questions are not phrased in terms of a disability and are asked of all applicants. Applicants can be required to demonstrate how, with or without reasonable accommodations; they will perform job-related functions. It is not appropriate to inquire as to any medical problem or medication that might interfere with or endanger an applicant taking the physical agility test.

#### 4. Oral Interview

The oral examination shall be conducted in accordance with established personnel practices including ADA compliance and, as appropriate, SUPA collective bargaining agreement requirements. The interview shall not include disability related questions. Additionally, no inquiries regarding lawful drug use or extent of past illegal drug use prior to conditional offer of employment should be made. This phase shall consist of an oral panel (SUPA, Article 12) and one conducted by the department's head (POST regulation 1002 (a) (8).

#### 5. Personal History/Background Investigation

All applicants shall be subject to a Personal History Investigation prior to being considered for appointment to a vacant police officer position. Procedures for completing the required personal history investigation shall be in accordance with current POST standards (includes a fingerprint, records check, and drug testing). Required forms, waivers and templates can be found on the POST website at www.post.ca.gov.

#### 6. Polygraph (optional)

If a polygraph examination is conducted before a conditional offer of employment is made, it is not permissible to ask applicants if they have any physical impairment that might be affected adversely by the emotional stress of the polygraph examination, or to inquire as to whether or not the applicant is taking any prescription medications. Polygraph operators are not permitted to make any medical inquiries at this pre-offer stage. This includes questions about the extent of prior illegal drug or alcohol use, worker's compensation history, history of mental health problems, etc. All questioning about these issues must be deferred until the post-offer stage.

While the polygraph examination involves measurement of physiological responses, it is not considered a medical examination. Pre-offer questions must be limited to those necessary to determine if the polygraph result is valid. It is permissible to ask questions at this pre-offer stage that would not require applicants to reveal disabilities such as: "Are you currently in pain?" "Did you get enough sleep last

night?" "Have you eaten a meal today?" "Have you taken any medication or other substance for the purpose of affecting these test results?"

#### STEP 2. Conditional Offer of Employment

The offer of employment must be a legitimate, bona fide offer, conditioned upon the applicant's successful completion of medical and psychological examinations. It is important to determine whether the applicant has the appropriate abilities to do the job before any consideration is given to the person's medical and psychological condition. A full background investigation, without medical information, must be conducted prior to making the conditional employment offer. The CSU employer should have evaluated all relevant non-medical information, which, from a practical and legal perspective, could have been analyzed reasonably prior to extending the offer.

An offer of the job should be conditioned upon the successful results of the medical and psychological examinations. Once the applicant successfully completes these exams, the job offer automatically becomes effective; therefore, send only the number of applicants for an exam as there are available job openings.

An example of a Conditional Offer of Employment is in Exhibit 2.

#### STEP 3. Testing Required After Conditional Job Offer of Employment

After a conditional offer of employment is made and prior to commencement of employment duties, the CSU employer shall require that an applicant take a medical examination that includes a psychological evaluation. The medical evaluation will assess mental and physical impairments and will include appropriate blood tests for alcohol and drugs.

#### 1. Medical Examination (including drug testing)

All applicants shall have their physical and psychological condition evaluated by a licensed professional as outlined in Government Code Section 1031(f) after receiving a conditional offer of employment. The selection of appropriate professional and specific requirements of the physical examination shall be as outlined in the POST Medical Screening Manual for California Law Enforcement.

Required applicants shall submit to and pass a drug test. Applicants who either refuse or fail the required drug test will not be appointed. Procedures for completing the required drug test shall be in accordance with POST guidelines.

POST guidelines require that at minimum the completed background investigation packet include an official statement that the candidate has successfully completed the medical screening process.

#### 2. Psychological Examination

The required psychological evaluation shall be in accordance with current POST standards and conducted by a licensed professional after conditional offer of employment is made.

The Police Chief will screen psychological evaluations to determine the candidate's suitability to serve as a peace officer. POST guidelines require that only the recommendation form from the psychologist be included in the background packet.

#### 3. Background Investigation Follow Up

Campuses will address discrepancies and conflicts with background investigations that are revealed during the post-conditional offer testing phase.

<sup>\*</sup> Note: if optional areas are invoked, such practices shall be done consistently and objectively.

#### PHYSICAL AGILITY WAIVER

The Physical Agility Examination is comprised of five events. These events are strenuous and physically demanding. You will be asked to:

- 1. Run a 99-yard obstacle course consisting of several sharp turns, a number of curb height obstacles and a 34-inch high obstacle that must be vaulted.
- 2. Run 5 yards to a 6-foot chain link fence, climb over the fence, and continue running another 25 yards.
- 3. Lift and drag a 165 pound lifelike dummy 32 feet.
- 4. Run 500 yards (equivalent to 1 lap plus 60 yards of a standard running track).
- **5.** Run 5 yards to a 6-foot solid fence, climb over the fence and continue running for another 25 yards.

I HAVE CAREFULLY READ THIS WAIVER AND FULLY UNDERSTAND THAT BY COMPLETING THE PHYSICAL AGILITY EXAMINATION THAT THERE IS A RISK OF INJURY OR DEATH. I UNDERSTAND THAT PASSING THE EXAMINATION IS A CONDITION OF MY PROSPECTIVE EMPLOYMENT WITH THE California State University.

I UNDERSTAND BY SIGNING THIS AGREEMENT THAT I AM RELEASING THE California State University, ITS EMPLOYEES, AGENTS, OFFICERS AND VOLUNTEERS FROM LIABILITY OF ANY KIND. I AM AWARE THAT THIS AGREEMENT IS A RELEASE OF LIABILITY AND A CONTRACT BETWEEN MYSELF AND THE California State University AND ITS RESPECTIVE EMPLOYEES, AGENTS, OFFICERS AND VOLUNTEERS. THIS AGREEMENT IS SIGNED ON MY OWN BEHALF OF MY OWN FREE WILL.

I CERTIFY THAT THIS AGREEMENT, IT'S SIGNIFICANCE AND THE ASSUMPTION OF RISK HAS BEEN EXPLAINED AND UNDERSTOOD BY ME.

Applicant:	
Name:	Date:
Signature:	_

# **EXAMPLE**CONDITIONAL OFFER OF EMPLOYMENT

Naı	me:
esta	s offer of employment is conditioned upon your successfully completing the following steps and meeting the ablished standards for the position of These standards are stained in applicable federal and state statutes as well as CSU regulations. The steps to be completed are as ows:
1.	The remaining parts of the background investigation, conducted according to guidelines established by the CSU for Police Department employees.
2.	A psychological screening to determine job suitability conducted and interpreted by a licensed psychologist.
3.	A comprehensive medical examination, conducted by a licensed physician retained by the CSU for this purpose, to be administered according to guidelines established by the CSU for its Police Department employees.
	y significant discrepancies in the information you give during any of the steps above or the failure to pass any he above described examinations can be the basis for your removal from the eligibility list.
imn	ou successfully complete the above requirements, you may receive a final offer of employment and be hired nediately, or you may be placed in a pool of qualified applicants. If you are placed in a pool, you will be ormed of your relative standing. You also may be informed of later changes in your standing due to changes he qualified applicant pool.
	IS IS NOT AN OFFER OF IMMEDIATE EMPLOYMENT. DO NOT GIVE NOTICE, QUIT YOUR PRESENT B, OR RELOCATE.
l ha	ave read and fully understand the nature of this conditional offer of employment.
Sig	nature Date

### RECRUITMENT **GUIDELINES PRACTICE DIRECTIVE NO. 105 June** 2009

#### **PROGRAM**

105.1 It is the philosophy of San Francisco State University (SF State) and the California University System, in conformance with the California Education Code, Title 5, State, and Federal guidelines, to recruit from within the University and from external labor markets as widely and for as much time as is practical to obtain a pool of qualified applicants. SF State will make special efforts to ensure that the recruitment process facilitates equal employment opportunities, upward mobility and reasonable accommodations for qualified individuals with disabilities as defined in the Americans with Disabilities Act (ADA).

#### **SCOPE**

105.2 These guidelines apply to all positions for staff covered by collective bargaining agreements, appointed into the Management Personnel Plan (MPP) or into designated Confidential positions.

105.3 These guidelines do not apply to Faculty, Unit 3 positions or classifications, SF State Head Start, Unit 12 positions, excluded from collective bargaining representation, e.g., Student Assistants/Work Study, Special Consultants, etc.

105.4 Where the provisions of these guidelines are in conflict with the Collective Bargaining Agreements reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title I of the Government Code, the Collective Bargaining Agreements shall take precedence.

#### GENERAL PROVISIONS

105.5 Formal recruitment procedures are not implemented for an appointment that is less than 90 days. To initiate a less than 90-day appointment, consult with an Employment Specialist, submit a Position Description, Work Schedule, employee's application/resume, create an employee hire E-TRAC and submit to Human Resources. Such an appointment may be filled from the temporary short-term applicant

#### Search Human Resources

Q



(http://askhr.sfsu.edu)

Hours: Mon. - Fri. | 8 a.m.

- 5 p.m.

E-mail: hrwww@sfsu.edu (mailto:hrwww@sfsu.edu)

Phone: (415) 338-1872 Fax: (415) 338-0521 Address: 1600 Holloway Ave. Administration Bldg,

RM 252

San Francisco, CA 94132

#### **HR Links**

- Calendar & Schedules (/calendar\_launch)
- Directives & Guidelines (/Labor\_Compliance\_ProfDev /emp\_relations /direct and guide)
- Emergency **Notification System** (/content/emergencynotification)
- FAQs (/content /frequently-askedquestions)
- Forms (/forms)
- HRMS Sign In (https://cmsweb.sfsu.edu

pool maintained by Human Resources or by some other personal referral. Deans/Directors or HR Liaison shall contact Human Resources to arrange completion of the hiring documents (?sign-in? packet) at the time the appointment documents are submitted.

105.6 The temporary appointment of an employee initially hired for less than 90 days, i.e., a non-posted position, may be extended for an additional 90 days based upon the Collective Bargaining Agreement. The Hiring Supervisor shall notify Human Resources at least 30 days prior to the end of the 90-day temporary appointment to initiate formal posting procedures.

105.7 Formal recruitment procedures are not implemented for a lateral transfer within the same department under the same supervisor; a disciplinary action; i.e. temporary or permanent reassignment; demotion of an employee; a recall of a laid-off employee; or placement of an employee with reinstatement rights to a classification.

105.8 All positions of more than 90 days, whether temporary with an ending date or probationary with no ending date, except for temporary reassignments, shall be posted a minimum of 14 calendar days. Full recruitment procedures are required for the conversion of a temporary appointment to a probationary appointment unless a statement is made about the possibility of conversion when the initial temporary appointment is posted.

105.9 It shall be the policy of the CSU and SF State University in filling vacant positions in CSUEU bargaining units 2, 5, 7, 9 to fill such vacancies from among qualified SF State University employee applicants holding positions within CSUEU bargaining units 2, 5, 7, 9. 105.10 Recruitment for Administrator level I and II MPP positions is normally conducted in a manner similar to staff positions with advertising (posting) through Human Resources. Recruitment for Administrator level III and IV MPP positions is often conducted by a search committee independent from Human Resources. The Associate Director of Human Resources is to be notified of any/all recruitment and hiring activities for positions in the Management Personnel Plan (MPP) (refer to Management Recruiting Guidelines for further information). All recruiting materials shall be forwarded to Human Resources for retention at the conclusion of the search process.

## STEPS TO SUCCESSFUL RECRUITING POSTING & ADVERTISING

**105.11** STEP 1 The recruitment process is initiated by identifying/defining the essential functions, knowledge,

/psp/HSFPRD /?cmd=login& languageCd=ENG&)

- Liaison Support (/content/hr-liaisonsupport)
- Peer Champions (/content/peerchampions)
- Quick Links (/quick\_links)
- Self Service (https://inside.sfsu.edu/portal/staff/employee-services)
- SF State Password (https://www.sfsu.edu/online/troubletips.htm)
- Staff (/hrstaff)
- Tips (/HR\_tips)

#### **Need Help?**

(/content/sensitiveconfidential-inquiry) skills, abilities and other qualifications required to perform the essential functions. The Position Description (HR #320A) including an organization chart, is reviewed and updated by the Hiring Supervisor. The Position Description must be clear, concise and provide the following: 1. position summary; primary purpose for the position

- 2. minimum qualification; required experience; preferred qualification
- 3. essential job functions; knowledge, skills, abilities
- 4. nature and scope of decisions
- 5. interpersonal skills, nature of work environment and work relationships.

**105.12** STEP 2 To post a Staff (Unit 1, 2, 4, 5, 6, 7, 8, 9) or Administrator level I and II position for recruitment, a Recruitment Authorization (HR #105A), Position Description, Work Schedule, SF State Careers on-line posting is submitted.

The Recruitment Authorization, Position Description including an organization chart, Work Schedule (HR #101), shall be submitted to Human Resources no later than Monday at noon for review and job announcement posting in SF State Careers on-line for the following week.

105.13 Each job announcement within SF State Careers on-line contains a closing date, which shall be at least 14 calendar days until a reasonable number of qualified candidates apply. The Hiring Supervisor may extend posting on a week-to-week basis by calling or e-mailing Human Resources - Employment Specialist by noon on Thursday, two working days prior to the closing date; otherwise, the posting will be automatically removed on-line after the minimum 14-day posting requirement has been met.

105.14 Human Resources may edit department posting submission to finalize on SF State Careers. The weekly SF State Careers on-line job announcement is published and mailed/e-mailed every week to on-campus departments and off-campus agencies. Recruitment may be restricted to a campus search upon consultation with an Employment Specialist in Human Resources. For special recruiting, identifying the compensation and benefits package may be included on each job announcement for hard-to-fill, unique, administrative, MPP or Confidential positions. When a wider recruitment is initiated, Human Resources may assist with advertising of positions in local or regional newspapers such as the San Francisco Chronicle and San Jose Mercury News. The text of the advertisement must correlate specifically with the job announcement on SF State Careers and be submitted with the original posting

materials. The Hiring Supervisor may also place an announcement in an on-line recruiting service such as Craig?s List.com, Monster.com, Dice.com concurrent with posting in SF State Careers. The Hiring Supervisor may also advertise in national journals such as the Wall Street Journal or Chronicle of Higher Education.

105.15 All applications/resumes must be processed by Human Resources prior to being considered by the hiring department. Applicants are not considered candidates for a position without having their application/resume first processed by Human Resources.

#### INTERVIEWING CANDIDATES

105.16 STEP 3 Hiring Supervisors shall develop a list of job-related interview questions to be asked of all interviewed candidates to ensure equal consideration.

105.17 Interviews may be conducted with selected candidates after the 14-day posting period, although contact may be made with the candidates during the posting period to schedule interviews. Interviews may be conducted during an extended posting period only after the initial 14-day posting requirement has been met. All candidates interviewed must complete and submit a SF State Application form.

105.18 STEP 4 Whenever possible, a minimum of three (3) candidates shall be interviewed. Although the Hiring Supervisor may conduct the interviews alone, often recruiting is more effective when interviews are conducted by at least two people. The standard number of members of a search committee is between 3 and 7. The Hiring Supervisor and each member of the search committee shall prepare a written rating of each candidate based on the interview questions.

**105.19** STEP 5 Reference checks shall be conducted on the recommended number one and number two candidates. There should be two areas of questions asked in the reference process:

1) the qualifications of the candidate, i.e., duties performed, skills demonstrated, level of performance, degree of initiative and judgment, etc., and 2) how the candidate acts in interpersonal relationships, i.e., problem-solver, team-player, etc. Questions about the effectiveness of the candidate?s dealings with peers, superiors and students are appropriate. Information gathered during the reference process should be

recorded; however, notes should not be made directly

#### MAKING A SELECTION

on the application/resume.

**105.20** STEP 6 The Hiring Supervisor may recommend a candidate for selection by completing a Staff

Employment Recommendation Form (#171) indicating the candidates interviewed, comments, reasons for selection (9.3 justification, refer to 105.9 above) and non-selection, desired salary and start date, and forward to Human Resources. All recruiting materials including the original application/resume for all candidates, interview questions, reference checks must be forwarded to Human Resources at the conclusion of the search process.

105.21 Human Resources shall work with the Hiring Supervisor to make arrangements for a physical/placement examination if required as a condition of employment. Human Resources will make the formal job offer and schedule an appointment with the new employee for the 'New Employee' Orientation Program and completion of hiring documents including a letter of appointment, position description, work schedule.

105.22 Human Resources shall send each applicant a notification concerning the selection of a candidate at the conclusion of recruitment.

#### TIPS FOR SUCCESSFUL INTERVIEWING:

105.23 The style and approach utilized in the interview process will determine the outcome. Strategic planning is crucial. After the position description and position announcement is prepared, plans begin for interviewing and selection.

The following steps provide a guide:

- 1. Identify the interview format. Normally, one of two formats are utilized:
- 2. a) a set of questions is prepared (normally between 6 and 10 questions); each candidate is asked the same questions and the answers are compared; or b) an outline of the areas to be covered is developed and candidates are queried in the general areas.
- 3. Carefully review the resume / application to know the candidate?s formal qualifications and accomplishments.
- 4. Establish a comfortable, accessible and private meeting space for the interview.
- 5. Open the interview with friendly courtesies; maintain eye contact at all times.
- 6. Outline the interview process so that the candidate will know what to expect.
- 7. Before the questions are asked, provide the applicant with a copy of the position description and outline the purpose, major responsibilities and essential functions of the position.
- 8. Begin interview with an easy open-ended question to engage the candidate and facilitate discussion, i.e. tell us more about your experience as it relates to this job.

- 9. Conclude the interview with the recruitment timeline, i.e. expected conclusion of interview process and recommendation.
- 10. When all queries have been made, ask the candidate if he/she has any questions.

Questions relating to knowledge, skills and experience: What have you done in the past that is reflective of the requirements for this position? Describe activities in which you have been involved that demonstrate your ability in the areas just cited. Describe an achievement or accomplishment of which you are particularly proud. What unique or special skills do you possess that will aid in performing the major functions of the position? What unique or special methods would you use in performing the major functions of the position?

Questions relating to professional style, approach to work, work values, interpersonal skills:

Tell us about experiences you have had working with groups and individuals from various ages and ethnic backgrounds. What was the most trying time you ever had with a co-worker? How did you handle it? How was it resolved? How would you describe yourself and/or your work habits? How would the persons with whom you have worked describe you? (relate it to a specific behavior or skill e.g. how you respond in a crisis, your skill in designing a web site, etc.) Has anyone ever criticized your performance? How did you handle that criticism? How have you been effective in encouraging cooperation by co-workers, students or supervisors? What strategies did you employ?

Describe how you have handled disputes with co-workers, students or supervisors? What strategies did you employ?

#### **LEGAL CONCERNS**

105.24 Questions unrelated to the position may be perceived as discriminatory and lead to litigation. Thus, questions about a candidate?s education, scholarship, experience, skills, as well as work values, style and approach to work and work relationships are appropriate. On the other hand, queries about age, religion, disability, race, color, sex, sexual orientation, national origin, marital status, and financial status must be avoided. Indirect questions that might elicit information unrelated to the position should also be avoided. Examples include asking the dates of educational attendance, asking for a photo, asking any question about general physical condition, asking about an arrest or conviction unless it directly relates to the qualifications for the position.

105.25 Maintain confidentiality in the interview

process; do not discuss the candidates or anything about the interview process with anyone not directly associated with the search process. It is essential that all applicants know that all applications will be accorded equitable consideration and confidentiality and that their application will be judged against the position description and position qualifications. All application materials including interview notes/ratings and reference notes shall be forwarded to Human Resources at the conclusion of the search.

105.26 Understanding roles and responsibilities as a supervisor is essential in the appropriate application of authority in hiring. No SF State University employee shall make decisions affecting selection, appointment, tenure, compensation, promotion, termination, other employment status or interest of an "immediate family member" (spouse, parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew, niece, first cousin, registered domestic partner, step-parent, step child, brother-in-law, sister-in-law, father-in-law, motherin-law, daughter-in-law, son-in-law, and by guardianship and/or adoption or a person residing in the immediate household employees or roomers. Relative of domestic partners shall be treated as relatives of spouses). Other important information: For additional information concerning recruitment, including Principles of Conduct, Nepotism, etc., refer to Human Resources Practice Directives and Guidelines.

Effective Date: Jan 92, rev 10/94, rev 4/01, June 2009

# SF State HRSRM | Employee & Labor Relations

Performance Management Guidelines Practice Directive P530 Effective Date: May 1999 Revised June 2004

**Performance Evaluation Forms** 

#### **PHILOSOPHY**

**530.1** The pace of change at the University is ever quickening. Demands and expectations for each of us are also ever changing, thus making communication at all levels of the University vital to our effectiveness. Efficient University organizations realize that ongoing assessment of objectives is essential to achieving them. Effective University organizations know that building work relationships is essential to achieving results. Successful University organizations put into practice what they realize and know. Performance appraisal models provide a way for assessing achievements, building relationships and putting into practice principles and strategies that lead to success.

There is no one perfect performance appraisal model. Rather certain principles and strategies, if present in a process, can have a lasting positive impact on the University and the individual. A performance management program provides the opportunity to identify shared goals, objectives, standards and expectations as well as measure results through shared responsibility. The success of a performance management program is dependent on an environment perceived to be fair, equitable, timely and consistent. Frequent clear and unambiguous communication is crucial to that perception. Such an environment fosters trust among those exchanging feedback. Also, adequate resources must be available to recognize individual and group contributions.

**530.2** It is the philosophy of San Francisco State University and the California State University System, in conformance with the California Education Code, Title 5, and Collective Bargaining Agreements, to follow a program of performance management that incorporates planning, measurement, feedback and continuous development.

**530.3** Principles and strategies that serve as a foundation of a successful performance management program include:

- Performance Management is an ongoing responsibility of the manager and an employee
- Focus is on the quality and timeliness of communication—not on forms and procedures
- Goals and objectives are set by individuals committed to achieving them
- The manager creates an environment that allows an employee to grow and develop
- The employee takes ownership for own growth and development

• Describing the kind of behavior, style and approach desired in work is as important as the productivity or results desired

#### **PROGRAM**

- **530.4** Performance Management is a set of ongoing processes needed to define and plan performance, to develop the skills, knowledge and abilities to perform as planned, to facilitate self assessment, to review and record performance, and to reward performance.
- **530.5** Performance evaluation provides a periodic opportunity for communication between the person who assigns the work, and the person who performs it, to discuss what they expect from each other and how well those expectations are being met. Performance management may allow for self assessment as well as supervisory review. It also serves as a basis for recommending a Performance Based Salary Increase and a written performance evaluation is required prior to awarding a Performance Based Salary Increase.

#### **SCOPE**

- **530.6** These guidelines apply to all staff employees covered by collective bargaining agreements and to employees in designated confidential positions. These guidelines do not apply to individuals hired as faculty, employees hired as administrators in the Management Personnel Plan (MPP) or those in excluded classifications, e.g., student assistants, work-study, graduate assistants, special consultants, etc.
- **530.7** Where the provisions of this policy and procedure are in conflict with the Collective Bargaining Agreements reached pursuant to Chapter 12, (commencing with Section 3560) of Division 4 of Title I of the Government Code, the Collective Bargaining Agreements shall take precedence. Consult the applicable bargaining unit agreement for specific procedural requirements.
- **530.8** The unit administrator is responsible for communicating job expectations, developing performance plans and evaluating the employee's performance. Assistance in the process may be provided by the employee's immediate supervisor who assigns and reviews the employee's work. The immediate, first-line supervisor may or may not be in a bargaining unit.

#### PERFORMANCE MANAGEMENT MODEL

#### **530.9** Develop a performance plan

- Review and update the position description
- Define objectives, expectations and criteria to be used in evaluating performance
- Identify training and professional development needs. Professional development strategies may include: on-the job coaching, job rotation, temporary reassignment, lateral

transfer, participation in fee waiver formal education program, specialized training courses

#### 530.10 Coach consistently

- Provide interim progress reviews exchanging immediate and specific feedback concerning expectations and performance
- Modify plan in response to changes
- Support plan for professional development

#### **530.11** Evaluate performance

- Notify employee of departmental evaluation process and timeline.
- Ask the employee to complete P530B Self Assessment in preparation for the discussion. Although the self assessment is not required, including it does provide the employee with a greater sense of participation in the process and it allows both the employee and evaluator to share feedback and clarify expectations
- Review the performance plan and notes from discussions held during the year
- Update, if appropriate, the position description
- Draft a performance review (summary of discussions over the year). Reference P530A Performance Review form, P530C SFSU User Friendly Principles and P530D SFSU Principles of Conduct for a Multicultural University
- Identify areas for professional development
- Give employee a draft of the evaluation and position description 5 days prior to meeting
- Schedule a meeting with the employee.
- During the meeting, facilitate an open exchange of information concerning expectations

#### **TIMELINES**

- **530.12** PERMANENT: All staff regardless of time base, except those in probationary appointments who are evaluated more frequently based on date of appointment, shall receive a written evaluation of their performance at least once a year, normally in May or June.
- **530.13** TEMPORARY: Staff in appointments with ending dates shall receive a written evaluation of their performance prior to their reappointment. If an evaluation has not been completed within 6 months of the annual performance evaluation cycle, an evaluation shall be completed at that time.
- **530.14** PROBATIONARY: Staff in probationary appointments shall receive a formal (written) evaluation of their performance during the probationary period in those months specified by the appropriate collective bargaining agreement.
- **530.15** SPECIAL: A supervisor may conduct an evaluation of an employee's performance at any time to recognize and record unusually outstanding performance or borderline or unsatisfactory performance. An employee may request an evaluation of his/her performance

anytime he/she believes it would be beneficial. A performance evaluation must be completed in order to recommend permanent status for an employee.

- **530.16** MEETING WITH EVALUATOR: An employee is entitled to a meeting with the evaluator to discuss the performance evaluation. Subsequent to receiving a draft of the performance evaluation, an employee may request a meeting with the evaluator which shall take place within 7 days of the request.
- **530.17** MEETING WITH APPROPRIATE ADMINISTRATOR: Following the meeting with the Evaluator, the employee may request a meeting with the appropriate administrator to discuss the performance evaluation. Normally such a meeting shall take place within fourteen (14) days of the request.
- **530.18** FILE: The written performance evaluation shall be placed in the employee's personnel file. The employee shall be provided with a copy of the written performance evaluation prior to its placement in the personnel file, and the employee may submit a rebuttal statement which shall be attached to the evaluation. A copy of the rebuttal statement will be provided to the Evaluator and Appropriate Administrator.
- **530.19 NOTE:** See Evaluation/Employee Performance in the appropriate collective bargaining agreement for specific provisions and time lines.

#### PERFORMANCE EVALUATION DIMENSIONS

- **530.18** The performance evaluation dimensions provide the developmental areas for performance planning and a framework by which performance will be evaluated. The dimensions also form the basis for the ongoing conversation between the person who assigns the work and the person who performs the work. The Performance Review Form P530A identifies seven (7) general dimensions to be applied in assessing performance. Within the dimension of skills and abilities, there are several criteria which may be applied depending on the nature of work assignments. If desired, evaluators may identify other relevant criteria within the dimension of skills and abilities but such criteria should be discussed with the employee at the beginning of the review period. The dimensions are described below for reference.
- 1) KNOWLEDGE OF POLICIES, PROCEDURES AND PROGRAMS: Demonstrates organizational awareness; knows administrative policies and procedures; has knowledge of business practices; provides accurate information on policies and procedures; makes information easily accessible to all members of the campus community.
- **2) SKILLS AND ABILITIES:** Select a minimum of four which are applicable to the work assignments. Evaluators may identify other relevant criteria if desired.
- a) ANALYTICAL AND DATA ANALYSIS: Recognizes what information is critical; plans and conducts research and analyses in a deliberate and comprehensive manner, presents results in clear and concise manner;

- **b) COMMUNICATION:** Writes clearly; edits work for spelling and grammar; presents numerical data effectively; expresses thoughts clearly, verbally and in writing; seeks out and develops productive work relationships; listens with empathy, responds diplomatically; responds accurately and promptly to questions; listens and gets clarification.
- c) LEADING OTHERS: Prioritizes and plans work activities of others to meet unit, department and college priorities and timelines; efficiently; motivates others towards common goals, integrates changes, demonstrates ability to coach, mentor, train and develop others.
- d) INFORMATION TECHNOLOGY: Demonstrates ability to create, edit, format letters, tables and other documents; demonstrates ability to create newsletters or brochures; demonstrates ability to create, edit and format effective slide presentations incorporating video, audio and graphics; demonstrates ability to create and publish a web page using HTML or an easy-to-use authoring application; demonstrates ability to create spreadsheets, use calculations, generate charts and graphs
- e) JUDGEMENT; PROBLEM SOLVING; AND DECISION MAKING: Gathers relevant data; evaluates information based on appropriate standards; synthesizes facts, concepts and principles; alerts appropriate persons to emerging problems; is willing to make and take responsibility for decisions; consults with appropriate people; supports and explains reasoning for decisions; makes timely decisions.
- **f) TEAM WORK:** Balances individual and unit responsibilities; gives and welcomes feedback; contributes to building a "user-friendly" environment, ensures cooperation and cohesion, facilitates groups in decision making process.
- **g) PROJECT COORDINATION:** Develops plans; coordinates projects; communicates changes and progress; completes projects on time on budget.
- h) WORK PRACTICES (Includes attendance, punctuality, safety, organization of work area): Schedules time off in advance unless an emergency dictates otherwise; follows department procedures for requesting and reporting use of leave; ensures work responsibilities are covered when absent or apprises supervisor of pending responsibilities or upcoming deadlines; arrives at appointments and meetings on time. Utilizes appropriate safety measures, maintains a professional and orderly work environment.
- i) SELF-DEVELOPMENT/CAREER PLANNING: Seeks opportunities for professional development; identifies opportunities to contribute to organizational goals; is willing to learn new skills.

### j) CONTRIBUTIONS TO CAMPUS, CSU, COMMUNITY, IF

**APPLICABLE:** Contributions toward

achievement of strategic planning, college, department and unit goals.

- **3) QUALITY:** Demonstrates accuracy and thoroughness; displays commitment to excellence; looks for ways to improve and promote quality; applies feedback to improve performance; monitors own work to ensure quality.
- 4) USER FRIENDLY INTERACTIONS(Refer to P530Cfor full text of SFSU User Friendly Principles): Acts/behaves in a manner that reflects respect, courtesy and civility, appreciation, empathy, trust, inclusion and consultation. Understands lines of reporting, responsibility, and accountability. Provides accurate information; makes information easily accessible to all members of the campus community. Note: while employees are expected to be courteous and tactful, they are to be treated with dignity and respect and should be encouraged to refer problems or difficult interactions to the supervisor or appropriate administrator. Additionally, employees should be advised of other resources on Campus to whom they can refer problems, i.e., CSEA, Counseling, Student Discipline, Human Relations, Human Resources and Public Safety.
- 5) QUANTITY: Completes work in a timely manner; strives to increase productivity
- 6) PLANNING AND RESULTS: Prioritizes and plans work activities to meet unit, department and college priorities and timelines; identifies needed resources; plans and utilizes existing and new resources efficiently; accommodates multiple demands for commitment of time energy and resources; adapts to changing priorities, situations and demands; integrates changes.
- 7) **CREATIVITY AND INNOVATION:** Engages in creative problem solving; thinks "globally"; knows how to reengineer processes; is open and receptive to new ideas.
- **8) OVERALL RATING:** Describes the employee's overall performance. Where numerical values are assigned, the overall rating is the numeric average of the ratings.

#### PERFORMANCE EVALUATION RATING

- **530.19 SUPERIOR (5):** Performs in an exceptional manner that is well above the satisfactory level.
- **530.20 ABOVE SATISFACTORY (4):** Performs in a more than satisfactory manner.
- **530.21 SATISFACTORY (3):** Performs the requirements of the position in an acceptable manner.
- **530.21 NEEDS IMPROVEMENT (2):** Does not do all that is required for a satisfactory performance.
- **530.23 UNSATISFACTORY** (1): Performs at a level much less than required and needs considerable improvement.

#### RESOLVING CONFLICTS AND SOLVING PROBLEMS

**530.24** Poor performance is often exhibited through conflict and in problems encountered with communication and in working relationships. A performance evaluation is an assessment of performance and should not be punitive. An unsatisfactory performance evaluation is recognized, however, as necessary in reinforcing appropriate behavior and providing an opportunity to correct unsatisfactory employee performance prior to implementing progressive discipline. (Refer to P206 for Progressive Discipline Guidelines)

**530.25** Principles that lead to successful conflict resolution, enhance receptivity to constructive criticism and facilitate corrective action include:

- Attack the problem, not the person
- Focus on correcting the behavior, not on punishing the employee
- Be clear about what you see, how you judge, and how you react to people and situations
- Understand and take charge of your own feelings and behaviors
- Move from a defensive, reactionary posture to resolution
- Look forward (opportunity), not backward (blaming).
- Analyze the situation and attempt to view from both sides
- Identify the points where you can compromise rather than demand
- Be open and make every effort to respond in a positive manner.

# PROGRESSIVE DISCIPLINE GUIDELINES & Practice Directive P206 Effective Date:July 1985Revised: March 2004

#### **PROGRAM**

**P206.1** It is the philosophy of San Francisco State University and the California State University system, in conformance with the California Education Code, Title 5, and Collective Bargaining Agreements, to follow a program of progressive discipline when an employee fails to meet the required standards of performance. Progressive discipline establishes a process of clear, timely, consistent, and documented communications with an employee designed to ensure an understanding of job expectations, provide an opportunity to correct behavior, improve performance, and assure "due process". The process begins with a job description, appropriate training, communication of work rules, and regular performance evaluations.

**P206.2** The goal of progressive discipline is to modify specific behavior or to improve performance. The goal is not to punish the employee, but to alert the employee to the need to correct specific behavior.

**P206.3**Progressive discipline actions taken by SFSU administrators, deans, or unit heads shall remain confidential.

**P206.4** Effective performance is acknowledged through verbal reinforcement, written performance evaluations outlining specific examples of accomplishments and contributions, and recommendations for salary increases. (Refer to <a href="https://examples.org/length/html">HR Practice Directive #P530 for Performance Evaluation</a> and #P300 for Compensation).

**P206.5**Poor performance should be addressed through a progressive pattern of pre-discipline and formal discipline. Pre-discipline includes special performance evaluations, counseling, verbal and written warnings, and letters of reprimand. Formal discipline includes suspensions without pay or demotion, and finally dismissal. This progressive pattern of discipline is designed to ensure proper communication between supervisor/administrator and employee, to provide an opportunity to reinforce appropriate behavior, and to correct unsatisfactory employee performance.

#### **SCOPE**

**P206.6** These guidelines apply to all staff employees covered by collective bargaining agreements and to employees in designated confidential positions. These guidelines do not apply to individuals hired as faculty, employees hired as administrators in the Management Personnel

Plan (MPP) or those in excluded classifications, e.g., student assistants, work-study, special consultants, etc. '

**P206.7**Where the provisions of this policy and procedure are in conflict with the collective bargaining agreements reached pursuant to Chapter 12, (commencing with Section 3560) of Division 4 of Title I of the Government Code, the collective bargaining agreements shall take precedence. Additionally, the Public Safety Officers' Procedural Bill of Rights shall pertain in cases where applicable.

#### **AUTHORITY**

**P206.8**At SFSU, the president has delegated authority to impose formal disciplinary action in the form of suspensions, demotions and dismissal to the cabinet level officers (appropriate vice president). Recommendations for such disciplinary actions are submitted by the dean to a Human Resources or Employee Relations officer.

**P206.9** The appropriate administrator (designated within the Management Personnel Plan) is responsible for initiating disciplinary action(s). Pre-disciplinary action, which includes counseling, oral and written warning(s), and letter(s) of reprimand, may be taken with or without consulting a Human Resources or Employee Relations officer. Formal disciplinary action, which includes suspension or demotion and dismissal, requires consultation with a Human Resources or Employee Relations officer and the concurrence of the cabinet level officer.

**P206.10**Immediate formal disciplinary action may be implemented in instances of serious misconduct where there is a clear and present danger to the university or its members. Such misconduct may include, but not be limited to, dishonesty, including fraud in securing employment, theft, misappropriation of University property or funds, acts endangering the health and safety of others, immoral conduct, and conviction of a felony or misdemeanor involving moral turpitude. In such instances, an employee may be temporarily suspended with pay for reasons related to a) the safety of persons or property; or b) the prevention of the disruption of programs and/or operations, or c) investigation for formal disciplinary action.

**P206.11** Typically, progressive discipline is implemented for ongoing failure or refusal to perform the normal and reasonable duties of the position, which includes, but is not limited to unsatisfactory performance, excessive absenteeism, tardiness, work rule violations, insubordination, or unprofessional conduct that may include verbal abuse toward another employee.

**P206.12**Employees should be advised of their right to consult with a union or personal representative prior to any discussion that could adversely affect working conditions or employment status.

#### **PROCEDURES**

**P206.13**For employees with temporary or probationary status, in cases where dismissal is requested prior to the end date established for a temporary position or where rejection during probation is requested, normally at least one performance evaluation shall be conducted prior to

the midpoint of the temporary appointment or probationary period, identifying areas and behavior needing improvement and time shall be provided to improve performance prior to dismissal. Where stipulated in collective bargaining agreements, performance evaluations should be administered according to the provisions contained therein.

**P206.14**Issues to consider prior to initiating progressive discipline:

- **a.**Have an accurate, comprehensive position description, clearly written performance expectations, and adequate training been provided to the employee?
- **b.** Are the standards of employee performance and rules of employee conduct being applied fairly and equitably? Have all employees demonstrating similar deficient behavior or violating similar rules been treated alike?
- **c.**Has information regarding performance expectations and deficient behavior been communicated regularly? Have written records been maintained of counseling meetings? Has the employee been provided the opportunity to respond? Has the progressive disciplinary action been initiated in a timely, consistent, and confidential manner?
- **d.** Does the University have a written guideline concerning the behavior, and was the employee given a copy?
- **P206.15**Counseling is normally the initial step in the progressive discipline process. Problems should be identified and discussed with the employee in a confidential manner. The appropriate supervisor, administrator, or unit head should seek input from the employee about the cause of the problem, and solutions should be identified and agreed upon. Follow up should be provided, and the employee should be advised of progress made in solving the problem. The purpose of counseling is to bring the problem to the employee's attention before it becomes so serious that it must become part of a written warning placed in the employee's file. This process may be repeated prior the initiation of a written warning or reprimand.
- **P206.16** Verbal and written warnings and reprimands are intended to constitute informal notice to the employee of a specific behavior that needs to be corrected. Oral and written warnings are not submitted to the Human Resources Department or placed in the official personnel file, but may go in a file as documentation for subsequent actions. A warning should describe the problem, indicate expected behavior, and outline the consequence for failure to correct the behavior. The administrator should maintain a record of the date and content of all conversations with an employee where a warning has been given and should retain copies of any written warnings. Administrators should prepare a memo to file documenting verbal warnings and conversations when improvements to performance have been addressed.
- **P206.17**Written warnings or reprimands are initiated only when counseling fails to produce the desired result. The problem should be clearly stated, the steps to correct the problem must be clearly identified, and a meeting should be held with the employee to discuss the steps necessary to correct the identified performance deficiency. This process may be repeated with stronger

consequence statements, including the statement that failure to correct this situation may lead to further disciplinary action.

**P206.18**For dismissal of an employee in a temporary or probationary appointment, the appropriate administrator shall prepare and submit a memo to a Human Resources or Employee Relations officer requesting dismissal and outlining the deficient performance, as well as the steps that have been taken to communicate with the employee regarding the improvements needed. The Human Resources or Employee Relations officer shall prepare a notice to the employee either ending the temporary appointment or rejecting him/her during probation. A copy of the request for dismissal from the appropriate administrator shall be attached to the notice. Normally, the employee shall be provided with two weeks' notice or pay in lieu of notice. If the employee has permanent status in another classification, the employee has the right to return to the classification in which he/she has permanent status. In such cases, the employee shall normally be reassigned to a position within the same cabinet area.

For more information concerning employee rights regarding probationary appointments and rejection during probation, refer to Human Resources' Supervisor's Step-by-Step Probationary Guide.

**P206.19**For employees with permanent status, except as specified in paragraph 206.8, the progressive discipline process shall occur prior to dismissal. The process may include discussions with the employee, unsatisfactory performance evaluations, and verbal and written warning(s), letter(s) of reprimand, suspension, and/or demotion.

**P206.20**Written reprimands shall be given by the appropriate Management Personnel Plan administrator to the employee, and shall be forwarded to the Human Resources Department for inclusion in the employee's personnel file. Since all personnel decisions regarding formal disciplinary action must be based on material contained in the employee's official personnel file, all deficient behavior should be carefully documented and all written reprimands must be clearly articulated. The written reprimand must be clearly identified as a written reprimand (e.g., Letter of Reprimand - Performance or Letter of Reprimand - Attendance) and must state that a copy of the reprimand is to be placed in the employee's personnel file (e.g., cc: Personnel File). The written reprimand should contain, but is not limited to, the following:

**a.What did the employee do?** Clearly identify the specific conduct deemed deficient and describe the conduct in complete and explicit terms using plain language. Include dates, names, places, events, witnesses, etc. Supplement general statements with specific examples to provide a proper factual foundation. The document should be a self-contained record; it should be fully understood by a third person unfamiliar with the employee's unsatisfactory conduct. A third person should be able to understand what the employee did that created the problem based upon reading the document, without having to refer to any other information source.

**b.How did the behavior violate a performance expectation/rule?** Include the rule, authority, and/or expectation relating to the deficient behavior, such as CSU policies or campus procedures, collective bargaining provisions, job descriptions, written work rules or written administrative memos/instructions/directives. Often, it will be necessary to translate the problem into a

recognized performance expectation, especially when the unsatisfactory behavior is not directly tied to a clearly defined written standard or expectation. This type of behavior may involve attitude and cooperation, job efficiency and accuracy, and adequate job skill levels. Examples include discourteous conduct, poor professional judgment, job carelessness, and disruptive behavior. Where the inappropriate behavior has previously occurred, a notation should be made of the prior violation and resulting action, if any.

- **c.What is the impact of the employee's conduct?** Cite the adverse effect of the employee's conduct on university operations and other persons especially where negative public notoriety occurs. Examples include: lack of dependability; unnecessary shift of duties to other employee; lack of continuity and consistency; unnecessary expenditure of supervisory time; interference in normal procedures causing delay in the completion of work; exposure to personal injury and university liability; destruction or damage to property and repair costs; and lack of compliance with required timelines.
- **d.What does the employee need to do to improve?** Provide specific suggestions and/or directives for the employee to meet job requirements. Outline directions regarding the proper behavior or level of performance expected in the future. It is important to be clear and unequivocal and to include the effective timelines and the consequence(s) if the employee fails to comply (e.g., further disciplinary action will occur that may result in dismissal, etc.). In other words, the employee must know what must be done to correct deficient performance or behavior and when and what will happen if the performance is not corrected. The description of the behavior must be unambiguous, easy to understand, and as complete as possible. Identify any assistance that the employee may require to meet job requirements such as additional training, equipment, etc.
- e.What rights does the employee have in connection with the disciplinary action? The employee has a right to receive a copy of any document(s) including a letter of reprimand that could lead to an adverse personnel action prior to their placement in the employee's official personnel file (five days prior to placement for Unit 4). The employee may in turn submit a response to these documents that must be included in the employee's official personnel file according to the provisions of the collective bargaining agreement in effect at the time. The employee also has the right to review his/her personnel file and obtain copies of all materials contained within it. When preparing a letter of reprimand, state at the bottom of the letter that a copy will be placed in the official personnel file and that the employee may submit a response. The employee may request a conference with the appropriate administrator to discuss the reprimand, may be represented at the conference by another employee or union representative and may request a review of the reprimand at the next level of supervision.

In summary, employees have the (1) right to union or personal representation; (2) right to be given the facts; i.e., to know the facts giving rise to the disciplinary action; (3) right to a hearing on the matter; (4) right to receive copies of all materials upon which the action is based; (5) right to appeal to a reviewing officer; and (6) right to file an appeal with the State Personnel Board.

**P206.21** Consultation with a Human Resources or Employee Relations officer is required prior to the submission of recommendations for formal disciplinary action (demotion, suspension and

dismissal). The recommendation shall document prior counseling, warnings, written reprimands and prior discipline, and shall include all supporting documentation, e.g., attendance records, copies of written reprimands. The documentation must describe the deficient behavior, identify the impact to the department, outline what actions have been taken prior to the recommendation to communicate with the employee about the deficient behavior and efforts made concerning the correction of behavior and include the names of witnesses if appropriate to the deficient behavior.

**P206.22** Where the deficient behavior is believed to be illegal or serious misconduct as outlined in 206.08, the appropriate administrator shall immediately notify the Chief of University Police, a Human Resources or Employee Relations officer, the University counsel and auditor, if appropriate.

**P206.23**A Human Relations or Employee Relations officer shall review the request for the formal disciplinary action, and shall forward a recommendation with all supporting documentation and employee notification to the appropriate Cabinet Level Officer for signature.

**P206.24**Upon signature, the Human Resources or Employee Relations officer shall either forward the notice to the appropriate administrator to be served on the employee in person, arrange for personal service, or send the notice of formal disciplinary action to the employee by certified mail at the employee's last known address. The notice shall contain information regarding employee rights, including the right to consult their union or personal representative.

**P206.25**Within five (5) days of receiving the notice of formal disciplinary action, the employee may provide a written statement and/or, by appointment, an oral statement, requesting a review by a Reviewing Officer appointed by the President or designee. The Reviewing Officer shall review all pertinent documentation and is empowered to affirm, modify or withdraw the notice.

**P206.26**Within thirty (30) days of receiving the notice of formal disciplinary action, the employee may appeal to the State Personnel Board.

**P206.27**If an employee requests a State Personnel Board Hearing, the Human Resources or Employee Relations officer shall notify the appropriate administrator and the appropriate union regarding the hearing, and shall assist the University counsel with necessary case preparation and presentation.

**P206.28**When not provided specifically by collective bargaining provisions, letters of reprimand may be removed from the official personnel file upon the employee's request after three (3) years from its effective date. If formal disciplinary action has been initiated and the reprimand is related to the action, the letter will not be removed. Nothing in this provision shall prohibit earlier removal of the reprimand upon mutual agreement by the administrator and employee.

Revised: March 2004

## THE CALIFORNIA STATE UNIVERSITY Office of the Chancellor 401 Golden Shore Long Beach, California 90802-4210

(562) 951-4455

Code: HR 2002-13

Date:

April 18, 2002

To:

Presidents

From:

Jackie R. McClain, Vice Chancell

Human Resources

Richard West, Executive Vice Chancellor and

Chief Financial Office

Subject:

Compliance with California Commission on Peace Officer

Standards on Training (POST) and Control of POST Fund

Training Reimbursements

This policy outlines the minimum training requirements for sworn peace officers and dispatchers as mandated by the California Code of Regulations, POST Administrative Manual, California Penal Code and the California Code of Regulations.

This policy will also establish minimum guidelines for the control of POST training reimbursement funds as mandated by the Statewide Administrative Manual.

#### Compliance with POST Training Requirements

All swom police officers and dispatchers must be provided the minimum training as mandated by POST Section 1005. Each department should establish a department training plan to insure that all swom officers and dispatchers receive the minimum POST mandated training.

Title 22, Article 2, Section 100016 of the California Code of Regulations states that first aid and CPR training shall be provided to all lifeguards, firefighters and peace officers, unless their duties are primarily clerical or administrative.

The California Penal Code Section 13518 requires that every police officer, except those whose duties are primarily clerical or administrative, shall meet the training standards prescribed by the Emergency Medical Services (EMS) Authority for the administration of first aid and CPR. In addition, satisfactory completion of periodic refresher training or appropriate testing in CPR and other first aid as prescribed by the EMS Authority shall also be required.

(over)

Those campuses that have implemented the use of Automated External Defibrillators, shall comply with the California Code of Regulations, Title 22, Division 9, Chapter 1.8, and Sections 100031-10039. Every authorized individual using the defibrillators shall have met the training standards required by the code. Departments should establish policies and procedures for the use of the defibrillators to insure proper maintenance and use of the defibrillators.

#### Control of POST Training Fund Reimbursements

The California Department of Justice through the division of the California Peace Officers Standards on Training (POST) reimburses campus police departments for certain approved types of training pursuant to California Penal code sections 13507 and 13522. Monthly checks are mailed directly to the CSU police departments and campus procedures need to be established to comply with the Statewide Administrative Manual (SAM) to insure the reimbursements are received, prevent misappropriation or loss of the funds.

Campuses should develop a system of accounting that when a sworn or qualifying member of the police department is scheduled and sent to training, that the campus estimate pursuant to POST Administrative Manual (PAM) Section E, the amount of the reimbursement to be received from POST and that the records are reconciled upon receipt of the reimbursement check. Each employee must submit a POST Training Reimbursement Request (TRR) form at the training class. POST reimburses the departments based upon five designated plans as outlined in PAM section E-2. Each campus has the authority to decide how the reimbursement account is set up, and the usage of the training funds pursuant to the campus POST training plan. Each campus must insure compliance with the account agreement as approved by campus authorities.

Pursuant to SAM Section 8023, CSU Police Chiefs shall insure that all checks, money orders, and warrants received for deposit be restrictively endorsed for deposit as soon as practical after receipt, but no later than the end of the working day. There should be a method in place whereby a supervisor can verify that the accurate reimbursement is received; that the appropriate deposit was made and receipts maintained; that the records be maintained to verify a timely deposit and reconciliation.

Pursuant to SAM 20500, CSU Police Chiefs shall insure that a satisfactory system of internal accounting and administrative controls shall include the segregation of duties appropriate for proper safeguarding of assets, liabilities, revenues and expenditures.

#### JRMcC/RW:jj

cc: Vice Presidents, Administration & Finance Vice Presidents, Student Affairs Police Chiefs The California State University Office of the Chancellor **401 Golden Shore** Long Beach, CA 90802-4210 (562) 951-4411

Date:

August 3, 2001

Code: HR 2001-19

To:

CSU Presidents

From:

Jackie R. McClain Vice Chancellor Human Resources

Subject:

New Nonrepresented Classifications and Standards:

 Police Officer Cadet - Non-Represented Police Officer-Intermittent/Non-Represented

Two new nonrepresented classifications have been created in the Excluded (E99) employee group, as a result of the agreement reached between the California State University (CSU) and the State University Police Association (SUPA): Police Officer Cadet - Non-Represented and Police Officer-Intermittent/Non-Represented. Qualification Standards are provided in Attachment A. Employment provisions for each classification are detailed below:

#### POLICE OFFICER CADET - Non-Represented

Class Code:

8346 E99

CBID:

Non-Exempt

FLSA: Salary Rate:

\$2885 per month for fiscal year 2001/02. Refer to the CSU Salary

Schedule for future updates.

#### **Appointment Information:**

- All cadet appointments effective July 1, 2001 or later must be made to the Excluded classification. Employees appointed to the Unit 8 Police Officer Cadet classification (class code 8345) on or after July 1, 2001, must be corrected in the PIMS database to the new class code 8346. (In Item 215, reference "HR 2001-19"). Cadet appointments effective June 30, 2001 or earlier will remain in the Unit 8 classification for the duration of the appointment.
- Appointments are generally seven (7) months during which the cadet completes basic academy training.

#### Distribution:

Vice Presidents, Administration Vice Presidents, Student Affairs Chiefs of Police **Human Resources Directors** 

Benefit Officers Payroll Managers

SOSS Director

Associate VPs/Deans of Faculty Affairs

- Appointments are temporary in nature. Employees in this classification do not receive permanent status and do not earn seniority points.
- Upon completion of basic academy training including the attainment of the P.O.S.T.
   Certification, and after being sworn in, the cadet may be appointed as a Police Officer (class code 8350) in Unit 8.

#### **Health Benefits:**

 Cadets with full-time appointments greater than six (6) months are eligible for health, dental and vision benefits.

#### **Shift Differential:**

- A cadet who works four (4) or more hours between 6:00 p.m. and midnight (exclusive of overtime) shall be paid a shift differential of twenty-three cents (23¢) per hour for the employee's entire shift.
- A cadet who works four (4) or more hours between midnight and 6:00 a.m. (exclusive of overtime) shall be paid a shift differential of twenty-eight cents (28¢) per hour for the employee's entire shift.
- Shift differential paid to an eligible employee shall be included along with the employee's regular salary for the purposes of calculating overtime.

#### Uniform Allowance:

Cadets who are required to wear a uniform shall earn a uniform allowance of \$57.00 per qualifying month of service. The total uniform allowance earned by an employee shall be paid in a lump sum in October of each calendar year. Uniform allowance payments are subject to Public Employees' Retirement Plan (PERS) withholding (Earnings ID = "S1").

#### Leave Benefits:

Cadets are eligible for vacation, sick leave, catastrophic leave, holiday pay and two
 (2) days of bereavement leave in the event of the death of an immediate family member.

#### **Disability Benefits:**

· Cadets are eligible for NDI and IDL.

#### Retirement Benefits:

- Cadets with full-time appointments greater than six (6) months are eligible for PERS Miscellaneous Tier 1 retirement benefits.
- Cadets can participate in supplemental retirement plans such as tax shelter annuities (403b) and State Savings Plus program (457 and 401k).

#### POLICE OFFICER - Intermittent/Non-Represented

Class Code:

8347

CBID:

E99

FLSA:

Non-Exempt

Salary Rate:

\$18.90 to \$31.50 per hour for fiscal year 2001/02. Refer to the

CSU Salary Schedule for future updates.

#### **Appointment Information:**

This classification is for all intermittent sworn police officers only.

- All intermittent police officer appointments effective July 1, 2001 or later must be made to the excluded classification. Employees intermittently appointed to a Unit 8 classification on or after July 1, 2001, must be corrected in the PIMS database to the new class code 8347. (In Item 215, reference "HR 2001-19").
- Appointments are temporary in nature. Employees in these classifications do not receive permanent status and do not earn seniority points.

Health Benefits: Not eligible

Shift Differential: Not eligible

Uniform Allowance: Not eligible

#### Leave Benefits:

Intermittent sworn police officers are eligible for vacation, sick leave, catastrophic leave and holiday pay on a pro-rata basis.

Disability Benefits: Generally, not eligible.

#### **Retirement Benefits:**

Intermittent sworn police officers who previously have not been enrolled in PERS should be enrolled in the PST retirement program. Employee contributions are in lieu of social security.

If you have questions or concerns, please contact Human Resources Administration at (562) 951-4411. This HR Letter is also available on Human Resources Administration's web page at: http://www.calstate.edu/HRAdm/memos.shtml

JRMcC:gc



#### Police Officer Cadet - Non-Represented

Class Code: 8346 Established: 07-01-01

#### **OVERVIEW**

The Cadet is a non-sworn officer in a trainee capacity. Incumbents attend a P.O.S.T. certified academy to develop the minimum qualifications necessary to assume a position as a sworn police officer. Upon successful completion of the required P.O.S.T. training within the required timeframe and the discretion of management, the Police Officer Cadet may be appointed to the classification of Police Officer (Class Code 8350) on a probationary basis.

The primary responsibility of the Cadet is to attend the prescribed training sessions to learn the principles, practices and theory of criminal and civil law enforcement and codified and case law. The cadet also receives training in report writing, physical fitness techniques, firearms use and maintenance, and arrest and control techniques. Under close supervision, the Cadet may assist other police officers in the performance of their duties.

Appointments to this classification are temporary in nature and typically do not exceed seven (7) months.

#### MINIMUM QUALIFICATIONS

#### **Education and Experience**

 High school diploma or equivalent and eligibility to attend a certified Peace Officer Standards and Training (P.O.S.T.) basic training academy.

#### Knowledge and Skills

- Valid California driver's license at time of appointment.
- Ability to qualify for and satisfactorily meet the ongoing standards of the basic P.O.S.T. academy training.
- Mental capacity, physical agility and learning potential to perform all aspects of P.O.S.T. training and police work

Police Officer Cadet • 1



### Police Officer - Intermittent/Non-Represented

Class Code: 8347 Established: 07-01-01

#### **OVERVIEW**

This classification is for intermittent sworn police officer appointments only. Under general supervision, the primary responsibility of a police officer is to protect students, faculty, staff, campus visitors, property, and facilities from accidents, bodily harm, fire, theft, vandalism, and illegal entry; enforce laws and traffic regulations; apprehend violators; provide general information and assistance to the public; assist in investigations; and assist in crowd control for campus events.

Police officers patrol campus buildings and grounds by foot or by vehicle; control crowds during assemblies or disturbances; guard property; investigate and prepare reports on accidents, property damage, fires, law violations, thefts, and disturbances of the peace; and gather evidence, make arrests, and appear in court as required. Work assignments may include enforcing parking regulations and issuing traffic citations; administering first aid to injured persons; and guarding or transporting cash funds.

#### MINIMUM QUALIFICATIONS

#### **Education and Experience**

- High school diploma or equivalent.
- Successful completion of a P.O.S.T. certified training program, including obtaining a Basic Course Certificate.

#### Knowledge and Skills

- Valid California driver's license.
- Working knowledge of current law enforcement methods and procedures.
- Working knowledge of current criminal codes and laws.
- Effective interpersonal skills to resolve a wide variety of sensitive situations.
- Effective oral and written communication skills, including writing clear and comprehensive reports.
- Demonstrated ability to think and act effectively in emergency and sensitive situations.

# Classification Program For Non-Faculty Bargaining Units Practice Directive P320 Effective September, 1997

#### **PROGRAM**

- **320.1** The classification program is designed to ensure that the skill level required and the responsibilities assigned to employees are accurately reflected in position descriptions and that positions are appropriately classified in accordance with the Classification and Qualification Standards issued by the Trustees of The California State University (CSU) as implemented at San Francisco State University.
- **320.2** A classification and/or skill level review may be initiated by the employee, Dean/Director or by the Human Resources Department as part of a system wide or campus review.
- **320.3** Classification and/or skill level reviews are normally conducted in response to a change in skill level requirements or position responsibilities, a reorganization/structural change or the establishment of a new position. The supervisor is responsible for preparing position descriptions and ensuring that each employee has a position description which reflects the responsibilities assigned and skills required. Determination of the appropriate classification is based on the skills required to perform the job and nature of work assigned. Factors such as independence, autonomy, innovation, creativity, decision making, judgment, complexity, routinization, supervision given and received may also be considered.
- **320.4** The effective date of a reclassification and/or skill level shall normally be the first of the month following Cabinet Officer's approval of the classification and/or skill level recommendation made by the Human Resources Department.
- **320.5** The salary of an employee moving to a classification or skill level with a higher salary range shall normally be 5% or the minimum of the new salary range, whichever is greater.
- **320.6** Funding for reclassifications and/or higher skill levels shall be borne by the department in which the position resides.

#### **SCOPE**

**320.7** The Classification Program shall apply to all employees in temporary, probationary and permanent non-faculty positions including confidential and administrator positions covered by the Management Personnel Plan.

**320.8** Employees not covered by these guidelines include Instructional Faculty, Auxiliary employees, Teaching Associates, Graduate Assistants, Special Consultants, Casual Workers, Student Assistant/Work Study and Volunteer employees.

**320.9** Where the provisions of this policy and procedure are in conflict with the Collective Bargaining Agreements reached pursuant to Chapter 12, (commencing with Section 3560) of Division 4 of Title I of the Government Code, the Collective Bargaining Agreement(s) shall take precedence.

#### **PROCEDURE**

**320.10 MANAGEMENT INITIATED REVIEWS**: The Supervisor and/or Dean/Director shall prepare and forward to the appropriate Cabinet Officer a memo (the Cabinet Officer must sign the memo to authorize Human Resources to conduct the review). The memo shall identify the reasons for change in assignments, e.g. legislation, reorganization, new functions. A current and revised position description (HR 320A), including organization charts shall be forwarded with the memo.

**320.11 EMPLOYEE INITIATED REVIEWS**: An employee may request a classification review provided the request is made at least eighteen (18) months after the completion of a previous classification review and/or skill level determination. An employee's request shall be submitted in writing to the employee's supervisor and must include copies of the current and revised position description (HR 320A) including organization charts. The employee shall also submit a memo outlining the changes in skills and responsibilities upon which the request is based.

**320.12** The supervisor shall forward the employee request as soon as possible to the Dean/Director and Cabinet Officer for authorization and submission to Human Resources for review. The supervisor shall prepare and submit a memo with the employee's request that verifies or refutes the changes in responsibilities and skill level required (if confirming the changes, the supervisor shall include the date the changes occurred, and when changes are expected to take place).

#### **CLASSIFICATION REVIEW**

320.13 The review process may include one or more of the following:

- 1. Analysis of materials associated with the position including the position description statement of changes in responsibilities and skill levels.
  - 2. Interviews with incumbent(s), supervisor(s), and/or managers individually or ingroups.
  - 3. Comparison with other positions on/offcampus for similarities and differences in skilllevel, difficulty, responsibility and qualification requirements.

**320.14** The Human Resources Department shall formulate a classification recommendation, review the recommendation with the Cabinet Level Officer and obtain approval, communicate in writing the classification determination, including the reasons for the decision, within 180 calendar days after initiation of the request.

#### **CLASSIFICATION APPEAL**

**320.15** An employee may appeal a classification and/or skill level determination to the Director of Human Resources no later than fifteen (15) calendar days after receiving written notification of the decision. The appeal shall include the specific reasons for disagreement with the classification determination. The process for an appeal review shall be similar to 320.13. The classification and/or skill level decision resulting from the appeal shall be final and not subject to grievance procedures.

# Classification and Qualification The California State University System

#### **Police Series**

Sergeant 9354	Classification Title Police Officer Corporal Sergeant	Class Code 8350 8365 8354	Date Established 10-01-78 10-01-78 04-08-70	Date Revised 06-06-03 06-06-03

#### **OVERVIEW:**

This Police Series encompasses those positions whose primary function is to ensure the protection and public safety of CSU students, faculty, staff, property, and members of the general public who visit a CSU campus. Incumbents assigned to this series must complete successfully a certified Peace Officer Standards and Training (P.O.S.T.) program and become sworn police officers, licensed to carry firearms.

Positions are classified within the series on the basis of the nature and variety of work, including difficulty and complexity of assignments; degree of supervisory control exercised over the position; availability and scope of guidelines and authority controlling actions; purpose, level and nature of interpersonal working relationships; and nature and extent of supervisory responsibility for the work of others.

Incumbents in this series have primary responsibility for patrolling the campus, maintaining order, controlling crowds, protecting individuals and property, conducting investigations, gathering evidence, making arrests and writing reports. All positions in the series require at least a working knowledge of current federal and state laws; ability to identify and evaluate sensitive and/or dangerous situations and take appropriate action, quickly and calmly; ability to make clear, concise written and oral reports of observations and actions taken; ability to establish and maintain effective working relationships with campus personnel, students, community agencies and the public; and ability to meet the physical and mental demands of the job.

In addition, incumbents may be delegated responsibility for additional assignments to meet the unique public safety needs of the campus. Examples include: range master, canine handler, field training, defensive tactics instruction, motorcycle patrol, bicycle patrol, special evidence technician, crime prevention specialist, community relations programs, and a member of a critical response or special reaction team (e.g., sexual assault or emergency medical).

#### **ENTRY REQUIREMENTS:**

For entry requirements into the Police Series refer to CSU's policy on the selection and testing of police personnel.

#### **DEFINITION OF CLASSIFICATION LEVELS:**

#### Police Officer

This classification is reserved for entry-level sworn officers who have graduated from a certified P.O.S.T. academy and obtained the Basic Course Certificate. Duties at this level require a working knowledge of law enforcement methods and procedures, criminal codes and laws, and investigating techniques and procedures. The Police Officer performs general patrol and operational police duties and may assist in investigations or as a member on special teams or task forces. Incumbents may receive specialized on-the-job training to perform these specialized functions.

Police Series • Introduction • 1

#### Corporal

This classification is the second level in the Police Series, requiring a thorough knowledge and understanding of law enforcement methods and procedures, criminal codes and laws, and investigative techniques and procedures. The corporal independently performs general law enforcement and patrol duties and a variety of specialized work assignments. Incumbents in this classification require graduation from a P.O.S.T. academy, a Basic Course Certificate, and two or more years of active law enforcement experience.

#### Sergeant

This classification is the highest level in the Police Series and is a first line supervisory classification, requiring a comprehensive knowledge and understanding of law enforcement methods and procedures, criminal codes and laws, and investigative techniques and procedures. Work assignments include primary supervisory responsibility for a shift, program, unit or task force, and general law enforcement and specialized work assignments performed by other positions in this series. Incumbents require graduation from a P.O.S.T. academy, a Basic Course Certificate, and three or more years of active law enforcement experience.

Police Series • Introduction • 2

#### Corporal

Class Code: 8365 Date Established: 10-01-78 Date Revised: 06-06-03

#### **OVERVIEW:**

Under general direction, the Corporal performs a variety of general law enforcement duties. Work assignments typically require the incumbent to exercise independent judgment and action.

Incumbents typically perform general law enforcement work that includes some or all of the following: patrolling campus buildings and grounds on foot or vehicle; maintaining order; enforcing laws, rules and regulations; apprehending and processing violators; initiating police action; preparing and presenting oral and written reports; providing assistance to campus personnel, students and the public in public safety matters; and serving as the lead or senior member on a campus patrol operation.

The Corporal rank is distinguished from the Police Officer by the regular, ongoing assignments of one or more of the following:

- Assignment as a team leader, assistant watch commander or patrol agent responsible for leading a shift and providing direction to officers in the field.
- Performance of a special assignment on a regular, ongoing basis including but not limited to: investigator/ detective, crime prevention specialist, and/or community relations specialist.

#### MINIMUM QUALIFICATIONS:

#### Knowledge and Abilities:

- Valid California driver's license.
- Thorough knowledge of current law enforcement methods and procedures.
- Thorough knowledge of current criminal codes and laws.
- ♦ Thorough knowledge of effective investigative techniques and procedures.
- Effective oral and written communication skills, including writing clear and comprehensive reports.
- Ability to work independently and make sound judgments.
- Ability to provide effective leadership and direction to field personnel during assigned shift.

#### Education and Experience:

- High school diploma or equivalent and graduation from a Peace Officer Standards and Training (P.O.S.T.) academy and a Basic Course Certificate.
- Two or more years of active law enforcement experience.





The California State University System

#### **Police Dispatcher**

Class Codes: 8800 - 8802 Date Established: 12/01/00

#### OVERVIEW:

The Police Dispatcher is a specialized classification within police departments which provides essential dispatch communications and records maintenance. Dispatchers are responsible for maintaining effective and efficient communications between campus law enforcement headquarters, campus police officers in the field, outside emergency and law enforcement agencies, and the public. Incumbents in this position receive, record and dispatch general and emergency information quickly, clearly and accurately. Two position skill levels are defined:

- Position Skill Level I Incumbents at this level perform standard dispatch duties which include receiving and screening incoming emergency and public safety calls and communicating with campus law enforcement staff using the police radio systems to dispatch accordingly. Work involves the use of automated/computerized dispatch and police information systems and databases to input and retrieve data. Incumbents are required to work independently, react quickly, and demonstrate good judgment and discretion in stressful situations.
- Position Skill Level II Incumbents at this level typically have a higher degree of accountability for the dispatch and records functions. Their assignments typically involve providing lead work direction to other dispatchers and/or other public safety support staff and/or performing more complex and diverse functions in support of public safety programs. They often participate in the development of operational procedures and protocols related to dispatch functions.

#### CORE AREAS

Positions in this classification are distinguished by the critical nature of police dispatch work and the specialized knowledge and skills required to perform this work. While the predominant focus of positions in this classification is dispatch communications, the work assignments may fall into the following core areas:

- Dispatch Communications Answering and screening incoming calls to the police department which involve conversing with crime victims, witnesses, and members of the public to elicit and record pertinent information; operating police department and other emergency communications equipment to dispatch officers to calls for service, critical incidents and emergencies; entering and retrieving data for police reports, activity logs and criminal information; utilizing automated dispatch and law enforcement systems and databases to enter, research and retrieve information; operating the 911 telephone system and serving as the primary answer point; coordinating emergency responses including performing emergency dispatch duties; and referring citizens to appropriate resources such as counseling services, domestic violence support services or victim/witness assistance units.
- Record-keeping Utilizing dispatch and law enforcement systems and databases (both computerized and manual) to maintain department files and reports; entering, recording, researching and retrieving information; updating department warrant and due diligence information; filing police reports; preparing arrest folders, maintaining criminal history files and preparing packets for prosecutors; compiling and sending reports to appropriate agencies; ensuring records and files are maintained in accordance with applicable laws and regulations; and providing related clerical and/or administrative support to the department.

Public Safety Support – Providing support to other public safety and community service functions including parking and access services; maintaining records; monitoring security and fire alarm systems, and coordinating responses; monitoring building access; assisting campus visitors; and vehicle checkout.

#### ENTRY QUALIFICATIONS:

Entry to the first level within this classification typically requires one year of verifiable experience using a switch-board and two-way radio communication system in a law enforcement or comparable agency within the last ten years and a high school diploma or equivalent. Essential entry qualifications require the ability to effectively use a phonetic alphabet, speak clearly and concisely, follow oral and written instructions, transfer information accurately, handle a wide range of interpersonal interactions effectively, and learn the use of applicable automated dispatch and law enforcement systems and databases.

Incumbents must have completed or be able to attend and successfully complete the Police Officers Standards and Training (P.O.S.T.) Dispatcher Course. Incumbents who, upon hire, do not possess a P.O.S.T. Dispatcher Certificate also will be required to pass a written test related to essential dispatching skills. Additionally, incumbents must successfully pass supplemental P.O.S.T. requirements for dispatchers such as a background check, physical and psychological examinations, drug testing, and related requirements.

#### POSITION SKILL LEVELS:

Two position skill levels are defined within this classification. Progression from the first to the second skill level is referred to as an *in-classification progression*. The factors used to determine position skill level include: complexity, scope and impact of the work performed; level, type and scope of knowledge required; autonomy exercised and level of supervision received; position accountability; judgment and discretion required by the position to address and solve problems; and level and diversity of contacts and interactive capabilities required by the position

A position is placed at a skill level where the majority of and/or most critical position responsibilities and skill requirements fall. Management assigns work responsibilities and determines position skill requirements. It is important to note that the position skill level definitions do not delineate entry requirements for each skill level, but are composites of the typical position at each level. Entry qualifications are defined for the first position skill level of the classification. Further progression within the classification depends first, on the need for a position at a higher skill level, second, on the nature of the duties and requirements of the position, and third, on an employee's demonstrated and applied skills and abilities.

#### Position Skill Level I

#### Typical nature of work assignments:

- Performance of standard dispatch communications duties involving receiving and relaying calls for assistance via telephone, radio or computer terminal; police department record-keeping and reporting functions; and related department support functions outlined in the core areas.
- Day-to-day assignments are performed independently under general supervision once initial training is completed.
- Regular use of judgment and discretion is necessary to set priorities, assess the importance
  of information, and to react quickly and effectively. Established protocols and procedures are
  followed in most instances. Incumbents are
  accountable for actions taken.
- Work involves regular, and often intense, contact with the campus community, general public, and campus and outside law enforcement and emergency agencies. Interaction requires tact and discretion.

#### Typical knowledge and skill requirements:

- Working knowledge of legal codes, requirements, procedures and techniques for receiving complaints and calls for service and for dispatching and communicating with campus officers in the field.
- Ability to effectively converse using police radio systems.
- Working knowledge of public safety-related agencies and the respective communication protocols.
- Achievement of the P.O.S.T. Dispatcher certificate.
- Working knowledge of and ability to use applicable computerized and automated dispatch and law enforcement systems and databases to enter, research and retrieve data as necessary.
- Ability to independently respond and act quickly, accurately evaluate information and situations, and make appropriate decisions in routine, non-routine and emergency situations.
- Working knowledge of geographical layout and ability to read maps and floor plans to provide directions to officers in the field.
- Ability to accurately interpret written policies, follow oral and written instructions, and transfer information.
- Ability to provide clear and concise verbal directions quickly and accurately.
- Ability to present and summarize information in a variety of written formats, using clear and concise language.
- Ability to establish and maintain effective working relationships, interact with all members of the campus community and general public, and maintain composure in highly stressful situations or when dealing with difficult individuals.
- Ability to maintain the confidentiality of sensitive information.

# Position Skill Level II

### Typical nature of work assignments:

- Coordination of the dispatch and records functions including providing lead work direction of dispatch and other public safety support staff. Ensures adequate coverage at all times by assessing needs and setting work schedules, acting as shift coordinator, planning and assigning work, monitoring performance and training staff.
- Performance of more advanced dispatch work including developing and auditing procedures and protocols to enhance the operation of the communications and records center; documenting policies and operational protocols and procedures; ensuring police reports and records systems are maintained according to applicable laws and regulations; compiling operational and training manuals; preparing reports on communication center and related police activities; developing and delivering dispatch and related staff and community training programs; and may serve as Emergency Medical Dispatch Manager.
- Accountable for own work results and daily dispatch operations.
- Performs day-to-day work independently under general supervision. Work is supervised in terms of overall accomplishments.
- Work involves addressing a wide range of prob-Iems that requires judgment and some ingenuity to develop thorough and practical solutions.

### In addition to Position Skill Level I knowledge and skill requirements, work assignments typically require:

- Thorough knowledge of record keeping laws and regulations for police departments.
- Ability to provide lead work direction and train new staff.
- Ability to handle multiple priorities and manage multiple situations while under duress.
- Ability to analyze and address operational and procedural problems and recommend solutions.
- May be required to complete more advanced

# OFFICE OF THE CHANCELLOR

BAKERSFIELD January 15, 2010

CHANNEL ISLANDS

CHICO MEMORANDUM

DOMINGUEZ HILLS

EAST BAY

MONTEREY BAY

Charles B. Reed Charles B. Reed TO: FRESNO

FROM:

FULLERTON

**SUBJECT:** California State University –

HUMBOLDT Police & Public Safety Policy Guidelines

Executive Order No. 1046 LONG BEACH

LOS ANGELES Attached is a copy of Executive Order No. 1046 relating to the delegation of

authority and responsibility to the campus president to implement campus MARITIME ACADEMY police services and public safety program policies that are consistent with the

California State University Police and Public Safety Policy guidelines. This

executive order is in response to recommendations of the Police Services

Systemwide Audit 08-24

NORTHRIDGE In accordance with policy of the California State University, the campus

president has the responsibility for implementing executive orders where POMONA

applicable and for maintaining the campus repository and index for all

executive orders. SACRAMENTO

If you have questions regarding this executive order, please call Ms. Charlene SAN BERNARDINO

M. Minnick, Assistant Vice Chancellor - Systemwide Risk Management &

Public Safety at 562-951-4580.

CBR/ztg

SAN FRANCISCO Attachment

SAN JOSÉ

c: Vice Chancellors SAN LUIS OBISPO Executive Staff, Office of the Chancellor

Vice Presidents of Academic Affairs

SAN MARCOS Campus Police Chiefs

Campus Emergency Coordinators

SONOMA Human Resource Directors

Risk Managers

STANISLAUS

SAN DIEGO

**A.** Systemwide Public Safety Programmatic Responsibilities - The Assistant Vice Chancellor for Risk Management and Public Safety is responsible for development and implementation of systemwide public safety programs including policies and procedures.

The Systemwide Office of Risk Management and Public Safety provides guidance to campuses on a variety of sensitive matters including, but not limited to investigations and law enforcement matters that pose potential liability exposures and public safety concerns to the CSU.

**B.** Critical Response Unit - The Assistant Vice Chancellor for Risk Management and Public Safety is responsible for forming a Critical Response Unit, composed of police personnel from CSU campus Police Departments. This Unit shall receive training conducive to their operational mission. Systemwide Risk Management and Public Safety will manage the CRU program and ensure that the CRU Operations Manual is current, appropriate to operational needs and reviewed at least annually.

### C. Mutual Aide & Mutual Assistance

The Assistant Vice Chancellor for Risk Management and Public Safety shall ensure that each CSU Police Department has a policy that delineates the specific geographical boundaries of its jurisdiction as required by California Education Code section 89560.

The Assistant Vice Chancellor for Risk Management and Public Safety shall ensure that each CSU Police Department has agreements with neighboring agencies that specify the procedure for requesting mutual aid, and each respective agency's responsibilities where there is concurrent jurisdiction, as required by the Kristin Smart Campus Safety Act of 1998, California Education Code section 67381.

- **D. Police Uniform and Equipment** The Assistant Vice Chancellor for Risk Management and Public Safety provides CSU police personnel with uniform and equipment requirements.
- E. Monitoring and Compliance The Assistant Vice Chancellor for Risk Management and Public Safety monitors and annually verifies updates of systemwide and campus operational policies and produce an annual "statement of accomplishment".

# III. Training

Police Chiefs must establish an annual training program for their department to ensure compliance with department operational policies and other CSU requirements. At a minimum these programs must cover following areas: use of force, weapon qualifications, active incidents/active shooter/rapid deployment response, and access to sensitive data. Additional training may be required to meet Peace Officer Standards and Training and/or accreditation standards. Nothing in this section is intended to prevent, as deemed necessary

by the Police Chief, additional training intervals or the inclusion of other policies to meet accreditation standards. Training records must list officers' names, date, signatures, pass or fail results and signature approval of the range master or other area specific certification/approval.

Charles B. Reed, Chancellor



# CLIMB: San Francisco State University- Return to Work Guidelines

# Description

• The Return to Work (RTW) Guidelines are designed to assist in providing temporary transitional work assignments to employees unable to perform their usual jobs due to temporary injuries and/or illnesses.

### **Philosophy**

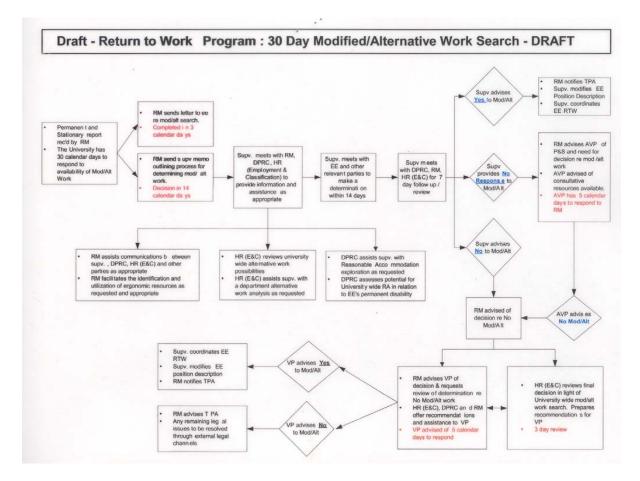
- San Francisco State University creates safe and productive work opportunities for employees with temporary injuries and/or illnesses.
- San Francisco State University utilizes a collaborative, consultative, decision-making process incorporating services of Disability Programs, Human Resources, Risk Management and other University areas as appropriate.

### **Recommended Process**

- Treating physician releases employees to temporary transitional work.
- Employees provide University with a primary treating physician's description of temporary work restrictions.
- Employees and supervisors engage in the interactive process to identify and create temporary transitional work assignments that conform to the temporary work restrictions.
- Supervisor determines start date for temporary transitional work assignment, documents the assignment and supervisor and employee sign and dates the assignment.
- Supervisor provides the employee and the Office of Risk Management with a copy of the assignment.
- Employee starts temporary transitional work assignment as agreed upon
- Supervisor reviews/modifies and supports employee in the return to work program
- Temporary Transitional Work assignment concludes at 6 months, and employees are referred to Disability Programs or the CLIMB 30-Day Modified/Alternative Work Program

### **Outcomes**

- Productive and engaged workforce.
- Recognition of employee skills and abilities.
- Decreased wage and benefit loss due to uncompensated time away from work.
- Collaborative contribution to a safe, healthy and productive University.
- ♦ Timely, comprehensive and effective assistance, which supports the healing process.





# Workers' Compensation Benefit FAQ and Summary Revised 02/04

# Workers' Compensation Benefit Frequently Asked Questions (FAQ)

### What is Workers' Compensation?

Workers' Compensation is an employer-paid benefit that provides you with medical, compensation, and vocational rehabilitation benefits if you are injured on the job or become ill because of your work. Workers' Compensation provides your dependents with a death benefit in the unlikely event that you die because of an injury or illness that results from your work for the University.

### Who is covered by Workers' Compensation?

San Francisco State University employees (including faculty, staff, management, special consultants, student assistants, and work-study students), appointed volunteers, and some students enrolled in off-campus internships are covered by Workers' Compensation. You are covered when you perform your work for the University. Coverage begins the first minute that you are on the job and continues any time that you work. You do not have to work a certain amount of time or earn a certain amount of money before you are covered. Coverage is automatic and immediate.

### What types of injuries and illnesses are covered by Workers' Compensation?

Any injury or illness, caused by your job, is covered by Workers' Compensation. This includes minor injuries and illnesses as well as serious injuries and illnesses. Under Workers' Compensation, you are covered no matter who was at fault for your injury or illness.

#### How do I claim benefits under Workers' Compensation?

Immediately report your injury or illness to your supervisor. This helps protect your right to Workers' Compensation benefits. Your supervisor should provide you with a Workers' Compensation claim form (DWC Form 1). If your supervisor does not provide you with a claim form, contact the Office of Risk Management (x82565, CORP YD 201) to receive a claim form. You may also receive a claim form from the Student Health Service, at the time of your treatment there. Complete and return the claim form to your supervisor or the Office of Risk Management. The Office of Risk Management will complete and sign the employer section and send your claim to Octagon Risk Services.

### Where can I go to receive medical assistance?

If your injury or illness is an emergency, call for help immediately. Dial 911. If your injury or illness is not an emergency, you may begin your medical treatment by proceeding to the Student Health Service. No appointment is necessary. In all cases, you will be provided access to the University's network of skilled physicians and health care providers specializing in occupational injuries and illnesses. If you pre-designated your personal medical provider in writing to Human Resources prior to your work related injury, you may go to that provider for your medical care.

# How Do I Pre-designate?

You may pre-designate a personal medical provider to treat you in the event of a work related injury/illness. Your pre-designated personal medical provider must be designated by you <u>prior to</u> your injury/illness, must have previously treated you and must have your medical records. To pre-designate you can complete the "Human Resources, Safety and Risk Management Biographical Information- HR #002 form" located in Human Resources. Alternatively, you can provide Human Resources with a written statement of your request to pre-designate. Your statement must include your intent to pre-designate in the event you sustain a work related injury/illness, the name, address and phone number of the personal physician, in addition to your name, date and signature.

### Who is Octagon Risk Services?

Octagon Risk Services (Octagon) administers San Francisco State University's Workers' Compensation program. Octagon is a nationwide claims administrator with headquarters in Oakland. Octagon determines whether you are

eligible to receive Workers' Compensation benefits for your injury or illness. Octagon pays all your approved medical bills and pays you any compensation that is due to you (except for industrial disability leave (IDL) and enhanced industrial disability leave (EIDL), which are paid by the University). Octagon works with your medical care provider to ensure that you receive high-quality, timely medical care.

#### How does this affect my health care insurance?

Workers' Compensation is separate from your health care insurance. Workers' Compensation covers all work-related injuries and illnesses. There are no deductibles or co-pays. Octagon pays all approved medical bills.

# **Workers Compensation Benefit Summary**

#### Medical Care Benefits

Workers' Compensation provides all the medical care reasonably required to cure or relieve the effects of your work-related injury or illness. This includes payment of medical, hospital, and prescription bills. This also includes reimbursement of reasonable mileage and transportation expenses resulting from your medical care.

### Compensation Benefits

Compensation benefits include Temporary Disability benefits and Permanent Disability benefits. Compensation benefits are non-taxable.

### Temporary Disability Benefits

There are 3 temporary disability benefits available under Workers' Compensation: Industrial Disability Leave (IDL), Enhanced Industrial Disability Leave (EIDL), and Temporary Disability Leave (TD). Each benefit is designed to provide you with wage loss assistance, in the event that your doctor releases you from work due to your work-related injury or illness. You may also receive a temporary disability benefit if your doctor places you on restricted duty, due to your work-related injury or illness, and the University does not have temporary transitional work available for you at that time.

Normally, there is a 3-day waiting period (including weekends) prior to the start of temporary disability benefits. This waiting period is waived if you are hospitalized as an in-patient, injured in a criminal act of violence, or disabled more than 14 calendar days.

Unless otherwise noted below, temporary disability benefits normally continue until one of the following events occurs:

- Your doctor releases you to return to your usual job (whether or not you actually return to work)
- You return to temporary transitional work, permanent modified work, or permanent alternative work with your doctor's approval
- Your doctor determines that your medical condition is permanent and stationary or that you are permanently unable to work.

Octagon will notify you if you are eligible to receive temporary disability benefits. Although you may be eligible to receive more than one type of temporary disability benefit, you may only receive one type of temporary disability benefit at a time. You must notify the Office of Risk Management of your benefit selection within 15 days of the date that Octagon notifies you of your eligibility to receive temporary disability benefits. If you are eligible for IDL benefits (or EIDL benefits for unit 8 employees) and you do not notify the Office of Risk Management of your temporary disability benefit selection within 15 days, you will be automatically placed on IDL (or EIDL for unit 8 employees).

You may request a change in temporary disability benefits at any time during the first 90 calendar days that you are off work. This change is a one-time opportunity and becomes effective on the 90<sup>th</sup> calendar day of absence.

### Industrial Disability Leave (IDL)

# See Supplementation Options

You must be an active member of the California Public Employees' Retirement System (CalPERS) or State Teachers' Retirement System (STRS) to be eligible to receive IDL. If you are determined to be a "qualified

### Chapter 2

injured worker" and you are offered a reasonable vocational rehabilitation plan, you must agree to cooperate and participate in the plan when furnished by the CSU.

IDL pays you your full net pay for your first 22 working dates of disability. Thereafter, you may receive 2/3 your gross pay for up to 11 months of disability, as long as your absences occur within 2 years of your date of injury or your first date of disability. While you are paid IDL, your normal CalPERS/STRS retirement contributions and voluntary deductions such as health, dental, and vision plans continue. You continue to accrue sick leave and vacation credits. IDL is paid to you monthly by the University.

### Enhanced Industrial Disability Leave (EIDL)

You must be an active member of CalPERS and a member of CSU bargaining unit 8 to be eligible to receive EIDL. If you are determined to be a "qualified injured worker" and you are offered a reasonable vocational rehabilitation plan, you must agree to cooperate and participate in the plan when furnished by the CSU. The EIDL benefit does not apply to presumptive, stress-related disabilities, any psychiatric disability, or any physical disability arising from a psychiatric injury.

EIDL pays you your full net pay for up to 1 year of disability, as long as your absences occur within 1 year of your date of injury. While you are paid EIDL, your normal CalPERS retirement contributions and voluntary deductions such as health, dental, and vision plans continue. You continue to accrue sick leave and vacation credits. EIDL is paid to you monthly by the University.

### Temporary Disability Leave (TD)

## See Supplementation Options

Anyone who is eligible to receive a temporary disability benefit may elect to receive TD. The amount that TD pays you is based upon California law and is determined by the date of your injury. The rate is normally 2/3 your average weekly wage with a minimum of \$126.00 per week (or your actual weekly wage if that is less than \$126.00) and a maximum of \$602.00 per week, for injuries or illnesses that occur on or after January 1, 2003. Octagon pays TD to you, every 2 weeks. You continue to accrue sick leave and vacation credits. No retirement contributions or voluntary deductions occur. You may elect to continue your health, dental, and/or vision plans by directly paying for them yourself. For more information regarding direct pay, contact the Benefits Division of the Human Resources Department at (415) 338-2683.

### **IDL and TD Supplementation Options**

# **IDL Supplementation**

If you receive IDL at the 2/3 gross-pay rate, you may supplement your IDL payments with your sick leave credits, in order to receive your full net pay. To supplement IDL payments, you must have sufficient sick leave credits to increase your IDL payment to an amount equal to your regular daily salary or wage. IDL supplementation is generally limited to the use of sick leave credits that you accrued as of the date of your injury or illness or as of the first date of your IDL leave. IDL supplementation payments are taxable. You must notify the Office of Risk Management, of your desire to receive IDL supplementation, within 15 calendar days of the mailing of the notice of your temporary disability benefit eligibility by Octagon. The University pays IDL supplementation to you monthly.

# TD Supplementation

If you receive TD, you may supplement your TD payments with your sick, vacation and/or CTO leave credits, to increase your TD payments. In addition, any applicable holiday(s) that fall within the pay period and personal holiday can also be used to supplement. You may increase your TD payments up to any amount equal or less than your full net pay. TD supplementation is generally limited to the use of leave credits that you accrued as of the date of your injury or illness or as of the first date of your TD leave.

If you supplement your TD payments, your retirement contributions will continue. If your TD supplementation amount is sufficient, your voluntary deductions including health, dental, and vision plans will continue. TD supplementation payments are taxable. The University pays TD supplementation to you monthly.

### Permanent Disability Benefits

Most people fully recover from their work injuries and illnesses. However, if your doctor determines that you will not recover completely and that you have reached a point where your condition is permanent and stationary, you may be eligible to receive permanent disability benefits. Permanent disability benefits are designed to compensate you for limitations in your ability to work in the future.

### Vocational Rehabilitation Benefits

If you are unable to return to your job due to your work injury or illness, you may qualify for vocational rehabilitation benefits. Your vocational rehabilitation plan may include: modification of your current job, alternative employment at the University, educational/job retraining programs, and/or job placement assistance.

### Death Benefits

Your surviving dependents are eligible to receive a death benefit if your work injury or illness results in your death. The amount of the death benefit depends upon the number of dependents eligible to receive the benefit.

### Additional Workers' Compensation Information

If you are off work while Octagon determines your Workers' Compensation benefit eligibility, you may submit an application for **Nonindustrial Disability Leave (NDI)** benefits to the Human Resources Department. For more information about NDI, contact the Benefits Division of the Human Resources Department at (415) 338-2683.

San Francisco State University and Octagon may not be liable for the payment of Workers' Compensation benefits for your injury or illness if it arises out of your voluntary participation in an off-duty recreational, social, or athletic activity which is not a part of your work duties.

Due to the rules, exceptions, and deadlines that exist within workers' compensation, it is recommended that you actively communicate your questions and/or concerns to your supervisor, the Office of Risk Management, and/or Octagon. For more information, please contact:

Office of Risk Management San Francisco State University 1600 Holloway Avenue, CORP YD 201 San Francisco, CA 94132 Telephone: (415) 338-2565 Fax: (415) 338-2498 Email: riskmgmt@sfsu.edu.

You may also receive assistance by contacting the SFSU Claims Representative at:

Octagon Risk Services "CSU Claims Unit" P.O. BOX 2078 Oakland, CA 94612 Telephone: (888) 777-0012 Fax: (510) 452-1479

The Information and Assistance Unit of the Division of Workers' Compensation is also available to answer your questions. The Unit's telephone number is (800) 736-7401.

This document is available on audiocassette tape and diskette upon request to the Office of Risk Management

Note: It is a felony for anyone to file a false or fraudulent statement or to submit a false report or any other document for the purpose of obtaining workers' compensation benefits. Anyone caught performing these illegal acts will be prosecuted to the full extent of the law. If convicted, the person could face up to 5 years in prison, a fine up to \$50,000, or both.



# CALIFORNIA STATE UNIVERSITY POLICE DEPARTMENTS SYSTEMWIDE OPERATIONAL GUIDELINES



# Chapter 21 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST

The role of a peace officer is a unique one in society and, as such, some limitations and restrictions regarding off-duty activities apply to those who hold that position. Because peace officers are required to be objective and impartial when carrying out their responsibilities, and rely exclusively upon facts and information provided to them, it is imperative that there not even appear to be a conflict of interest on the part of those officers. Therefore, recognizing that many peace officers wish to engage in outside employment in order to augment their income.

Since respect for law enforcement officers is paramount to their ability to perform their job, engaging in outside employment which would bring discredit, disrespect or embarrassment to that officer and/or his or her agency would be considered incompatible and in conflict with the officer's primary role as peace officer. Government Code §1126 sets forth factors which, in and of themselves, create conflicts of interest. The Attorney General of California has opined that these are examples and not to be construed as a complete list. Additionally, the legislature recently (1996) required all agencies to articulate in its outside employment/conflict of interest policy those positions deemed incompatible and therefore, not permitted.

If the situation arises in the future, a determination of whether outside employment constitutes a conflict of interest will be based upon the criteria set forth in paragraph A. Whether the outside employment brings discredit or disrepute upon this organization will also be considered when reaching such a decision.

- I. Outside employment is in conflict if it could bring discredit or disrepute upon the CSU Police Departments:
  - A. Involves the use for private gain or advantage of the agency's time, facilities, equipment and supplies, (unlawful activity under Government Code Section 8314) or the badge, uniform prestige or influence of his or her status as a peace officer, or;
  - B. Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than his or her agency for the performance of an act which the officer, if not performing such act, would be required or expected to render in the regular course of his or her
    - agency's employment or as a part of his or her duties as an agency officer, or;
  - C. Involves the performance of an act in other than his or her capacity as a agency officer which act may later be subject directly or indirectly to the control,

- inspection, review, audit, or enforcement of any other officer of the agency by which he or she is employed, or;
- D. Involves such time demands as would render performance of his or her duties as an officer less efficient.

# II. Examples of outside employment which are conflicts of interest include, but are not limited to:

- A. Security Guard
- B. Private investigator
- C. Bartender
- D. Bouncer
- E. Sales clerk position in a liquor store, or gun dealership
- F. Process server
- G. Repossessor.
- H. Debt collector
- I. Legal practice of criminal defense.
- J. Card dealer, handicapper, change maker, caller, machine repair person, keno runner, pit boss, table waitress, or employment in any gaming establishment where the employment is directly related to the primary purpose of the employer.
- K. Bodyguard
- L. Employment as a "keeper" (attendant, guard or warden)
- M. Funeral escort where traffic control or the wearing of a uniform, which resembles that of a peace Officer is required.

Employees who do not receive prior approval to engage in outside employment, or accept employment prior to receiving permission to do so, or who engage in any

outside employment listed herein or determined to be a conflict of interest under this policy, may be subject to disciplinary action.

# III. Unit 8 Collective Bargaining Agreement

A. Employees shall give prior written notification to the Chief of Police of any outside employment. Such notification shall contain the name of the employer, the nature of employment participated in, and the number and scheduling of hours involved. When the Chief of Police determines that the employment can reasonably be expected to adversely affect the employee's work performance and/or would be

Chapter 2

- inconsistent with the accepted image of a University police officer, then he/she may direct the employee not to engage in such outside employment.
- B. All employees engaged in outside employment upon the effective date of this Agreement shall, within two (2) weeks of such date, comply with the notice provisions of this Article.

# IV. Appeal Process

A. Any employee who has been denied the right to engage in outside employment based on the determination that his or her secondary employment falls within the prohibitions outlined in this policy may, within five days from the date of notification of the denial to engage in outside employment, file a written appeal to the Chief of Police.

# SAN FRANCISCO STATE UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

# **AUTHORIZED AWARDS**

VALOR LIFE SAVING MERIT







APPENDIX A

July 14, 2003

# MEMORANDUM

TO: CSU Presidents FROM: Charles B. Reed

Chancellor

SUBJECT: Denial or Revocation of Retired Peace Officer's Privilege to Carry a

Concealed Weapon - Delegation of Authority

**Executive Order Number 873** 

Attached is a copy of Executive Order No. 873 relating to delegating authority to you to deny or revoke, for good cause, a retired CSU Peace Officer's privilege to carry a concealed weapon.

The authority for retired peace officers to carry concealed weapons is found in the California Penal Code, Section 12027. The amended statute gives honorably retired peace officers the privilege to carry a weapon.

The agency from which a peace officer is honorably retired may, upon initial retirement, or at any time subsequent thereto, deny or revoke, for good cause, the retired officer's privilege to carry a weapon as provided in California Penal Code, Section 12027.1.

The legislation in this area has been substantially amended and now requires that in the event of an appeal, an appeal hearing must be conducted before a three-member hearing board. One member of the board shall be selected by the agency, and one member selected by the retired peace officer or his/her employee organization and a third member selected jointly by the two parties.

You should note that only you, as the delegee of the employing agency, and not the chief, has the authority to deny or revoke the officer's statutory privilege under Section 12027.1. However, your chief of police is in the best position to know whether a particular retired officer should, for some reason, be denied the privilege.

Section 1 and 2 of Chapter III of the Standing Orders of the Board of Trustees delegates authority to the Chancellor sufficient to include this action. The attached Executive Order No. 873 further delegates this authority to the campus presidents.

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

CBR/ska

Attachment (see below)

Executive Staff, Office of the Chancellor, CSU Campus Police Chiefs, Chancellor's Office Department Heads

cc:

Office of the Chancellor 401 Golden Shore Long Beach, California 90802-4210 (562) 951-4700

Executive Order: 873

**Title:** Denial or Revocation of a Retired Peace Officer's Privilege

to Carry A Concealed Weapon - Delegation of Authority

Effective Date: July 14, 2003

**Supersedes:** Executive Order No. 517

This executive order is issued pursuant to Sections 1 and 2 of Chapter III of the Standing Orders of the Board of Trustees of The California State University and by virtue of California Penal Code Sections 12027 and 12027.1.

- Authority is hereby delegated to each president of a campus of The California State University to deny or revoke, for good cause, a retired California State University peace officer's privilege to carry a concealed weapon as provided in the California Penal Code, Sections 12027 and 12027.1.
- 2. Each campus must comply with California Penal Code Sections 12027 and 12027.1 in the issuance, denial, or revocation of a retired officer's privilege to carry a concealed weapon. Each campus shall issue its retired identification card to the retiree and keep appropriate documentation on each retiree. Each peace officer who retires after January 1, 1981 must petition for renewal of the card every five years.
- 3. Should a retiree initially be issued a restricted identification card or subsequently have the concealed weapons privilege revoked, the retiree may appeal the denial or revocation by submitting a request and reasons for such an appeal, in writing, directly to the campus. The hearing must be conducted in accordance with Penal Code Section 12027.I (d). The decision of a three-member board is final and considered binding on the retiree and the agency.
- 4. A retired officer may have his or her privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency.

Charles B. Reed Chancellor

Date: July 14, 2003

OFFICE OF THE CHANCELLOR

BAKERSFIELD January 15, 2010

CHANNEL ISLANDS

CHICO MEMORANDUM

DOMINGUEZ HILLS

MARITIME ACADEMY

EAST BAY

FRESNO

Charles B. Reed Charles B. Reed TO:

FROM:

FULLERTON

SUBJECT: California State University -

Police & Public Safety Policy Guidelines HUMBOLDT

Executive Order No. 1046 LONG BEACH

LOS ANGELES Attached is a copy of Executive Order No. 1046 relating to the delegation of

authority and responsibility to the campus president to implement campus police services and public safety program policies that are consistent with the California State University Police and Public Safety Policy guidelines. This

executive order is in response to recommendations of the Police Services MONTEREY BAY

Systemwide Audit 08-24

NORTHRIDGE

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where POMONA

applicable and for maintaining the campus repository and index for all

executive orders. SACRAMENTO

If you have questions regarding this executive order, please call Ms. Charlene SAN BERNARDINO

M. Minnick, Assistant Vice Chancellor - Systemwide Risk Management &

Public Safety at 562-951-4580.

CBR/ztg

SAN FRANCISCO

Attachment SAN JOSÉ

SAN LUIS OBISPO Executive Staff, Office of the Chancellor

c: Vice Chancellors

Vice Presidents of Academic Affairs

SAN MARCOS Campus Police Chiefs

Campus Emergency Coordinators

Human Resource Directors SONOMA

Risk Managers

STANISLAUS

SAN DIEGO

Office of the Chancellor 401 Golden Shore Long Beach, CA 90802-4210 (562) 951-4600

Executive Order: 1046

Effective Date: January 1, 2010

Title: The California State University Police Services and Public Safety Program

Supersedes: Executive Order 756, Authorized Weapons, Weapons Training and Use of

Weapons

Executive Order 797, Critical Response Unit

HR 2003-07, CSU Police Personnel; Uniform and Equipment HR 2004-10, Critical Response, Mutual Aid and Assistance

HR 2003-11, Emergency Police Vehicle Use

Systemwide Police Guidelines

This executive order is issued pursuant to authority of Sections 1 and 2 of Chapter III of the Standing Orders of the Board of Trustees of the California State University and is a statement of policy that police services and public safety are an integral function throughout the CSU system.

# I. Campus Police Policies and Manuals

The President is delegated responsibility for the implementing and maintaining a campus public safety policy and procedure manual to ensure the safety of the campus employees, students and visitors. The manual must conform to industry standings (i.e., must be consistent with standards established by the Commission on Accreditation for Law Enforcement Agencies, Inc. and/or International Association of Campus Law Enforcement Administrators) and include minimum standards established by the Assistant Vice Chancellor for Risk Management and Public Safety. Campus police departments maintain and update the manual annually.

# II. Systemwide Risk Management

The Assistant Vice Chancellor for Risk Management and Public Safety is delegated systemwide administrative oversight and programmatic responsibility for all police services.

**A.** Systemwide Public Safety Programmatic Responsibilities - The Assistant Vice Chancellor for Risk Management and Public Safety is responsible for development and implementation of systemwide public safety programs including policies and procedures.

The Systemwide Office of Risk Management and Public Safety provides guidance to campuses on a variety of sensitive matters including, but not limited to investigations and law enforcement matters that pose potential liability exposures and public safety concerns to the CSU.

**B.** Critical Response Unit - The Assistant Vice Chancellor for Risk Management and Public Safety is responsible for forming a Critical Response Unit, composed of police personnel from CSU campus Police Departments. This Unit shall receive training conducive to their operational mission. Systemwide Risk Management and Public Safety will manage the CRU program and ensure that the CRU Operations Manual is current, appropriate to operational needs and reviewed at least annually.

# C. Mutual Aide & Mutual Assistance

The Assistant Vice Chancellor for Risk Management and Public Safety shall ensure that each CSU Police Department has a policy that delineates the specific geographical boundaries of its jurisdiction as required by California Education Code section 89560.

The Assistant Vice Chancellor for Risk Management and Public Safety shall ensure that each CSU Police Department has agreements with neighboring agencies that specify the procedure for requesting mutual aid, and each respective agency's responsibilities where there is concurrent jurisdiction, as required by the Kristin Smart Campus Safety Act of 1998, California Education Code section 67381.

- **D. Police Uniform and Equipment** The Assistant Vice Chancellor for Risk Management and Public Safety provides CSU police personnel with uniform and equipment requirements.
- E. Monitoring and Compliance The Assistant Vice Chancellor for Risk Management and Public Safety monitors and annually verifies updates of systemwide and campus operational policies and produce an annual "statement of accomplishment".

# III. Training

Police Chiefs must establish an annual training program for their department to ensure compliance with department operational policies and other CSU requirements. At a minimum these programs must cover following areas: use of force, weapon qualifications, active incidents/active shooter/rapid deployment response, and access to sensitive data. Additional training may be required to meet Peace Officer Standards and Training and/or accreditation standards. Nothing in this section is intended to prevent, as deemed necessary

by the Police Chief, additional training intervals or the inclusion of other policies to meet accreditation standards. Training records must list officers' names, date, signatures, pass or fail results and signature approval of the range master or other area specific certification/approval.

Charles B. Reed, Chancellor

### APPENDIX A

The California State University Office of the Chancellor 401 Golden Shore Long Beach, CA 90802-4275 (562) 951-4411

> Code: HR 2002-10 Reference: HR 2001-25 and

Supplements 1 & 2

To: CSU Presidents

Date:

From:

Jackie R. McClain

Human Resources

February 27, 2002

### Subject: CSU Military Leave Policy Update

The Trustees adopted a resolution at the January 29-30, 2002, Board of Trustees' meeting to amend Title 5 of the California Code of Regulations to place military leave in its own article and section. Section 43101 of Article 6 was repealed and Article 5.9 - Military Leave, Section 43095, of Subchapter 7, Chapter 1, Division 5 of Title 5 was added in its place. Additionally, the Trustee resolution granted the Chancellor authority to provide a "difference in pay" salary supplement to nonrepresented employees on active duty military leave. The CSU was notified that this Title 5 change was filed with the Secretary of State and is now effective.

### Difference in Pay - Nonrepresented Employees

At this time, we are pleased to announce that the Chancellor is extending the "difference in pay" salary supplement for employees on active duty military leave to nonrepresented employees in the following employee categories: Executive (M98); Management Personnel Plan (M80); Confidential (C99); and Excluded (E99).

As a result, all nonrepresented employees who meet eligibility requirements for the current 30 calendar day entitlement provided under the Military and Veterans Code are eligible for the supplemental CSU "difference in pay" salary component and benefits as outlined in HR 2001-25, Supplement 2.

### Distribution:

Chancellor Vice Presidents, Administration Vice Presidents, Academic Affairs Associate Vice Presidents/Deans, Faculty Affairs Office of General Counsel Human Resources Directors Budget Officers Benefits Officers Payroll Managers Employee Relations Designees Director, SOSS

### Indefinite and Temporary Military Leave - 30 Calendar Day Pay Entitlement

Please note that under Military and Veterans Code 395.03, CSU employees are eligible to receive up to 30 calendar days of CSU pay for any one military leave of absence or during any one fiscal year. Since temporary and indefinite military leaves are separate entitlements, it is possible for a CSU employee to receive up to 30 calendar days in a fiscal year for taking a temporary leave and up to 30 calendar days in a fiscal year for taking an indefinite leave. But the law places a 30 calendar day maximum on each kind of military pay entitlement regardless of how many times a CSU employee may go out on leave during a fiscal year. Further, CSU employees on indefinite or temporary military leave do not receive an additional 30 calendar day pay entitlement with the start of a new fiscal year.

# Emergency Military Leave - 30 Calendar Day Pay Entitlement

CSU employees currently on military leave pursuant to the proclamation signed by President Bush are entitled to receive 30 calendar days of CSU pay for each proclamation, regardless of the number. The current proclamation is in effect through September 13, 2003. Again, as a reminder, CSU employees on emergency military leave do not receive an additional 30 calendar day pay entitlement with the start of a new fiscal year.

If you have any questions, please contact Pamela Chapin in Human Resources Administration at (562) 951-4414 or via e-mail at <a href="mailto:pchapin@calstate.edu">pchapin@calstate.edu</a>. This Human Resources memorandum is also available on Human Resources Administration's web page at: <a href="http://www.calstate.edu/HRAdm/memos.shtml">http://www.calstate.edu/HRAdm/memos.shtml</a>.

The California State University Office of the Chancellor 401 Golden Shore Long Beach, CA 90802-4275 (562) 951-4411

Code: HR 2002-10

Supplement #1

Reference: HR 2001-25 and

Supplements 1 & 2

To: CSU Presidents

Date:

Jackie R. McClain From:

Vice Chancellor

Human Resources

May 17, 2002

Subject: CSU Military Leave Policy Update -Extension of "Difference in Pay" Program

> At this time, we are pleased to announce that the Chancellor is extending the "difference in pay" CSU salary supplement program an additional 180 days for all eligible represented and nonrepresented employees on active duty military leave. Eligible employees called to active military duty during the current crisis are now eligible to receive up to 360 days of "difference in pay" CSU supplemental pay. Please refer to HR 2001-25, Supplement #2 for information on the "difference in pay" program.

> If you have any questions, please contact Pamela Chapin in Human Resources Administration at (562) 951-4414 or via e-mail at pchapin@calstate.edu. This Human Resources memorandum is also available on Human Resources Administration's web page at: http://www.calstate.edu/HRAdm/memos.shtml.

# Distribution:

Vice Presidents, Administration Vice Presidents, Academic Affairs Associate Vice Presidents/Deans, Faculty Affairs Office of General Counsel Human Resources Directors

**Budget Officers** Benefits Officers Payroll Managers Employee Relations Designees Director, SOSS

Office of the Chancellor 401 Golden Shore Long Beach, CA 90802-4210 (562) 951-4411

**Date:** August 18, 2005 Code: HR 2005-36

To: CSU Presidents Supersedes: HR 2001-01

From: Jackie R. McClain

Vice Chancellor Human Resources

**Subject:** Uniform Allowance for MPP Public Safety Employees

Management Personnel Plan (MPP) Public Safety employees (e.g., Police Chiefs, Lieutenants) are responsible for the purchase and maintenance of uniforms required for employment. As such, they are provided with a uniform reimbursement allowance. This policy has been updated to clarify tax-withholding information.

MPP Public Safety employees who wear a uniform earn a uniform allowance of \$57.00 per qualifying month of service, whether the uniform is worn full-time or part-time. This allowance falls under Non-Accountable Plan Procedures, as defined by the Internal Revenue Code. Per Non-Accountable Plan Procedures, employees are not required to supply supporting documentation (e.g., receipts, statements) to be reimbursed for uniform purchases.

The total annual uniform allowance earned by an employee is paid in a lump sum amount in October of each calendar year. Employees who have been employed on the campus for less than one (1) year (up to the October pay period) receive payment/reimbursement on a pro rata basis in October of that respective year.

Uniform allowance payments are taxable and reportable and subject to Medicare withholding (Public Safety employees do not participate in Social Security). These payments are not reported to CalPERS as compensation toward retirement. For campus convenience, current processing instructions for the MPP Uniform Allowance program are provided on Human Resources Salary Program Web site at: <a href="http://www.calstate.edu/HRAdm/SalaryProgram/MPP/index.shtml">http://www.calstate.edu/HRAdm/SalaryProgram/MPP/index.shtml</a>.

Questions regarding this memorandum may be directed to Human Resources Administration at (562) 951-4411. This document is available on Human Resources Administration's Web site at: http://www.calstate.edu/HRAdm/memos.shtml.

JRMcC/gc

### **Distribution:**

Executive Vice Chancellor, CFO Vice Presidents, Administration Executive Deans Directors, Human Resources Directors, Public Safety Budget Officers Benefits Officers Payroll Managers

# **FOREWORD**

All law enforcement agencies must face and prepare for the possible line of duty death of an employee. During these difficult times, agencies have a responsibility to provide every possible means of assistance to their employees, their employees' families, and the law enforcement community. It is imperative that heads of agencies and their staff remain visible and available to assist; and, to that end, this handbook provides guidance and direction.

This handbook also offers a ready reference for management following a line of duty death. It aids the user in quickly gathering information, planning services, organizing events, and assisting the family and friends of the deceased employee. It is set up in chapter format, beginning with critical notification and continuing with less urgent topics.

The purpose of this handbook is not to replace existing manuals or policies. It was developed, with the assistance of the California Highway Patrol, as a general information base to assist departments in managing a line of duty death. The suggested procedures should not be considered as the "only way" or the "right way" nor should exclusions or edits from previous manuals be assumed the "wrong way." Some agencies may find portions of the information provided in this handbook inappropriate or unfeasible under the circumstances, in which case the material should be modified to meet the department's needs.

CALIFORNIA PEACE OFFICERS' ASSOCIATION

DISTRIBUTION: CALIFORNIA LAW ENFORCEMENT AGENCIES

### **FOREWORD**

All law enforcement agencies must face and prepare for the possible line of duty death of an employee. During these difficult times, agencies have a responsibility to provide every possible means of assistance to their employees, their employees' families, and the law enforcement community. It is imperative that heads of agencies and their staff remain visible and available to assist; and, to that end, this handbook provides quidance and direction.

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CALIFORNIA PEACE OFFICERS' ASSOCIATION

DISTRIBUTION: CALIFORNIA LAW ENFORCEMENT AGENCIES

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# SUMMARY OF CONTENTS

# PART I - NOTIFICATIONS

This chapter contains the following information on making notifications when managing a line of duty death:

Family members should be notified in a timely and sensitive manner by a
predesignated notification team. Team members may consist of agency individuals,
a friend of the deceased, a chaplain, and/or a mental health professional
(page 1-1).

If the employee is not yet deceased, the following hospital duties should be considered:

- Agency transportation to and from the hospital should be provided for the family (page 1-2).
- Assign a press officer to manage the media, release appropriate information, and also shield the family (page 1-2).
- Arrange for the family to be met by the ranking agency official (who should remain with the family and hospital staff and ensure that the family has the opportunity to see the officer if they wish) (page 1-3).
- Ensure that any medical bills are sent to the agency (page 1-3).

The following checklists/worksheets (contained in this chapter) should be photocopied prior to being utilized:

 Family Notification Guidance. This list was created to ensure that critical, known facts about the incident are provided to the family, someone who knows the surviving spouse or significant other accompanies the notification team, and that clear, sensitive but factual words are used during the notification process (page 1-4).

- <u>Telephone Notification Checklist</u> will ensure that only designated information is released, that assigned personnel are given a specific list of employees to notify, as well as tracking those contacted in a log. Immediate notification should be made to a chaplain, mental health professional, and peer support personnel (page 1-7).
- <u>Pertinent Information</u> consisting of the employee's personal information, employment history, military service, family (spouse, significant other, exspouse, children, siblings, parents) names and addresses, phone numbers, incident/funeral details, and releasable information (page 1-8).
- Workers' Compensation Notification Checklist will ensure that the agency's insurance carrier is notified during business hours, ideally within 24 hours (page 1-16).
- Risk Management Notification Checklist will ensure that agencies notify their risk management office, logging the date, time, and person notified (page 1-17).
- <u>Department of Industrial Relations</u>, <u>Division of Occupational Safety and Health On-Duty Death</u>. The nearest District Office shall be notified of any serious injury or illness, or death within eight hours (page 1-18).

### **NOTIFICATIONS**

The death of a law enforcement member is both tragic and traumatic. The tragedy of the event can be mitigated through compassionate and efficient handling. The foundation for such actions must be built on having a plan of action that is known and accessible to all supervisory personnel. The following is meant to be a guideline for agencies from which to build their own specific plan.

- a. **Agency Notification**. In the event of the death of an officer, the ranking on-duty officer (watch commander or field supervisor) should immediately notify the agency head (Chief, Sheriff, Director, etc.) The appropriate chain of command should be followed whenever possible unless circumstances are such that the agency head must be notified directly; if for example the media have obtained information or key personnel are not available.
  - (1) It is imperative that these notifications **not** be made via patrol vehicle radio unless absolutely unavoidable. In such cases, notification should be only that there has been a death without broadcasting names. This also applies to field units notifying on-duty command personnel.
  - (2) The field supervisor should gather as many facts as possible regarding the incident and location of the deceased to provide to the agency head for notification of family members.
- b. **Family Notification**. This is the most critical area in helping to mitigate rather than escalate the trauma of the event. The agency may want to consider having a predesignated team to be utilized for notification purposes. Team members will vary by department and by the needs of each agency. The following individuals may be considered as appropriate personnel to be assigned as notification team members:
  - (1) Head of the agency (Chief, Sheriff, Director, etc.).
  - (2) Close friend of the deceased.
  - (3) Chaplain.
  - (4) Supportive peer.
  - (5) Predesignated department representative.
  - (6) Mental health professional.

- c. While it is imperative that these individuals are assembled as soon as possible to notify the officer's next of kin, it is far better to make timely notification with a partial team than to delay the notification by waiting for the entire team. Additionally, a large group may be intimidating and heighten the trauma of the situation for family members.
- d. Some team members may need to be sent to other locations to notify relatives.
   Do not wait for the entire family to assemble. Start the notification process immediately.
- e. If family members reside far from the agency, it may be necessary to request another agency assist in making the notification. When doing this, request that the assisting agency conform as much as possible to your own protocols and provide the agency with as much information about the incident as possible. Also, assure the agency and family that your department will be sending its own personnel as soon as feasible.
- f. The notification team should also be prepared to assist with child care and, when appropriate, alternate housing. Additionally, the team should be prepared to furnish transportation if needed.

# g. Hospital Duties:

- (1) Assign a press officer. This individual's duties include not only managing the media and release of information, but shielding the family.
- (2) The ranking agency official at the hospital should meet with hospital staff to arrange for the appropriate reception of family members and a waiting facility for family and arriving officers.
- (3) If the officer is not yet deceased, the family should be allowed to visit him/her prior to death. It is not only their right, but it is psychologically beneficial for survivors to be able to do so. Whether the officer died at the scene or the hospital, immediate family members should be allowed to see him/her if they desire.
- (4) Agency transportation to the hospital should be provided to family members. While it is recommended that family members not drive themselves, some will wish to have their vehicle available. In that case, provide a driver to take them in their own vehicle. If transporting in a law enforcement vehicle,

- avoid allowing family members to overhear radio transmissions. Transportation officer(s) should always notify the ranking agency official at the hospital prior to transporting family members.
- (5) The ranking agency officer should update the family on the status of the officer and the incident as soon as they arrive at the hospital. The ranking officer should remain with the family the entire time at the hospital to provide whatever assistance is needed.
- (6) A peer, mental health professional, and a chaplain should remain with the family the entire time at the hospital to provide whatever assistance is needed.
- (7) The ranking officer should ensure that all medical bills are sent to the agency, not the family.
- (8) Decisions should not be made for the family. Information and support should be provided to enable them to make the necessary decisions themselves.
- h. The initial crisis and hospital scene can be very traumatic; however, remember that family care and needs do not end there. The family will continue to need support, guidance, and assistance.

# **FAMILY NOTIFICATION GUIDANCE**

- Compile and verify all critical information and all known facts surrounding the incident.
- If the agency head does not personally know the surviving spouse or significant other, locate an individual who does to accompany the notification team when notification is made.
- Ensure the individual being notified is the appropriate person to receive the notification.
- Never go alone.
- Try to assess the stability of the person to whom the news must be broken. A
  mental health professional can assist.
- Use the employee's first name during the notification.
- · Release the message straight out using a direct approach.
- Console the best you can. Almost any response behavior is possible anger, denial, even physical violence is possible. Some pass out, some become hysterical.
- Be empathetic, not sympathetic feeling with the person is better than feeling sorry for them.
- · Be specific and tactful. Do not use police jargon.
- Gradually increase the level of distressing information, according to your perception of the recipient's tolerance.
- Be clear about the information, choosing sensitive but accurate words. If the employee has already died, relay that information. Do not give the family a false sense of hope.
- Whenever possible, honor the wishes of the family to view the body, go to the hospital, etc.

# PRINCIPALS OF DEATH NOTIFICATION TO FAMILY

- IN PERSON
- IN TIME
- IN PAIRS
- IN PLAIN LANGUAGE
- WITH COMPASSION

### TELEPHONE NOTIFICATIONS FOR AGENCY PERSONNEL

- 1. Agency heads should be aware that the circumstances surrounding an employee death will dictate the need for timely or immediate notification.
- 2. Telephone notification shall be made immediately through the agency's chain of command. In the event contact cannot be made, assistance should be requested from the dispatch center in making notifications through the telephone pager system.
- 3. <u>Chaplain</u>. The agency chaplain should immediately be notified of an employee's death. If contact cannot be made, assistance should be requested from the dispatch center in making notification through the telephone pager system.
- 4. <u>Mental Health Professional</u>. Your agency, psychological services should immediately be notified of an employee's death.
- 5. <u>Peer Support Personnel</u>. If available, peer support staff should be immediately requested, utilizing the agency's protocols.
- 6. <u>Workers' Compensation</u>. Telephone notification to the agency's Workers' Compensation or Personnel Benefits Unit should be made as soon as it is practical.
- 7. <u>California Highway Patrol (CHP)</u>. The commander of the local CHP Area office should be notified to request a state flag.

# TELEPHONE NOTIFICATION CHECKLIST Prepare specific information that may be released by agency personnel assigned to make telephone notifications. Assign appropriate personnel to make telephone notifications to agency employees. Assign each person a specific list of individuals to contact. Ensure that a log is kept of each person contacted. Compile a list of employees who were not contacted during the initial notification. Ensure that all safety and general employees are contacted. If desired by the agency head, ensure that all agency retirees are notified. Check with the agency's retirement system for a list of retirees. Follow-up to ensure that all employees who were not initially contacted are informed. 1-7

#### PERTINENT INFORMATION

oyee Information:		Notes:
Name of employee:		- 100
I.D.#:Da	te hired:	_
D.O.B:	S.S.N.:	
Residence Address:		
Assignments:		
Dates:	to	
Prior Employment:		
Dates:	to	
Dates:	to	-
Veteran? ☐ Yes	□No	
If yes, obtain DD214 Di	scharge Form	
	1-8	

D.O.B	
D.O.B	
Address if different:	<u> </u>
Home Phone: Work Phone:	_
Pager/Cell Phone:	
Specified visiting/calling hours?   Yes   No	
fromto	
Name of child:	
D.O.B.:Phone:	
Address:	
Name of child:	
D.O.B.:Phone:	
Address:	
Name of child:	
D.O.B.:Phone:	
Address:	
/ ludioss.	

#### Chapter 2

Name of mother:		
Phone:		
	aw:	
Phone:		
	w:	
Phone:		
Phone:	Relationship:	
Address:		

Name of sibling:		
Phone:	Relationship:	
Address:		
Name of sibling:		
Phone:	Relationship:	
,		
Phone:	Relationship:	
D.O.B.:		
	Work:	
Do or do not conta	ct ex-spouse.	
cident Information:		
Date and time of incide	nt:	
Location of incident:		
	1-11	

	Date and time of death:			
	Name of hospital:			
	Name of attending physician:			
	Is the employee an organ donor? ☐ Yes ☐ No			
	If yes, is it indicated on back of badge, or on the driver's license? ☐ Yes ☐ No			
	Has the employee expressed wishes to prolong life in the event he/she is no longer able to communicate?  ☐ Yes ☐ No			
	Is there a Durable Power of Attorney? ☐ Yes ☐ No			
	Are these wishes written? ☐ Yes ☐ No			
	Is there a copy? ☐ Yes ☐ No			
	Is there a Will/Living Trust? ☐ Yes ☐ No			
	If so, is there a copy? ☐ Yes ☐ No			
Location of Will/Living Trust?				
Funeral Information: (Contact a chaplain for assistance, before requesting this information from the spouse/significant other or family)				
	Are there any prearranged funeral plans? ☐ Yes ☐ No			
	Are there any prearranged cremation plans? ☐ Yes ☐ No			
	Has a cemetery plot been purchased?   Yes No Plot NumberCemetery			
	Is there a cemetery preference? ☐ Yes ☐ No			
	Is there a mortuary preference? ☐ Yes ☐ No			
	Has a law enforcement funeral been requested? ☐ Yes ☐ No			
	1-12			

Has agency assistance been requested? ☐ Yes ☐ No	
Has assistance from a chaplain been requested? ☐ Yes ☐ No	
Does the employee attend a local church regularly?   Yes  Denomination?	
Does the employee have a pastor? ☐ Yes ☐ No	
Name and phone number of presiding clergy?	
Member of fraternal organization? ☐ Yes ☐ No	
f yes, is their participation requested? ☐ Yes ☐ No	
Name of the person making arrangements if different from spouse/significant other:	
s there a preference? Burial   Cremation	
f cremation, is there a preference for disposition of the ashes?  Home Cemetery Scattering	
Open casket?  Yes  No	
f open, type of clothing?   Uniform   Civilian	
Who will deliver the eulogy?	
List preferences for pall bearers:	
1-13	

	Are flowers to be omitted in lieu of a favorite charity?	
	Yes, Name of Charity:	. 🗆 No
	Favorite songs:	
	Favorite poem:	
e	Information:	
	Name of close friend:	
	Phone:	
	Address:	
	Name of close friend:	
	Phone:	
	Address:	
ea	sable information by Agency:	
	Medical information release authorization on file? ☐ You	es 🗆 No
	Preferred person for family notification	
	(emergency information from personnel file)	
	Phone:	
	What information is releasable to the agency?	
	1-14	

iminal Act:	
☐ Is a suspect in custody: ☐ Yes ☐ No  Location	
her Pertinent Information:	
1-15	

WORKERS COMPENS TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE TOTAL TO THE T	
WORKERS' COMPENSATION NOTIFICATION	
☐ The agency's Workers' Compensation insurer should be notified during normal business hours, and if possible, within 24 hours of an employee death.	
☐ The date, time, and name of the person contacted should be logged by the person making the notification.	
When a death is the result of a worker's compensation injury, qualified surviving dependents will receive benefits. The benefits information should be available from the agency's risk management office.	
1-16	

RISK MANAGEMENT NOTIFICATION				
☐ State agencies shall notify the Department of General Services (DGS), Office of Risk and Insurance Management, as soon as possible when a vehicle collision causes the death of an employee conducting state business. During normal business hours call (916) 445-2184. After normal business hours or on weekends, leave a voice mail message at, (916) 322-8967.				
Other agencies should notify their respective risk management office as required by agency policy.				
☐ Log the date, time, and name of person notified.				
1-17				

## DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH ON-DUTY DEATH

- 1. The California Code of Regulations (Title 8, Section 342) requires employers to notify the Department of Industrial Relations, Division of Occupational Safety and Health, within eight hours of any of the following work related incidents:
  - a. Death.
  - b. Loss of any member of the body or serious degree of disfigurement.
  - c. Hospitalization for longer than 24 hours, other than for observation.



# CALIFORNIA STATE UNIVERSITY POLICE DEPARTMENTS SYSTEMWIDE OPERATIONAL GUIDELINES Chapter 20 OFF DUTY POLICE-RELATED INCIDENTS



Purpose:

To define the department's guidelines relating to the involvement of offduty personnel in police-related incidents.

#### I. Compliance

- A. The members of this department shall conduct themselves at all times in accordance with the laws of the State of California, the United States and any local jurisdictions as applicable.
- B. Members shall conform to all other sections of the Systemwide Guidelines and Public Safety Policy Manual, which are applicable while personnel are off duty.

#### II. Reporting

In any criminal incident in the presence of an off-duty officer of this agency amounting to less than a serious life or health-threatening incident, personnel are encouraged to report the same to the agency having jurisdiction. In such incidents, the officer may serve as a reporting party, witness, or informant in the same manner as a private citizen.

#### III. Felonies

- A. It is expected that sworn personnel, on or off duty, will take the appropriate police action, to the extent they are reasonably able, regarding any serious life or health threatening felony committed in their presence within the State of California.
- B. In less serious felony incidents observed by an off-duty officer, reasonable efforts, given the circumstances of the particular situation, shall be undertaken to deal with the incident.

#### IV. Notification to Department of Officer Involvement In Other Types of Off-Duty Incidents

- A. In any incident in which an officer takes any official police action while identifying himself or herself as a peace officer, that fact shall be reported, in a timely fashion, to the officer's supervisor upon the officer's return to duty.
- B. When an officer discharges a firearm, whether or not in the course of taking police action (other than at the range), that fact will be immediately communicated to the on-duty supervisor and the Chief of Police.
- C. If an officer engages in any off-duty incident of a police nature which results in the preparation of a written report by the agency having jurisdiction, the officer shall request that a copy of the report be forwarded to his/her Lieutenant, Captain or Chief of Police.
- D. In addition to the above requirements, for any incident in which an off-duty officer makes an arrest, uses force of any type, or detains a suspect pending response of the agency, a written report will be prepared immediately by the officer.

#### General Order 2-21

#### APPENDIX A

## THE CALIFORNIA STATE UNIVERSITY Office of the Chancellor 401 Golden Shore Long Beach, CA 90802-4210 (562) 951-4411

Date: May 27, 2005 Code: HR 2005-23

To: CSU Presidents Supersedes: HR 2003-02

From: Jackie R. McClain

Vice Chancellor Human Resources

#### Subject: <u>CSU Police Personnel: Fitness for Duty</u>

The California State University (CSU) Police Personnel Fitness for Duty policy has been updated to clarify that both police chiefs and campus human resources directors coordinate fitness for duty tests, and that medical information maintained in the personnel file must be employment-related. For ease of reference, new text is underlined.

The CSU Police Personnel Fitness for Duty policy establishes procedures to ensure compliance with California Government Code §1031(f) which mandates that all peace officers in the State of California shall be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the peace officer powers.

All supervisory police employees are to be trained to recognize any indication(s) that a sworn officer under their command may not be physically, emotionally and/or mentally fit to carry out his or her duties as an armed peace officer. Any supervisor observing any circumstance(s) indicating a question exists as to the physical, mental and/or emotional fitness of an officer is to prepare a written report indicating all such circumstances to the campus police chief. Such indications include, but are not limited to, the following:

- One or more civilian complaints, whether generated internally or externally, particularly complaints of the use of unnecessary or excessive force and/or inappropriate verbal conduct indicating a possible inability to exercise self-control and self-discipline;
- An abrupt change in customary behavior;
- Excessive lateness and/or absenteeism;
- Sleeping on duty;
- Overeating or failing to eat;

#### Distribution:

Vice Presidents, Academic Affairs Vice Presidents, Administration Vice Presidents, Student Services Associate Vice Presidents/Deans, Faculty Affairs General Counsel Police Chiefs Human Resources Directors

- Apparent inattention to personal hygiene;
- Inappropriate and/or excessive use of alcohol or other stimulants;
- · Symptoms of use of drugs, including memory losses;
- · Impatience or loss of temper;
- A pattern of conduct indicating a possible inability to defuse tense situations and/or a tendency to escalate such situations or to create and/or escalate confrontations:
- Irrational verbal or other conduct;
- Involvement in a shooting or involvement in an incident resulting in death or serious injury;
- Direct or indirect expressions by the officer of doubts concerning his or her own mental or emotional stability;
- Any other reason giving rise to a concern as to an officer's fitness to occupy the
  position of peace officer.

If the police chief determines, in the exercise of his or her discretion, and after consultation with the human resource director or designee, that it is appropriate to refer an officer for examination and evaluation of the officer's physical, mental, and/or emotional fitness-forduty, the chief shall issue an order in writing to the police officer being referred. The order should indicate the date, time and place of such examination and, in brief form, the factual circumstances giving rise to the concern about the officer's fitness for duty. Any physician or psychologist to whom an officer is ordered to report for fitness for duty examination and evaluation shall meet or exceed the minimum standards prescribed by California Government Code §1031(f). The campus police chief shall work with the campus human resources director to facilitate the appropriate process for examination and follow-up, as required.

The CSU police chief or human resources director, as appropriate, will provide the doctor the following in order to facilitate the physician's or psychologist's examination of the referred officer:

- Documents and information relating to circumstances giving rise to concern about the officer's fitness for duty;
- Information or documents from the officer's personnel records that may assist the
  doctor in conducting the examination and preparing an evaluation;
- Prior evaluations, if necessary;
- Employment-related medical information about the officer on file;
- Personal conversation with the physician or psychologist, if necessary;
- The officer's position description.

The physician's or psychologist's evaluation report submitted to the police chief or human resources director concerning the officer's fitness for duty examination shall be part of the officer's personnel records and treated as confidential, under the provisions of California Penal Code §832.7 and 832.8. The report will be limited to notifying the department of the doctor's finding regarding the employee's fitness, fitness with restrictions, or lack of fitness without reference to any details unless the employee signs a waiver that additional information may be provided.

Any officer ordered to undergo a fitness for duty examination shall comply with the terms of the order and shall cooperate fully with the doctor and his or her staff with respect to any clinical interview conducted, any tests administered and any other procedures directed by the doctor. Any failure to comply with such an order and any failure to extend such cooperation may be deemed insubordination and be grounds for termination.

The campus president shall work with the Chancellor's Office Vice Chancellor of Human Resources on fitness for duty issues regarding a campus police chief.

Questions regarding this policy may be directed to the CSU Police Coordinator, General Counsel, or systemwide Human Resources, as appropriate. This document is available on Human Resources' Web site at <a href="http://www.calstate.edu/HRAdm/memos.shtml">http://www.calstate.edu/HRAdm/memos.shtml</a>.

JRMcC/cr



## CHAPTER 2 Personnel Management

<u>Number</u>	<u>Title</u>
2-1	Internal Affairs Investigations
2-2	Standards of Conduct and Discipline
2-3	Grievance Procedures
2-4	Recruitment, Selection and Promotion
2-5	Promotion Evaluation
2-6	Training and Career Development
2-7	Classification
2-8	Uniforms
2-9	Personal Appearance
2-10	Reporting for Duty and Requests for Time Off
2-11	Employee Injury Reporting
2-12	Outside Employment/Conflict of Interest
2-13	Special Assignments
2-14	Employee Recognition Programs
2-15	Use of Police Department Identification Cards
2-16	CCW Endorsement of Retired Sworn Personnel
2-17	Mutual Assistance, Critical Response Unit and Mutual Aid
2-18	Collective Bargaining
2-19	Compensation and Benefits
2-20	Off Duty Related Police Incidents
2-21	Fitness for Duty/Employee Assistance Program
2-22	Employee Access to Personal and Personnel Records
2-23	Background Investigations
2-24	Unit 8 (Fair And Equitable) Overtime Distribution



#### San Francisco State University Police Department

NUMBER: 3-1

APPROVED: \_ Regarded Par

EFFECTIVE: September 1, 2004

Reginald Parson, Chief of Police

SUPERSEDES: B-11

REVIEWED/REVISED

Oct. 3, 2005, Feb. 16, 2006, Feb. 21, 2006, Jan. 19, 2007, Sept. 17, 2007, Feb. 20, 2008, Nov. 3, 2008, Jan. 21, 2009, Sept. 23, 2010, Feb. 6, 2012, June 11, 2012, Jul. 12, 2012, Apr. 2, 2014, Jun. 10, 2014, Jul. 18, 2014, Dec. Feb. 11, 2015, Jun. 15, 2015, Dec. 2, 2015, Dec. 17, 2017, Apr. 16, 2018, Feb. 13, 2020, Jul. 14, 2020

SUBJECT: USE OF FORCE

#### PURPOSE AND SCOPE I.

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.

#### II. **DEFINITIONS**

Definitions related to this policy include:

- 1. Deadly force Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.
- 2. 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.

#### III. **POLICY**

#### A. 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.

#### B. Duty to Intercede:

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

#### IV. USE OF FORCE

#### A. Use of Force:

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

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

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

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

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

#### B. Use of Force to Effect an Arrest, Prevent Escape or Overcome Resistance:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the 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 the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance (Penal Code § 835a).

#### C. Factors Used to Determine the Reasonableness of Force:

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

- 1. Immediacy and severity of the threat to officers or others.
- 2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- 3. Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- 4. The effects of drugs or alcohol.
- 5. Subject's mental state or capacity.
- 6. Proximity of weapons or dangerous improvised devices.
- 7. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- 8. The availability of other options and their possible effectiveness.
- 9. Seriousness of the suspected offense or reason for contact with the individual.
- 10. Training and experience of the officer.
- 11. Potential for injury to officers, suspects and others.
- 12. Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- 13. The risk and reasonably foreseeable consequences of escape.
- 14. The apparent need for immediate control of the subject or a prompt resolution of the situation.
- 15. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- 16. Prior contacts with the subject or awareness of any propensity for violence.
- 17. Any other exigent circumstances.

#### D. Compliance Techniques:

Compliance techniques, including but not limited to pain compliance, may be effective in controlling a physically or actively resisting individual. Officers may only apply those compliance techniques for which they have successfully completed department-approved training. Officers utilizing any compliance technique should consider:

1. The degree to which the application of the technique may be controlled given the level of resistance.

- 2. Whether the person can comply with the direction or orders of the officer.
- 3. Whether the person has been given sufficient opportunity to comply.

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

#### E. Carotid Control Hold:

Officers are prohibited from using the following control holds:

- 1. Carotid restraint;
- 2. Choke hold--choking by means of pressure to the subject's trachea or other means that prevent breathing.

#### F. Authorized Weapons and Tools:

Only authorized weapons and tools may be carried.

All other weapons, including but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by personnel in the performance of their official duty without the express written authorization of the employee's Watch Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

#### V. DEADLY FORCE APPLICATIONS

- A. Use of deadly force is justified in the following circumstances:
  - 1. An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
  - 2. An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible

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

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

#### B. Shooting at or from a Moving Vehicles:

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

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

#### VI. REPORTING THE USE OF FORCE

#### A. Reporting:

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.

#### B. Notification to Supervisors:

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

- 1. The application caused a visible injury.
- 2. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- 3. The individual subjected to the force complained of injury or continuing pain.
- 4. The individual indicates intent to pursue litigation.
- 5. Any application of a TASER device or control device.
- 6. Any application of a restraint device other than handcuffs, shackles or belly chains.
- 7. The individual subjected to the force was rendered unconscious.
- 8. An individual was struck or kicked.
- 9. An individual alleges any of the above has occurred.

#### C. Reporting to California Department of Justice

The Records Specialist or the authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

#### VII. MEDICAL CONSIDERATION

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

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

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

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

#### VIII. RESPONSIBILITIES

#### A. Supervisor Responsibility:

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

- 1. 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.
- 2. Ensure that any injured parties are examined and treated.
- 3. 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:
  - a. The content of the interview should not be summarized or included in any related criminal charges.
  - b. The fact that a recorded interview was conducted should be documented in a property or other report.
  - c. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

#### General Order 3-1 Use of Force

- 4. 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.
- 5. Identify any witnesses not already included in related reports.
- 6. Review and approve all related reports.
- 7. Determine if there is any indication that the subject may pursue civil litigation.
  - a. 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.
- 8. 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.
- 9. Notify the Watch Commander

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.

#### B. Watch Commander Responsibility:

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

#### IX. TRAINING

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

#### X. APPENDIX

- A. Use of Force Continuum
- B. Department Use of Force Report

#### XI. ATTACHMENTS

None.



APPROVED: Reginal Pa NUMBER: 3-2

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Sept. 13, 2005, Jan. 21, 2016, Dec. 16, REVIEWED/REVISED: 2019 SUPERSEDES: B-8

#### SUBJECT: LEGAL AND CONSTITUTIONAL AUTHORITY FOR SEARCH AND SEIZURE AND USE OF DISCRETION

I. PURPOSE: The purpose of this order is to specify legal and constitutional requirements interview and interrogation, search and seizure, and use of discretion by sworn officers to insure that the rights of all individuals are protected.

- II. POLICY: It shall be the policy of this department to require employees to comply with all federal, state and local requirements, which provide for the protection of individual rights. These requirements are contained in this Order and in the California Peace Officers Legal Source Book, which is located in the Squad Room on each computer.
- III. DEFINITIONS: Specified in sections as pertinent to topic.

#### IV. PROCEDURES:

#### A. Search and Seizure:

- 1. Plain View
  - a. Objects in plain view of an officer can provide probable cause to obtain a warrant or to seize items of evidentiary value. For plain view to not be a search:
    - 1) The officer must be in a place where he/she has a right to be;
    - 2) The item to be seized was inadvertently viewed and no type of prying quest was made: and
    - 3) The item was immediately recognized as evidence, contraband, or a weapon.
  - b. Items in plain view may be seized without a warrant if they are in an area the officer may legally enter.
  - c. Items in plain view, but not in an area an officer can legally enter, can serve as probable cause for a search warrant. The scene shall be protected until a search warrant can be obtained.

#### 2. Searches Conducted Pursuant to a Warrant

- a. To obtain a search warrant, an officer must submit an affidavit swearing that they have probable cause to believe that property connected to a crime is in the place they seek to search.
- b. The affidavit should contain sufficient facts to establish probable cause that:
  - 1) A crime was, is being or is about to be committed.
  - 2) That the property named in the search warrant application is connected to the crime.
  - 3) That the property named in the search warrant application is in the place to be searched at the present time.
- c. The warrant must particularly describe the items sought, the location, vehicle, or person to be searched and must list the statutory grounds for issuing the warrant.
- d. An officer serving the warrant must announce his presence, identify himself as an officer, state his purpose and demand entry before forcibly entering a private dwelling.
- e. A copy of the warrant must be provided to the subject of the warrant upon service.
- f. The warrant must be executed and returned to the court within 10 days from issuance, along with a written inventory of all property seized, unless specified otherwise by the issuing judge. (Penal Code Section 1534)
- g. Valid search warrants for off campus establishments/residents shall only be searched upon permission from the President.
- h. The local police department in the jurisdiction where the house/establishment is located must be contacted and prior arrangements must be made for their assistance.
- 3. Warrant Exceptions There are five legal exceptions to the warrant requirement.
  - a. Search by voluntary consent;
  - b. Search incident to a lawful arrest;
  - c. Search in an emergency where probable cause exists and there is not time to obtain a warrant;
  - d. Investigative stop and frisk; and
  - e. Inventories of vehicles being impounded.

#### 4. Search by Consent

- a. A search that is based on proper consent, that is freely given, not coerced, or given under duress, either expressed or implied.
- b. The person giving the consent must have the authority to do so. A valid consent to a search can only be given by a person who has a valid right to do so and can only transfer property rights that he/she actually has.
- c. When two or more people have equal right of access to property/premises, a consent search may be given by any such person and the search and any evidence seized will usually be valid against all occupants.

- d. Consent must be clear, explicit, and in writing, whenever possible.
- e. When consent is revoked prior to completion of a search, evidence recovered prior to the revocation may be used to establish probable cause for a search warrant or for an arrest and subsequent search incident to arrest.
- f. When attempting to obtain a consent to search homes, rooms or work spaces with consent, officers must have the individual providing consent sign the department approved consent to search form.
  - 1) If an individual refuses to sign the form, a search shall not be conducted without other legal means such as a warrant etc.

#### 5. Stop and Frisk Searches (Pat Down Searches)

- a. The United States Supreme Court decided in Terry v. Ohio U.S. 1, (1968) that a police officer may briefly detain a person to determine proper identity and conduct an investigation based on the officers reasonable suspicion the person(s) may be involved in criminal activity. The person(s) may be searched using the "stop and frisk" principle where the officer can articulate suspicion that the person(s) are armed. The officer may conduct a pat down of the outer clothing for weapons.
- b. Pat Down Searches are authorized in the following situations:
  - 1) When the officer has observed suspicious activity on the part of the suspect, which gives him/her cause to believe the suspect, is armed.
  - 2) Only as a search for weapons.
  - 3) When the officer has received a warning that a suspect might be armed from a reliable informant known to the officer.
- 6. Field Searches (Search of an Individual Subsequent to a Lawful Arrest).
  - a. A Field Search shall be utilized when:
    - 1) The search is based upon a properly issued warrant.
    - 2) The search is connected to a lawful arrest and the prisoner is to be transported.
    - 3) The officer has probable cause to search for weapons.
    - 4) It is necessary to confiscate items of evidence, [i.e., stolen property, narcotics, items related to a crime for which the arrest is being effected].
    - 5) It is believed the prisoner has in his/her possession object(s), which may be utilized as a means of escape [i.e. a handcuff key].
  - b. A Field Search shall be conducted as follows:
    - 1) Complete preliminary pat search or frisk search.
    - 2) Work from top to bottom, checking the prisoner's hat, hair, and any objects worn in or on the head. Run fingers through the prisoner's hair, if necessary, to insure safety. Remove sharp objects, which could become weapons.
    - 3) Check the rib cage and back area by patting.

- 4) Run thumbs along the prisoner's waistband. Unbuckle the prisoner's belt and check for small weapons and contraband.
- 5) The prisoner should next be instructed to raise his/her arms to expose armpits and pat the area.
- 6) Check wristwatches, jewelry, and gloves for concealed weapons or contraband.
- 7) Check shoes and handbags. Do not hesitate to have the prisoner remove boots, spike heels or similar apparel.
- 8) The prisoner shall not be allowed to leave the officer's presence under any circumstances until the search has been completed.

#### 7. Search of a Vehicle

- a. The courts have distinguished between warrant-less searches of motor vehicles and buildings.
  - 1) The distinction comes from the ease in moving or hiding a motor vehicle or trailer before a police officer can obtain a search warrant.
  - 2) Lesser privacy interests are vested in motor vehicles.
- Warrant-less searches of motor vehicles, based on probable cause, that the vehicle contains contraband or evidence of a crime have been upheld by the courts.
  - 1) Any or part of the motor vehicle capable of holding an item may be searched.
  - 2) When the probable cause is based on what is inside a closed container and not to the motor vehicle in general, the container should be seized and a search warrant obtained for the container.

#### 8. Searches at the Scene of a Crime

- a. Incidental to an arrest the suspect and the areas in the suspect's immediate control may be searched. The purpose of these searches is to protect the officer (by locating weapons) and to prevent the destruction of evidence or contraband.
- b. The United States Supreme Court decided in Mincey v. Arizona, 437 U.S. 385 (1978), that in the absence of exigent circumstances or consent, police officers are required by the fourth amendment to obtain a search warrant before a thorough search of any crime scene can be conducted, unless the scene is a public place or another exception to requiring a search warrant exists.
- c. A police officer can without a search warrant secure a crime scene, search the area for victims or perpetrators and seize evidence, which if not seized, may be lost or destroyed, removed or is within plain view.

#### 9. Exigent Circumstances (Emergency Searches)

a. An officer may enter an area where there is an expectation of privacy for the purpose of protecting life, health or property. The necessity to enter must involve

- a substantial and immediate threat to life, health or property or in the fresh pursuit of a criminal suspect.
- b. Once the emergency abates, a warrant is required.
- c. An officer cannot create the exigent circumstances.

#### 10. Inventory Searches

- a. Inventory searches have been allowed for a threefold purpose:
  - 1) To protect the defendant's property.
  - 2) To safeguard the police from claims of lost property.
  - 3) To protect police from potentially dangerous items located inside vehicles such as: explosives, dangerous chemicals, and/or weapons.
- b. All impounded vehicles will be inventoried
- c. Property located in the vehicle that does not have an evidentiary value or an obvious high dollar value needing additional security should be left in the vehicle. Items of evidence will be processed in the Department's Evidence System and items of high dollar value will be taken for safekeeping and placed into the Department Property System.
- d. When sworn personnel are faced with a situation where discretion can be exercised, they shall carefully evaluate the circumstances and consider the following areas:
  - 1) Federal, State and local statues
  - 2) Case law
  - 3) Department policies and procedures
  - 4) Training
  - 5) Consultation with a supervisor if further clarification is needed.
- 11. Strip Searches and Body Cavity Searches (Penal Code Section 4030).
  - a. No strip search or visual body cavity search may be conducted without prior written authorization of the supervising officer on duty. The authorization shall include the specific and articulable facts and circumstances upon which the reasonable suspicion determination was made by the supervisor.
  - b. When a person is arrested and taken into custody, that person may be subjected to pat down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.
  - c. No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, controlled substances or violence shall be subjected to a strip search or a visual body cavity search, unless a police officer has determined there is reasonable suspicion to based on specific articulable facts to believe such person is concealing a weapon, or contraband, and a strip search will result in the discovery of the weapon or contraband.
  - d. Physical body cavity searches are not permitted except under authority of a

- search warrant issued by a magistrate specifically authorizing the physical body cavity search.
- e. If authorized, strip searches and visual body cavity searches will be conducted by officers who are the same sex as the arrestee, and should normally be conducted by two officers. These searches will be conducted in an area of privacy so that the search cannot be observed by individuals not involved in the search.
- f. All searches will be documented in the arrest report and will include the time, date and place of the search, the name and sex of the person conducting the search, and a statement of the results of the search, including a list of items removed from the person searched.

#### 12. Resident Halls and Other Institutional Property Searches

a. The search and seizure policy and procedures for private residential hall locations/facilities (e.g., dorm rooms, apartments, and other private living spaces) and private office locations (i.e., locations deemed as having an expectation of privacy such as lockers, locked drawers, and password protected computers) are the same as those mentioned in Section IV.A of this policy. Searches of publicly-accessible areas of the residence halls and institutional property are not protected by federal or state search and seizure laws, nor university policies. They do however remain non-exempt from search warrant requirements. Searches of faculty/staff office space controlled by the institution wherein no expectation of privacy exists, requires approval from the Chief of Police or her/his designee, unless under exigent circumstances for the protection of life and/or property.

#### 13. Receipts for Evidence Collected

- a. Receipts must be prepared for all evidence seized during a search.
- b. Penal Code Section 1535 states that when an officer takes property, he/she must give a receipt for the property taken (specifying in detail) to the person from whom it was taken, or in whose possession it was found; or in the absence of any person, he must leave it in the place where the property was found.

#### B. Interviews and Interrogation:

#### 1. Definitions

- a. Interview: A meeting for obtaining information by questioning a person. The goal of an interview is to develop information, build rapport and detect deception.
- b. Interrogation: A focused formal examination of a person by questioning. The goal of an interrogation is a confession.
- c. Custodial Interrogation: The questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.

#### 2. Miranda

- a. The "Miranda" decision requiring police to advise an individual of his rights only applies to a situation in which the person is in custody and is being interrogated.
- b. Since both factors must be present to trigger "Miranda", a person who is in custody but not being interrogated need not be advised of his rights.
- c. A person who is being interrogated, but is not in custody need not be advised of the warnings prior to being questioned.
- d. All juveniles must be advised of their rights whether or not they are going to be questioned (interrogated). The law, however, does not require that they be advised of their rights immediately upon arrest, as long as the advisement is provided sometime during their custody and/or before any questioning.
- e. A field interview occurs when an Officers speaks to a citizen based on a reasonable belief that some investigative inquiry is warranted; yet not having reasonable suspicion to detain the subject. Neither reasonable suspicion nor probable cause is necessary for a field interview.

#### 3. Access to Counsel

- a. When a suspect invokes his right to remain silent, or his right to have counsel present during custodial interrogation, the police must immediately cease their questioning.
- b. If the suspect in anyway indicates a desire to have an attorney present during questioning, the police must honor his request and may not at a later time reinitiate interrogation of the suspect without an attorney present, whether or not the suspect has consulted with his attorney during the interim.
- c. Penal Code Section 825(b) states that after the arrest, any attorney at law entitled to practice in the courts of record of California may at the request of the prisoner, or any relative of the prisoner, visit the person so arrested.

#### C. Access to Telephone Calls:

- 1. Penal Code Section 851.5(a) states that immediately upon being booked, and no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls.
- 2. These calls are to be made at no expense to the suspect.
- 3. At least one of these calls may be made to an attorney of their choice, or if they have no funds, to the public defender.
- 4. These calls are not to be monitored, eavesdropped upon, or recorded.

#### D. Use of Discretion by Sworn Officers:

- 1. Discretion: Discretion is defined as the freedom or authority to make decisions and choices. Authority is defined as the power to enforce laws.
- 2. Discretion is not limited to what is authorized or what is legal, but includes all that is within the limits of the officer's authority.
- 3. The quality of police services depends upon the manner in which discretion is exercised. It is the policy of this Department that sworn officers should always seek to exercise that degree of authority, which results in the least intrusive action into the

lives of members of the community.

- 4. When sworn personnel are faced with a situation where discretion can be exercised, they shall carefully evaluate the circumstances and consider the following areas:
  - a. Federal, State, and Local statues.
  - b. Case law.
  - c. Department policies and procedures.
  - d. Training
  - e. Consultation with a supervisor if further clarification is needed.
- 5. A sworn officer exercising discretion must carefully evaluate the circumstances. For example:
  - a. In a misdemeanor crime situation the use of discretion is sharply limited. An arrest for a misdemeanor can only be made without a warrant:
    - 1) Whenever the officer has reasonable cause to believe that a person has committed a public offense in his/ her presence;
    - 2) When a person is under the age of 18 and the officer has reasonable cause to believe the minor is a person described in Section 600, 601, and 602 of the California Welfare and Institution Code. (See Penal Code Section 836 and Welfare and Institutions Code Section 625).
  - b. In the investigation of a felony, greater degree of discretionary judgment is permitted. An arrest for a felony can be made without a warrant:
    - 1) When a person has committed a felony, although not in the officers presence;
    - 2) Whenever the officer has reasonable cause to believe the person to be arrested has committed a felony, whether or not the felony has in fact been committed.

#### V. APPENDICES:

A. Systemwide Chapter 2 Arrests/Search and Seizure, Custody and Detention

#### VI. ATTACHMENT:

A. Consent to Search Form

#### ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



### SAN FRANCISCO STATE UNIVERSITY POLICE DEPARTMENT

#### **CONSENT TO SEARCH**

	, having been informed of my		
Constitutional right not to	have a search made of the premises,		
hereinafter described, without a search warrant and of my right to			
refuse to consent to such search hereby authorize the following officer(s)			
	selves to me as members of the San		
Francisco State University Police Department, to conduct a complet			
search of my residence or	vehicle located at		
These officers are authori	zed by me to take from my residence or		
evidence is a case being i	rs, material, or other property which may be nvestigated by the officers; or evidence of a crime in violation of Local, State, or		
Federal Law.			
<u>-</u>	given by me of my own free will and accord mmitment requested, given or implied.		
	Signed:		
	Address:		
	Phone:		
	Date:Time:		
Witnessed			



## San Francisco State University Police Department

NUMBER: 3-3 APPROVED: Reynold Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: B-8 REVIEWED/REVISED:

Feb. 20 2008, Dec. 17, 2015, Mar. 10, 2016, Dec. 16, 2019, Feb. 17, 2020, Jul. 14, 2020

SUBJECT: BIAS PROFILING

#### I. PURPOSE AND SCOPE

#### A. Purpose and Scope:

This policy provides guidance to police department members that affirms the 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 police department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### B. Definitions:

Definitions related to this policy include:

*Bias-based policing* - An inappropriate reliance on 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).

#### II. POLICY

The 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.

#### III. BIAS-BASED POLICING PROHIBITED

#### General Order 3-3 Bias Profiling

#### A. Bias-Based Policing:

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.

#### B. 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):

- 1. In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- 2. 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.

#### IV. MEMBER RESPONSIBILITIES

- A. 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.
- B. Officers contacting a person shall be prepared to articulate sufficient reason for the contact.

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.

C. 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).

#### General Order 3-3 Bias Profiling

If multiple agencies are involved in a stop and the Department is the primary agency, the Department's 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).

#### V. ADMINISTRATION

Each year, the Division Head should review the efforts of the Department to provide fair and objective policing and submit an overview, including public concerns and complaints, to the Chief of Police.

This report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the report and discuss the results with those they are assigned to supervise.

#### VI. TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Division.

- 1. 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.
- 2. 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.
- 3. 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)).

#### VII. REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Unit and the Records Specialist or authorized designee shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and reported annually to the DOJ (Penal Code § 13012; Penal Code § 13020).

Supervisors should ensure that data stop reports are provided to the Records Specialist or authorized designee for required annual reporting to the DOJ (Government Code § 12525.5).

# General Order 3-3 Bias Profiling

VIII. APPENDIX: None.

IX. ATTACHMENTS: None.



NUMBER: 3-4 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

April 13, 2006, Feb. 20, 2008, Aug.

SUPERSEDES: B-4, B-5 REVIEWED/REVISED: 26, 2008, Mar. 19, 2009, Jan. 29,

2010, Dec. 17, 2015, Dec. 17, 2019

SUBJECT: ARREST PROCEDURES AND LEGAL PROCESS (PITCHESS MOTIONS/LAWSUITS)

I. PURPOSE: To clarify the duties and responsibilities of a Police Officer making an arrest with or without a warrant and the specific Penal Code sections governing these situations, and to establish procedures for alternatives to a physical arrest.

II. POLICY: It is the policy of this Department to abide by the state code in relation to service of legal process and to seek out alternatives to arrest whenever feasible.

#### III. DEFINITIONS:

- A. Arrest: To deprive a person of his/her liberty by legal authority
- B. Arresting Officer: A sworn law enforcement officer who takes a person into custody, with or without a warrant.
- C. Arrest Warrant: A written order of the court which is made on behalf of the State, or United States, and is based upon a complaint issued pursuant to state and/or court rule, and which commands law enforcement officer to arrest a person and bring him before magistrate.
- D. Asset Forfeiture: Loss of some right or property as a penalty for some illegal act. Forfeiture of property (including money, securities, and real estate) is one of the penalties provided for under certain federal and state criminal statutes. Such forfeiture provisions apply to property used in the commission of a crime under the particular statutes, as well as property acquired from the proceeds of the crime.
- E. Civil Arrest: A civil arrest is made pursuant to a written order by a judge of a competent jurisdiction in a civil action or proceeding.
- F. Civil Process: Those writs, summonses, mandates or other process issued from a court of law or equity, pertaining to a cause of action of a civil nature. The term includes original, intermediate and final process to be served by the agency in any action involving civil litigants.
- G. Criminal Process: Writs, summonses, mandates, warrants, or other process issued from a court of law compelling a person to answer for a crime. The term also includes process issued to aid in crime suppression, such as search warrants.
- H. Legal Process: Any item of civil or criminal process, whether original, intermediate or final, that is valid on its face and is to be served or executed by the law enforcement agency.
- I. Protective Order: Order issued by court in domestic violence or abuse cases to, for example,

- protect spouse from physical harm by other spouse or child from abuse by parent(s). Such order may be granted immediately by court in cases where immediate and present danger of violence or abuse is shown. Such emergency orders are granted in ex parte type proceedings and are temporary in duration pending full hearing by court with all involved parties present.
- J. Restraining Order: An order in the nature of an injunction, which may issue upon filing of an application for an injunction forbidding the defendant from doing the threatened act until a hearing on the application can be had.
- K. Search Warrant: An order in writing, issued by a justice or other magistrate, in the name of the state, directed to a sheriff, constable, or other officer, authorizing him to search for and seize any property that constitutes evidence of the commission of a crime, contraband, the fruits of crime, or things otherwise criminally possessed; or, property designed or intended for use or which is or has been used as the means of committing a crime.
- L. Service: The delivery of any item of civil process that is complete with the act of delivery and does not require physical or legal seizure of a person or thing.
- M. Subpoena: A command to appear at a certain time and place to give testimony upon a certain matter. A subpoena duces tecum requires production of books, papers and other things. Subpoenas in federal criminal cases are governed by Fed.R.Crim.p.17, and in civil cases by Fed.R.Civil.p.45.
- N. Summons: Writ or process directed to the Sheriff or other proper officer, requiring him to notify the person named that an action has been commenced against him in the court from where the process issues, and that he is required to appear on a day named, and answer the complaint in such action. It is used in instances of low risk, where the person will not be required to appear at a later date.
- O. Sworn Officer: A person who is granted those general peace officer powers prescribed by constitution, statute, or ordinance in the jurisdiction, including those persons who possess authority to make a full custody arrest for limited or specific violations of law within the same jurisdiction.
- P. Temporary Restraining Order: An emergency remedy of brief duration which may issue only in exceptional circumstances and only until the trial court can hear arguments or evidence as the circumstances require, on the subject matter of the controversy and otherwise determine what relief is appropriate.
- Q. Writ: A written court order or a judicial process, directing that a sheriff or other judicial officer do what is commanded by the writ; or giving authority and commission to have it done.

#### IV. PROCEDURES:

- A. Applicable State Codes California Penal Code Sections that address arrests with warrants:
  - 1. P.C. 815 states that at the time of issuance a warrant will indicate the name of the defendant, time and location issued and be signed by a magistrate. At the time of issuance the magistrate shall fix a reasonable bail.
  - 2. P.C. 816 states that a warrant of arrest shall be directed generally to any peace officer, and when a warrant of arrest has been delivered to a peace officer and the person named in the warrant is in custody, the warrant may be executed by the peace officer.
  - 3. P.C. 817 states that when a declaration of probable cause is made by a peace officer, the magistrate if satisfied that there exists probable cause that the offense

- has been committed and that the defendant described committed the offense, shall issue a warrant of probable cause for arrest of the defendant.
- 4. P.C. 817(g) states that an original warrant of probable cause for arrest or the duplicate original warrant shall be sufficient for booking a defendant into custody.
- 5. P.C. 817(h) states that once the defendant named in the warrant for arrest has been taken into custody, the agency that obtained the warrant shall file a certificate of service with the clerk of the issuing court. The certificate of service shall contain all of the following: date and time of service; name of defendant arrested; location of arrest; and the location where the defendant is incarcerated.
- 6. P.C. 818 states that in any case in which a peace officer serves upon a person a warrant of arrest for a misdemeanor offense under the Vehicle Code or under any local ordinance reference operation of a motor vehicle, and where no written promise to appear has been filed and the warrant states on its face that a citation may be issued in lieu of physical arrest, the peace officer may, instead of taking the person before a magistrate, prepare a notice to appear and release the person on his promise to appear.
- 7. P.C. 827.1 states that a person who is specified in a warrant of arrest for a misdemeanor offense may be released upon the issuance of a citation, in lieu of physical arrest unless one of the following conditions exists:
  - a. The misdemeanor cited in the warrant involves violence;
  - b. The misdemeanor cited in the warrant involves a firearm:
  - c. The misdemeanor cited in the warrant involves resisting arrest;
  - d. The misdemeanor cited in the warrant involves giving false information to a peace officer:
  - e. The person arrested is a danger to himself or others due to intoxication.
  - f. The person requires medical examination or medical care or is otherwise unable to care for his own safety;
  - g. The person has other ineligible charges pending against him;
  - h. There is reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be endangered by the release of the person.
  - i. The person refuses to sign the notice to appear.
  - j. The person cannot provide satisfactory evidence of personal identification.
  - k. The warrant of arrest indicates that the person is not eligible to be released on a citation.
- 8. P.C. 842 states that an arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in his possession at the time of the arrest, but if the person arrested requests it, the warrant shall be shown to him as soon as practicable.
- 9. P.C. 848 states that an officer making an arrest, in obedience to a warrant, must proceed with the person arrested as commanded by the warrant or as provided by law.
- B. California Penal Code Sections that address arrests without a warrant:
  - 1. P.C. 836 states that a peace officer may arrest a person in obedience to a warrant or

without a warrant, may arrest a person whenever any of the following circumstances occur:

- a. The officer has probable cause to believe that the person to be arrested has committed a public offense in the officer's presence.
- b. The person arrested has committed a felony, although not in the officer's presence.
- c. The officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed.
- 2. P.C. 849(a) states that when an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released shall, without unnecessary delay, be taken before the nearest or most accessible magistrate, and a complaint stating the charge against the arrested person shall be laid before such magistrate. Officers, who are physically present at the time an allegation is presented that a crime has been committed, who know the allegation to be false based on first-hand knowledge, may refuse to accept any arrest attempted under 837 P.C. (Citizen's arrest). These incidents will be documented in an incident report [Refer to 3-4, Private Person Citizen Arrest, written directive].
- 3. P.C. 849(b) states that any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:
  - a. He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.
  - b. The person arrested was arrested for intoxication only, and no further proceedings are desirable.
  - c. The person was arrested only for being under the influence of a controlled substance or drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable.
- 4. P.C. 853.6 states that in any case in which a person is arrested for an offense declared to be a misdemeanor, including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, that person shall, instead of being taken before a magistrate, be released according to the procedures set forth in this chapter. If the person is released, the officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of the person, the offense charged, and the time when, and place where, the person shall appear in court.

### C. Arrest with a warrant:

- 1. When a Police Officer stops and detains a person, and as a result of a warrant check, determines the person has an outstanding warrant, the officer shall complete the following actions:
  - a. Determine that the person described in the warrant and the subject in custody are one and the same.

- b. Determine if the warrant is available for service. Out of the immediate area agencies may not want to send an abstract for booking purposes due to the distance involved and the type of crime for which the warrant has been issued.
- c. Upon receipt of the warrant abstract, the person should be taken into custody and taken before the nearest or most accessible magistrate. If a magistrate is not available, the officer must take the arrestee to the county jail for booking and posting of bail, or hold pending appearance before a magistrate.
- 2. The University Police Department is not authorized under Section 1269b of the Penal Code to accept bail for arrestees or to cite and release persons arrested under a warrant.

#### D. Arrest Procedures:

- 1. Precautions Officers shall take all reasonable precautions in arresting and detaining persons to ensure against injury and/or escape. Officers must be alert to the possibility of weapons being in the possession of suspects or arrestees. Officers shall be responsible for the safety of prisoners and their property.
- 2. Security of Weapons Officers shall exercise caution with firearms or other weapons at all times and particularly when in the presence of suspects or prisoners. All weapons shall be secured or removed from locations accessible to prisoners.
- 3. Treatment of Prisoners and Suspects Prisoners and suspects shall be treated in a humane manner. They shall not be subjected to excessive physical force. No officer shall strike a prisoner or suspect, except in self-defense, to prevent an escape, or to prevent injury to another person. No officer shall verbally abuse prisoners or suspects.
- 4. Searching Prisoners and Suspects All searches shall be conducted in accordance with department policy and training.
- 5. Transporting Prisoners and Suspects
  - a. When it is necessary for an officer to transport a prisoner, the transporting officer shall log mileage and departure and arrival times with the police dispatcher. The dispatcher shall record all information in RIMS.
  - b. The transporting officer is responsible for searching prisoners before they are transported.
  - c. The transporting officer will search the transport vehicle for weapons, contraband, and other items prior to and after transporting a prisoner.
  - d. All officers will examine their vehicles at the beginning of each shift to insure required equipment is present, no contraband or weapons are present, and the vehicle is in proper mechanical condition.
  - e. Attempt should be made to have a female officer transport and arrest female arrestee and a male officer transport male arrestee if staffing allows.

# 6. Bail Posting Prohibited

a. No Officer shall post bail for persons placed under arrest by a member of the department without the approval of the Chief of Police.

- b. Officers shall not accept money as bail, or in payment of a fine, except in accordance with department policy.
- c. No officer shall suggest or recommend any person or firm engaged in the business of furnishing bail to any prisoner or person requesting such information.
- d. No officer shall recommend any attorney to any party in a criminal or civil case in which the officer's department is involved.

# 7. Use of Handcuffs and Other Physical Restraints

- a. The Departmental Policy regarding the handcuffing of a person is predicated on the responsibility of protecting the officer, the public and the person handcuffed. While policy guidelines are provided regarding the use and application of handcuffs during specific police/public contacts, the department recognizes that the final decision whether or not to handcuff an individual must rest with the ranking officer at the scene. Each public contact is different and requires officers to apply a broad range of criteria related to officer and public safety, the safety of the detainee, and to the laws of arrest, search and seizure. These criteria are fluid and situational, and suggest that the officer after considering all factors relevant to the situation must have full discretion in applying policy guidelines.
- b. It shall be the policy of this Department to handcuff all felony persons when arrested for a violation of a State and/or Federal Law. If in the officer's judgment, the orderly arrest and transportation of the person would be hindered by handcuffing; the officer may deviate from this policy and not apply handcuffs.
- c. The handcuffing of juveniles and adults in misdemeanor situations shall be left to the officer's discretion. Officers should evaluate the age and general demeanor of juveniles prior to applying handcuffs. In all instances officers shall make every attempt to protect the privacy and dignity of persons being handcuffed.
- d. Juveniles Some juveniles may be taken into custody without handcuffs while others must be handcuffed for their own protection, the protection of others or to avoid escape attempts.
- e. Mentally Challenged Handcuffs shall only be used as a temporary restraining device on mentally challenged persons.
- f. Handcuffing Procedures
  - One Person Handcuffs shall be placed around the subject's wrists, hands behind the back, palms out. No persons shall be handcuffed with the hands in front unless the subject is suffering from a deformity, disability, or some injury that makes this practice impossible or impractical.
  - 2) Two Persons with a single set of handcuffs. The following practice shall be utilized in the handcuffing of two individuals with one set of handcuffs. The person on the right shall be directed to place the right hand behind his/her back. The officer shall then handcuff the right wrist of the first person to the right wrist of the second person.
  - 3) Double Locking Handcuffs. Handcuffs shall be double-locked whenever they are used. This not only prevents the person from picking the lock, but also keeps the handcuffs from tightening on the wrist of the person and causing injury.

- g. Practices To Avoid When Using Handcuffs
  - 1) Handcuffing a person with hands in front. Do not handcuff a person with hands in front unless required by a physical deformity or injury.
  - 2) Handcuffing yourself to a person. Do not handcuff yourself to a person.
  - 3) Use of the handcuff as a come along. Do not attach a single handcuff to a person and attempt to use it as a come along.
  - 4) Juveniles and Adults No juveniles shall, except in an emergency situation, be handcuffed to an adult.
- h. Situations when not to handcuff-Absent any perceived threat to the safety of officers or the detainee, handcuffs should not be used in the following situations:
  - 1) When not under arrest.
  - 2) For transportation only, if safety not in jeopardy.
  - 3) After person is pat searched, no weapons are found and person does not constitute a threat to the safety of officers and the general public.
  - 4) If no physical cause to detain or arrest and safety not in jeopardy.
- i. Police officers should avoid using force and/or physical restraints, such as handcuffs or guns, during a detention situation whenever possible. These indications of custody may cause the court to view the detention as an arrest. When the detention exceeds the boundaries of a permissible investigative stop, the detention becomes a defacto arrest requiring probable cause.
- j. Police officers can use whatever precautionary safety measures are reasonable under the circumstances. During a lawful detention, officers are authorized to take such steps as are reasonably necessary to protect their personal safety and to maintain the status quo during the course of the stop.
- k. In determining whether a police contact was a lawful detention or an unlawful arrest, the court will look to the totality of the circumstances and evaluate the intrusiveness of the detention and the justification for using the force or restraints that were employed.
- I. Use of Spit Net If any time during the arrest/ transport, the suspect begins to expectorate or vomit as a means of deterring the officer, the officer shall:
  - 1) Place the Spit Net over the subject's head. This should be accomplished from behind the suspect to prevent the suspect from successfully hitting the officer with vomit / spit. In certain circumstances, a Spit Net may be used in a preventative manner when encountering a known subject that has abused officers this way in past contacts.
  - 2) The Spit Net should be kept on the prisoner until he/ she is booked at the County Jail UNLESS:
    - a) The prisoner begins to choke on his/ her own vomit.
    - b) The prisoner needs medical attention or looses consciousness.
  - 3) The officer shall continually monitor the prisoner's condition while the Spit Net

is on.

- 4) Officers SHALL NOT use the Spit Net for:
  - a) To humiliate a prisoner.
  - b) In any case where the person is not an arrested subject who is actively resisting arrest/ assaulting officers.
  - c) Once at the County Jail, the Spit Net will be disposed of according to the directions of the Sheriff's Deputies.
  - d) The use of a Spit Net on a prisoner shall be documented in the arrest report giving facts in support of using the Spit Net.

# E. Legal Process:

#### 1. Records

- a. SFSU Police Department does obtain original criminal warrants. Original copies are filed in the Central Warrant Bureau at SFPD.
- b. Copies of warrants and processes may be obtained but do not act as original documents.
- c. In the event any original warrants or civil process documents are received, a copy shall be attached to the original crime report and the service of process noted on the log. A written report will be written on RIMS by the investigating officer and will include:
  - 1) date and time received;
  - 2) type of legal process, civil or criminal;
  - 3) nature of document;
  - 4) source of document;
  - 5) name of plaintiff/complainant or name of defendant/respondent;
  - 6) officer assigned for service (all cases will be assigned to Investigations Unit);
  - 7) date of assignment (date assigned/forwarded to Investigations);
  - 8) court docket number; and
  - 9) date of service due or required by

# 2. Warrants from other jurisdictions

- a. This Department occasionally works with outside agencies on the service of their warrants so long as it doesn't violate any CSU or SFSU policy.
- b. If an outside agency has a warrant they wish to serve on this campus they will contact this Department for assistance in the service of the warrant. They will serve the warrant and take custody of the suspect.
- c. Our responsibility is to facilitate the service of legal process in a manner that is least disruptive to the University.
- d. There should be no disruption of class or educational activity unless the severity of the offense, potential threat to community exists or other emergency exists.

#### 3. Service of warrants

- a. Arrest warrants will be executed by sworn peace officers only.
- b. Warrants obtained in California are maintained in CLETS, an automated warrants system.
- c. When an individual is contacted, the officer will have Dispatch confirm via the Central Warrant Bureau through the system that a valid warrant is outstanding.
- d. Officers will utilize a print out of a working paper that indicates that the warrant is valid and outstanding. This paper indicates the offense, bail amount, and warrant type (bench warrant, traffic, criminal).
- e. If a valid warrant is confirmed, the individual will be taken into custody and the service of the warrant will be documented in an Arrest Report. This report will indicate the date, time and location of the arrest, information on the suspect including name, date of birth and social security number.
- f. A record on the execution or attempted service of all warrants or any legal process shall be maintained through RIMS (once service is made).
- g. The use of the department's Warrant Control Form, which includes:
  - 1) date and time service was executed/attempted;
  - name of officer(s) executing/attempting service;
  - 3) name of person on whom legal process was served/attempted;
  - 4) method of service and/or reason of non-service; and
  - 5) address (location) of service/attempt.

Shall be used when an arrest/search warrant has been secured via the District Attorney's Office. This form shall serve as a means to track attempted service.

## 4. Execution of Criminal Process

- a. Officers will execute only traffic and criminal warrants. The only exception to this is civil restraining orders.
- Execution of Department warrants outside of this jurisdiction will be determined on a case-by-case basis, depending on the distance, crime, and University needs.
- c. When serving a warrant outside of this jurisdiction, the agency will be notified that we are going to serve a warrant in their jurisdiction, and a request will be made to have a unit from their agency assist.
- d. Individuals arrested outside of this jurisdiction will be brought back to the San Francisco court system, unless otherwise directed by a magistrate. If a warrant is served outside of the immediate area, the arrestee will be transported to a local facility until transport can be made.
- e. The Chief of Police will contact the President and Vice President for Student Affairs & Enrollment Management for permission to serve warrants off campus.
- 5. Service of Civil Process Documents, Restraining, and Protective Orders
  - a. The following are three types of restraining/protective orders:

- 1) Emergency Protective Order is obtained by a peace officer from superior court by phone;
- Civil Court Restraining Orders, are obtained by a victim from the civil court;
- 3) Criminal Stay-Away Orders, pursuant to Penal Code Section 136.2 are issued by the criminal court.
- b. All three of these protective orders are enforceable in any county no matter where issued. These orders remain valid regardless of the actions of the protected person. For example, if the protected person allows the restrained party back into a residence, the order still remains valid.
- c. Request Emergency Protective Orders when appropriate:
  - 1) The Family Code Section 6241 requires that at least one judge or commissioner be reasonably available to orally issue, by phone or otherwise, an ex parte Emergency Protective Order when a law enforcement officer asserts reasonable grounds to believe that a person is in immediate and present danger.
  - 2) Officers may request an Emergency Protective Order whether or not the suspect is present or has been arrested.
- d. Requesting Emergency Protective Order.
  - 1) Officer shall contact the Judicial Hearing Officer (SFPD Operations 415-553-1071), commissioner, or referee designated to be on-call to issue Emergency Protective Orders by telephone or otherwise and assert grounds for belief that the order is appropriate.
  - 2) Upon oral issuance of the order by the on-call judge, the officer requesting the order shall reduce it to writing, using the Judicial Council Form Application 1295.90, and sign the order.
  - 3) Issued Orders:
    - a) The officer shall serve a copy of the Emergency Order on the restrained party, if the party can be reasonably located.
    - b) The officer shall give a copy of the Emergency Order to the protected party.
    - c) The officer, who requested the Emergency Order while on duty, shall carry a copy of the order.
    - d) A copy of the Emergency Order shall be filed with the court as soon as practical after issuance.
    - e) An Emergency Protective Order is valid for five court days after the day of issuance, but never longer than seven calendar days following the day of issuance.

#### e. Verification of Protective Orders

1) Penal Code Section 13710 requires law enforcement agencies to maintain a

- complete and systematic record of all Protection Orders.
- 2) Whenever a complainant advises an officer of the existence of a Protective Order, the officer should:
  - a) Prepare a written report.
  - b) Ascertain whether a Protective Order is on file with the department and if the complainant has a copy of the order in their possession;
  - c) The Protective Order is still valid as to duration/time (if there is no expiration date on the order, the order is valid three years from the date of issuance, with the exception of permanent orders issued pursuant to a divorce);
  - d) If proof of service or prior notice exists or that the suspect was in court when the order was made; and;
  - e) The terms of the Protective Order.
- f. Arrest Criteria and Enforcement Procedures in reference Protective Orders.
  - 1) A violation of a Protective Order is a misdemeanor under Penal Code Section 166 and 273.6(a) and may be a felony, under Penal Code Section 273.6(d), 646.9 or 136.
  - 2) An arrest shall be made when there is reasonable cause to believe the subject of the Protective Order has violated the order and any of the following conditions are met:
    - a) The existence of the order and proof of the service on the suspect has been verified by the officer;
    - b) The complainant produces a valid copy of the order bearing the file stamp of a court and a proof of service on the subject;
    - c) The existence of the order has been verified by the officer (no proof of service is required if the order reflects that the suspect was personally present in court when the order was made); or
    - d) The existence of the order has been verified, and there is proof that the suspect has previously been admonished or served a copy of the order.
  - 3) When the officer verifies that a Protective Order exists, but cannot verify proof of service or prior knowledge of order by suspect, the officer should:
    - a) Inform the subject of the terms of the order;
    - Admonish the subject of the order, that the suspect is now on notice and that the violation of the order will result in an arrest (if the suspect continues to violate the order after being advised of the terms, an arrest should be made);
    - c) If the suspect complies after admonishment of the terms, the officer shall make a retrievable report pursuant to Penal Code Section 13730(c) showing the suspect was admonished of the terms of the order, the name of the admonishing officer, time and date. The Department's copy of the Protective Order will be updated to reflect the admonishment information.

- g. In the event the suspect has left the scene of the incident, an investigation should be made to determine if a crime has been committed. Penal Code Sections 13730(c) and 13701(i) requires that a retrievable report shall be made and complainant shall be advised of the follow-up criminal procedures and case number of the report.
- h. Protective Order Not Verifiable.
  - 1) When the victim is not in possession of the Protective Order, and/or in case of computer error, officers may not be able to confirm the order's validity.
  - 2) Penal Code Section 13730(c) requires that an officer shall write a report, give the victim the police report number and direct the victim to contact Investigations for follow-up information.
  - 3) When an order is not verifiable through the verification procedures, officer shall advise the victim of the right to make a private person's arrest for the violation of the Protective Order.
- F. Alternatives to arrest, Prearraignment confinement and/or Pretrial release:
  - SFSU Police Officers may exercise alternatives to arrest based on the individual circumstances of each situation. Alternatives to a custodial arrest are utilized by the officer with discretion, taking into consideration the severity of the crime or violation and also considering the conduct of the suspect and the suspect's past criminal history.
  - 2. When possible or appropriate, officers are encouraged to exercise alternatives to physical arrest.
  - 3. Some alternatives are as follows:
    - a. Verbal warning (provided the violation is minor);
    - b. Referral to Judicial Affairs for student code of conduct violations:
    - c. Infraction ticket:
    - d. Release to parents (if juvenile);
    - e. Referral to social services; and/or
    - f. Referral to authority within residential housing.
  - 4. Officers will use discretion when selecting the appropriate course of action in each situation, taking into account the person's past history, age, physical and psychological state at the time of the incident, attitude, and other extenuating circumstances.
  - 5. If there is a victim in the case, the officer will consider and honor as much as possible the victim's preference for alternative or an arrest, except for domestic violence cases, where an alternative may not be the appropriate course of action.
  - 6. If a question arises concerning the use of an alternative, officers should contact the watch commander to resolve the matter.
- G. Procedures for alternatives to arrest:
  - 1. Oral/Written warning:

- a. May be issued for misdemeanor or petty offenses;
- b. Document using a Field Interview Card (FI card) and notation in RIMS; and
- c. Make a referral if appropriate.
- d. Written warnings for traffic offenses will be done through use of a Field Release Citation.
- 2. Referral to Judicial Affairs Office, the Commanding Officer of Investigations approves referrals which are prepared by the Investigations staff. Referrals must reflect of violation of the Student Code of Conduct/Title V).
  - a. Officer:
    - 1) Use as an alternative to arrest with the watch commander's approval.
    - 2) Indicate a referral to Student Affairs in the body of the Incident/Offense report, if a report is written.
    - 3) Ensure the incident is documented within RIMS.
  - b. Investigations:
    - 1) Review the case and the referral;
    - 2) Meet with Judicial Affairs if necessary to discuss the incident; and
    - 3) Provide feedback to officers about the disposition of the referral, if known.
- H. Criminal Justice and Social Service Diversion Programs:
  - 1. A social service diversion program is any procedure or action that substitutes:
    - a. non-entry for official entry into the justice process;
    - b. the suspension of criminal or juvenile proceedings for other processes;
    - c. referral to a non-justice agency; or
    - d. a non-confinement status for confinement.

# 2. Regional Programs

- a. Officers may utilize any available social diversion program sponsored and approved by the San Francisco County Jail system.
- b. If utilized, such action shall be part of the department's official records, via a RIMS entry or report, as approved by the watch commander.
- c. Subsequent to a case being reviewed by the Prosecutor's Office, a decision may be made to utilize a diversion program. This action is the responsibility of the Prosecutor's Office and not the University Police.
- 3. Campus Programs
  - a. The following campus programs and services are available:
    - 1) Judicial Affairs disciplinary review;

- Housing residential authority;
- 3) Student Affairs (counseling for drugs, alcohol, and inappropriate actions); and
- 4) Human Resources (Employee Issues)
- b. The watch commander must review and approve any diversion to a campus program and the action shall be documented in written form to the Chief of Police.
- I. Civil Writs requiring the seizure of real or personal property:
  - 1. Any civil writs issued requiring the seizure of real or personal property shall be served by a sworn University Police Officer.
  - 2. The University Police views asset forfeiture as a legal method to disrupt and dismantle illegal organizations, not as means of generating revenue.
  - 3. Occasionally, the University Police Department may enter into agreements with other agencies regarding the processing and handling of asset forfeiture. When such an agreement is in force, its contents shall be considered to override or supplement the contents of this order, where applicable, for the duration of the agreement.
  - 4. Revenue derived from asset forfeitures may not be included in budget allocations, nor shall budgeting decisions be based on anticipated forfeiture revenues.
  - 5. Forfeiture Goals
    - a. To use asset forfeiture laws in the manner in which they were intended, i.e., to deter criminals or deprive them of property gained through illegal activity.
    - b. To use asset forfeiture laws to supplement traditional law enforcement techniques.
    - c. As a by-product of the above, to produce revenue that supplements but does not replace funding used to combat illegal narcotics and organized crime activity at SFSU.

#### 6. General Forfeiture Guidelines

- a. Criminal prosecution is the ultimate goal in every investigation; civil forfeiture is a secondary goal.
- b. Criminal prosecution shall not be jeopardized or minimized in lieu of civil forfeiture.
- c. Criminal prosecution and civil forfeiture shall proceed independently. The threat of criminal prosecution shall not be used as a lever to achieve financial gain or settle forfeiture.
- d. Asset forfeiture proceedings shall be directed against those people directly involved with criminal activity. It is not in the interest of the community or University Police to cause undue hardships to innocent third parties or to cause personal hardship to people with a familial relationship to the suspect.
- e. Asset forfeitures should be proportionate to the criminal activity that can be established using the preponderance of evidence test.
- 7. Authority and Responsibility over Asset Forfeitures

- a. The Chief of Police has the ultimate authority for all decisions regarding asset forfeiture.
- b. Operational management over individual forfeitures shall be the responsibility of the Commanding Officer of Investigations so actions can be handled efficiently and effectively.
- J. Receipt of Subpoenas for Department Personnel or Campus Members:

# 1. Receiving Subpoenas

- a. The Police Department receives subpoenas in several manners; via mail, fax, or delivery by Liaison law enforcement agency.
- b. Upon receipt of subpoenas, these subpoenas are delivered to the Records Supervisor.
- c. The Commanding Officer of Investigations will coordinate service of subpoenas for campus community members when needed.
- d. It will be the responsibility of the Records Supervisor to issue subpoenas to the officers on their respective shifts.

# 2. The Records Supervisors responsibility

- a. The Records Supervisor will log the following Subpoena information into RIMS;
  - 1) The date and time received
  - 2) Nature and source of the document
  - 3) Name of the plaintiff/complainant or name of defendant/respondent
  - 4) Officer assigned for service
  - 5) Date of assignment
  - 6) Court docket number
  - 7) Date service due
  - 8) Type of legal process, civil or criminal

#### K. Pitchess Motions:

- 1. Pitchess Motions received shall be immediately delivered to the Office of the Chief of Police.
- 2. The Chief of Police or designated Commanding Officer shall appear in Court on all Pitchess Motions.
- 3. CSU personnel files shall only be left in the custody of the judge and not with the SFPD Legal Office.
- 4. Consult the CSU Pitchess Motions Hearing Practice Publication dated 1/2002.

# L. Law Suits

1. All law suits, naming all or in part; the University, University Police Department, the Chief of Police or any member of the department, shall be referred to University Counsel for service and processing.

- 2. Any department member, sworn or non-sworn, who is made aware of any law suit naming a department member and/or the University shall immediately notify the Chief of Police. If the Chief is not available, then any member of the command staff shall be notified, who will then notify the Chief and University Counsel as soon as possible.
- 3. If any process server should come to the front counter with a law suit, either during business or non-business hours, and leaves law suit documents at the front counter, whether handed to counter staff/dispatcher or not, the counter staff/dispatcher shall advise a member of the command staff or any sworn officer that such documents were left at the counter. The sworn member shall review the type of documents left and follow the procedure outlined above.
- 4. Upon receiving any law suit documents, the Chief or his/her designee shall forward the documents to University Counsel immediately.

#### V. APPENDICES:

- A. Pitchess Motions CSU Office of General Counsel, 1/2002
- B. Systemwide Chapter 2, Arrest Search and Seizure

#### VI. ATTACHMENT:

A. Warrant Control Form

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# **Warrant Control Form**

Name of Suspect	Name of Officer/Investigator Obtaining Warrant SFSU Case Number			
Criminal Charge(s):  1  2	Social Security Num  —  Description of Suspe		D	ate Warrant Obtained:
3.     4.	Race:	Height:	Weight: Other:	Hair
Date and Time Service was Executed or Attempted:		Service Successful:	Service No Successfu	
Method of Service / Reason for Nonservice:		Address - Location of Service / Attempt Service		
Date and Time Service was Executed or Attempted:		Service Successful:	Service No Successfu	
Method of Service / Reason for Nonservice:		Address - Location of	of Service / /	Attempt Service
Date and Time Service was Executed or Attempted:		Service Successful:	Service No Successfu	
Method of Service / Reason for Nonservice:		Address - Location of	of Service / /	Attempt Service
Date and Time Service was Executed or Attempted:		Service Successful:	Service No Successfu	
Method of Service / Reason for Nonservice:		Address - Location of Service / Attempt Service		
Notes:				
Received by Records and Filed with Origin	nal Case			
Date:	R	ecords Official:		<del> </del>



NUMBER: 3-5 APPROVED: Reynold Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: B-4 REVIEWED/REVISED: Jan. 22, 2016, Dec. 16, 2019

SUBJECT: PRIVATE PERSON (CITIZEN) ARREST

I. PURPOSE: To provide guidelines for handling citizen arrests in accordance with legal requirements

II. POLICY: It is the policy of the SFSU Police Department to carefully and objectively evaluate private person arrests and, where it is lawful to do so, accept and properly process the person arrested.

III. DEFINITIONS: NONE

### IV. PROCEDURES:

- A. Officers presented with a situation in which someone wishes to make a private person arrest should be aware of the following provisions of the law:
  - 1. Penal Code § 837 provides in part that:
    - a. A private person may arrest another for a public offense committed or attempted in his presence."
  - 2. However, notwithstanding this provision of state law, officers must also be aware that, under federal interpretations of the Fourth Amendment to the United States Constitution, any action by an officer in which a person is taken into custody - i.e., deprived of their liberty - must be supported a probable cause to believe that a public offense has occurred and that the person being taken into custody committed that offense.
- B. With these provisions of the law in mind, officers presented with a situation in which a private person expresses the desire to place another person under arrest pursuant to the private person arrest authority of Penal Code § 837 shall:
  - 1. Prior to accepting custody of the private person arrestee, make reasonable efforts to obtain all information relevant to the issue of whether a criminal offense has

- occurred and whether the person to be arrested is the one who committed that offense.
- 2. Where it appears from the objective circumstances and evidence that there is probable cause to believe a criminal offense occurred and the person to be arrested is the one who committed that offense, the officer shall:
  - a. accept custody of the arrestee; and,
  - b. process the arrestee accordingly, i.e., citation release, booking and release, incarceration, etc.
- 3. Where it appears from the objective circumstances and evidence that there is not probable cause to believe a criminal offense has occurred and/or that the person to be arrested is the one who committed the offense, the officer shall:
  - a. carefully explain to the person wishing to make the private person arrest the legal requirement that acceptance of custody by the officer requires the presence of probable cause to arrest, as well as the facts and circumstances which indicate to the officer an absence of probable cause;
  - b. seek the consent and cooperation of the person wishing to make the arrest to have the matter handled by submission of a crime report for further investigation by detectives and/or evaluation of criminal charges by the District Attorney;
  - c. however, if the person insists on making the arrest, the officer shall refuse to accept custody of the arrestee;
  - d. complete a report detailing all of the allegations, facts, circumstances and evidence bearing on the officers' determination to refuse to accept custody.
- 4. Officers should seek advice from a supervisor or the watch commander when there is any question in the mind of the officer as to how to proceed regarding a private person arrest.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 3-6 APPROVED: Reginal Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: B-11 REVIEWED/REVISED: Jan. 22, 2016, Dec. 17, 2019

SUBJECT: RESPONSE TO DOMESTIC VIOLENCE

I. PURPOSE: The purpose of the following guidelines is to provide direction to members of the San Francisco State University Police Department in order to prevent and intervene in incident of domestic violence.

## II. POLICY:

- A. It is the policy of the San Francisco State University Police Department to enforce the laws to protect victims of domestic violence and to communicate the attitude that violent behavior is criminal behavior and will not be tolerated.
- B. All SFSU police employees shall treat all alleged incidents of domestic violence as criminal conduct and shall make arrests whenever appropriate pursuant to the Penal Code including but not limited to Sections 273.5, 242, 243 (e)(1) and 245.
- C. Dispute mediation shall not be used as a substitute for arrest response in domestic violence cases where physical violence has occurred.

The following factors should not influence the officer's course of action in domestic violence incidents:

- 1. Marital status or domestic relationship of suspect and victim;
- 2. Sexual preference or orientation of the parties;
- 3. Non-visible injuries;
- 4. Complainant's emotional state;
- 5. Verbal assurances that violence will cease:
- 6. Occupation, community status and/or potential financial consequences of the arrest;
- 7. Complainant's history of prior complaints;
- 8. Location of the incident (public or private);
- 9. Speculation that complainant may not follow through with the prosecution;
- 10. Speculation that the case may not result in prosecution;
- 11. Assumptions that violence is more acceptable in certain cultures;

12. Language abilities or barriers and/or immigration status.

#### III. DEFINITIONS:

- A. Domestic Violence: is abuse committed against an adult or fully emancipated minor who is a spouse, former spouse, cohabitant, related by blood, or a person with whom the suspect has had a child or has had a dating or engagement relationship.
- B. Abuse: means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension or imminent serious bodily injury to himself or herself or another.
- C. Cohabitant: means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may include whether persons are cohabiting include, but are not limited to:
  - 1. Sexual relations between the parties while sharing the same living quarters,
  - 2. Sharing of income or expenses,
  - 3. Joint use of ownership or property,
  - 4. Whether the parties hold themselves out as husband and wife,
  - 5. The continuity of the relationship, and
  - 6. The length of the relationship.

#### IV. PROCEDURES:

## A. Felony Arrests:

1. An arrest shall be made when there is reasonable cause to believe a felony has occurred.

## B. Misdemeanor Arrests:

- 1. An arrest shall be made when there is reasonable cause to believe that a misdemeanor (including violations and court orders) has occurred in the officer's presence or there is probable cause to believe that a misdemeanor violation of Penal Code Section 273.6 has occurred, even though not committed in the officer's presence.
- 2. Arrests shall be made when there is probable cause to believe that a protective order has been violated. (Penal Code Section 13701)
- 3. n any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence, the person shall be taken before a magistrate instead of being released on a citation, unless the arresting officer determines there is not a reasonable likelihood that the offense will continue or resume or that the safety of the persons or property would be imminently endangered by the release of the person arrested (Penal Code Section 853.6).
- 4. Officers considering releasing the suspect on a citation shall evaluate the likelihood of a continuing offense, which is one of the statutory conditions under which a field release is not appropriate. Any one of the following may support the likelihood of a continuing offense:

- a. The suspect has a prior history of arrests or citations involving domestic violence.
- b. The suspect is violating a criminal court issued stay-away order.
- c. The suspect has previously violated, or is currently violating, valid temporary restraining orders.
- d. The suspect has a prior history of other assaultive behavior (e.g., arrest convictions for battery or aggravated assaults).
- e. The victim expresses fear of retaliation or further violence should the suspect be released.
- f. Information about the suspect's alcohol or drug abuse, access to weapons, suicide threats or attempts, threats of kidnapping family members, or history of mental illness.

### C. Dual Arrests:

- 1. Dual arrests are discouraged. Officers shall make reasonable efforts to identify and arrest only the dominant aggressor. The dominant aggressor is the person determined to be the most significant, rather than the first aggressor (Penal Code Section 13701).
- 2. In identifying the dominant or primary aggressor, the officer shall consider (Penal Code Section 836(e)(3)):
  - a. The intent of the law to protect victims of domestic violence from continuing abuse.
  - b. The source and nature of the threats creating fear of physical injury.
  - c. The history of domestic violence between the persons involved.
  - d. Whether either person involved acted in self-defense.
- 3. The same considerations shall apply in situations where mutual protective orders have been issued. (Penal Code Section 836(c)(3))

#### D. Private Person's Arrest:

- 1. Officers shall inform the victim of the right to make a private person's arrest, as well as how to safely execute the making of the arrest.
  - a. Officers shall discuss the right to make a private person's arrest when a crime has been committed outside the officer's presence, which does not meet the requirements for a felony arrest or a misdemeanor arrest for a violation of a protective order. Whenever possible, such discussion will be held out of the presence of the suspect.
  - b. However, officers shall arrest where there is probable cause that a protective order has been violated even though out of their presence.
- 2. Officers shall accept a private person's arrest when appropriate and not dissuade victims from making lawful citizen arrests.

# E. Restraining/Protective Orders:

- 1. Emergency protective orders are obtained by the victim from various departments within the civil court.
- 2. Restraining orders are obtained by the victim from various departments within the civil court.
- 3. Criminal Protective/Stay Away Orders are issued by the criminal court.
- 4. Maintaining Restraining Orders;
  - a. All restraining orders shall be maintained in a systematic fashion with documentation of proof of service that is readily available to officers in the field.
  - b. The orders shall be maintained so that all law enforcement officers can readily ascertain the terms and effective dates.
  - c. All three orders are enforceable in any county regardless of where issued. (Family Code Section 6381).
  - d. These orders remain valid regardless of the actions of the protective person. For example, even if the protected person lets the restrained person back in the residence (Penal Code Section 13711(c)).

# F. Request Emergency Protective Orders When Appropriate:

- 1. When a law enforcement officer believes that a person is in immediate danger of abuse from a household member, the officer shall attempt to obtain an emergency protective order. Family Code Section 6241 requires that at least one judge, commissioner, or referee be available to issue an ex parte emergency protective order.
- a. Ascertain Need for Emergency Protective Order;
  - 1) An officer may request an ex parte emergency protective order when the officer has reasonable grounds to believe:
    - a) That a person is in immediate and present danger of domestic violence based on the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
    - b) That a child is in immediate and present danger of abuse by a family or household member based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
    - c) That a child is in immediate and present danger of being abducted by a parent or relative based on a reasonable belief that a person has an intent to abduct the child or flee with the child from the jurisdiction or based on an allegation of a recent threat to abduct the child or flee with the child from the jurisdiction.
    - d) That an elder or dependent adult is in immediate and present danger of abuse as defined in Section 15610.07 of the Welfare and Institutions Code based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse (Family Code Section 6250).

- b. The officer may request an emergency protective order whether or not the suspect is present or has been arrested.
- c. The following are examples of situations in which requesting an emergency protective order may be appropriate:
  - 1) The suspect is being arrested for a charge related to a domestic violence incident.
  - 2) The suspect has a history of domestic violence.
  - 3) The victim expresses fear of retaliation or further violence.
  - 4) Threats of serious danger have been made to the victim or to the victim's family.

# 2. Request Emergency Protective Order

- a. The officer shall contact the judge, commissioner, or referee designated to be on call to issue emergency protective orders by telephone or otherwise and assert grounds for the belief that the order is appropriate.
- b. Upon oral issuance of the order by the on-call judge, the officer requesting the order shall reduce it to writing using the Judicial Council form provided and sign the order (Family Code Section 6270).
- c. Dispatch shall enter the appropriate information in the Domestic Violence Retraining Order System (DVROS).
  - The Dispatcher will use the Emergency Protective Order mask for entry. The fields of the mask match with the fields in the DVROS section of the CJIS manual.
  - 2) The Dispatcher will return the Emergency Protective Order to the Officer who will turn it over to the Investigations Unit who will take it to the court.

#### 3. Issued Orders

- a. The officer shall serve a copy of the emergency protective order on the restrained party if the restrained person can reasonably be located (Family Code Section 6271(a)).
- b. The officer shall give a copy of the emergency order to the protected party or if the protected person is a minor, to a parent or guardian of the endangered minor who is not a restrained person, if the parent or guardian can reasonably be located, or to a person having temporary custody of the endangered minor. (Family Code Section 6271(b))
- c. The officer who requested the emergency order shall carry a copy of the order while on duty (Family Code Section 6273).
- d. A copy of the emergency order shall be filed with the court as soon as practical, after issuance. (Family Code Section 6271(c))
- e. An emergency protective order is valid for five court days after the day of issuance but never longer than seven calendar days after the day of issuance (Family Code Section 6256).

- 4. Officer Immunity A law enforcement officer who acts in good faith to enforce an emergency protective order is not civilly or criminally liable. (Family Code Section 6272 (b))
- G. Verify and Enforce Restraining Orders and Criminal Court Issued Stay-Away Orders:
  - 1. Verification of Restraining Orders
    - a. Whenever a complainant advises of the existence of a restraining order/protective order, the officer should ascertain:
      - 1) Whether a restraining order is on file with the department or whether complainant has a certified copy of restraining order in possession, or whether the order can be verified through the Department of Justice Domestic Violence Restraining Order System (DVROS). Family Code Sections 6380, 6381, 6383.
    - b. Whether a restraining order is still valid as to duration/time.
      - 1) If there is no expiration date on a civil protective order, the order is valid three years from the date of issuance with the exception of permanent orders issued pursuant to a divorce, which never expire. (Family Code Section 6345(c))
      - 2) An emergency protective order is valid for five court days after the date of issuance, but never longer than seven calendar days following the day of issuance. (Family Code Section 6256)
      - 3) The duration of Criminal Protective/Stay Away varies with each order.
    - c. Whether the proof of service or prior notice exists or whether the suspect was in court when the order was made.
    - d. he terms of the restraining order.

#### 2. Arrest Criteria and Enforcement Procedures

- a. A violation of a restraining order is a misdemeanor under Penal Code Section 273.6. An officer may make an arrest when there is reasonable cause to believe the subject of the restraining order has violated the order in the presence of the officer and any one of the following conditions is met:
  - 1) The existence of the order and proof of service on the suspect has been verified by the officer.
  - 2) The complainant produces a valid copy of the order bearing a file stamp of a court and a proof of service on the subject.
  - 3) The existence of the order has been verified by the officer; no proof of service is required if the order reflects that the suspect was personally present in court when the order was made.
  - 4) The existence of the order has been verified and there is proof that the suspect has previously been admonished by an officer.

- b. When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer should:
  - 1) Inform the subject of the terms of the order.
  - 2) Admonish the subject of the order and that the subject is now on notice and that violation of the order will result in arrest. If the subject continues to violate the order after being advised of the terms, an arrest should be made. Oral notification to the respondent of the terms of the order shall be sufficient notice for enforcement of Penal Code Sections 136.2, 273.6 and 12021.
  - 3) If the suspect complies after admonishment of the terms, the officer shall make a retrievable report pursuant to Penal Code Section 13730(c) showing the suspect was admonished/advised of the order, the specific terms of the order suspect was advised about, the name of the admonishing officer, time and date. The department's copy of the restraining order will be updated to reflect the admonishment information listed above. The notice of service shall immediately be transmitted to the California Department of Justice Domestic Violence Restraining Order System.
- c. In the event the suspect has left the scene of the incident, an investigation should be made to determine if a crime has been committed. Penal Code Sections 13730(c) and 13701 require that a retrievable report shall be made and the victim shall be advised of the follow-up criminal procedure and case number of the report.
- d. Orders Not Verifiable -When the victim is not in possession of the Temporary Restraining Order, Stay Away Order, and/or in cases of computer error, officers may not be able to confirm the order's validity.
  - 1) Penal Code Sections 13730(c) and 13701(c)(8) require that officers shall write a report, give the victim the police report number and direct the victim to contact the appropriate department unit for follow up information.
  - 2) When an order is not verifiable officers should advise the victim of the right to make a private person's arrest for the appropriate violation.
- e. Verification of Stay-Away Orders
  - 1) A stay-away order is issued in a criminal case where the probability of victim intimidation exists and violation of such is a misdemeanor under Penal Code Section 166(c)(1).
  - 2) In domestic violence incidents where a person advises an officer that a criminal protective/stay-away order has been issued, the officer should attempt to ascertain the terms and validity of the order.
    - a) Request that the victim show a copy of the order.
    - b) Verify, through the department, that the suspect is under the court's jurisdiction.
    - c) Verify, through the department, that a criminal protective/stay-away order has been issued against the suspect.

d) Verify through the California Department of Justice Domestic Violence Restraining Order System.

# H. Reporting:

- 1. In all cases of domestic violence, officers shall write a crime report and:
  - a. Identify it as a domestic violence incident.
  - b. Indicate whether weapons were involved.
  - c. Provide the victim with a case number of the report. If not readily available, explain how the number may be obtained.

# I. Tenancy:

- 1. When a victim requests an officer to remove a person from the premises when no arrest is to be made and it can be shown the victim is in lawful possession of the premises and the person to be removed is not in lawful possession of the premises, the officer shall:
  - a. Request that the person leave the premises and stand by for a reasonable amount of time while the person removes minimal personal belongings.
  - b. If the suspect refuses to leave upon request, arrest the suspect under Penal Code Section 602.5.
  - c. When appropriate, the officer may refer the complainant for a temporary restraining order or other appropriate civil remedy if the complainant requesting removal cannot show proof of lawful possession. "Lawful possession" of the premises is shown by a rental agreement, cancelled rent check, lease, grant, deed, verification from landlord, court order, or other document showing person(s) to be removed.
- 2. When a victim in a domestic violence incident requests police assistance in removing a reasonable amount of personal property to another location, officers shall stand by a reasonable amount of time until the victim has removed the personal property.

#### J. Victim Assistance:

- 1. Assist in obtaining appropriate medical attention if a complainant sustains injury whether visible or not.
- 2. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for safety or the officer determines a need exists.
- 3. Assist victims in pursuing criminal options such as giving the victim the report number and directing the victim to the proper investigation unit. (Penal Code Section 13701(c)(8))
- 4. Furnishing written notice to victims at the scene including, but not limited to, all of the following information:

- a. A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.
- b. A statement that, "For further information about a shelter you may contact SAFE Place and Women's Inc."
- c. A statement that, "For information about other services in the community, where available, you may contact (see attachment)."
- d. A statement informing the victim of domestic violence that he or she may ask the district attorney to file a criminal complaint.
- e. A statement on information about the California Victims Compensation Program, contact number 1(800) 777-9229.
- f. A statement informing the victim of the right to go to the superior court and file a petition requesting any of the following orders for relief:
  - 1) An order restraining the attacker from abusing the victim and other family members.
  - 2) An order directing the attacker to leave the household.
  - 3) An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
  - 4) An order awarding the victim or the other parent custody of or visitation with minor children in the custody of the victim.
  - 5) An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
  - 6) An order directing the defendant to make specified debit payments coming due while the order is in effect.
  - 7) An order directing that either or both parties participate in counseling.
  - 8) An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
- g. In the case of an alleged violation of Section 261, 261.5, 262, 286, 288a, or 289, a "Victims of Domestic Violence" card which shall include, but not be limited to the following information:
  - 1) The names and locations of rape victim counseling centers within the county, including those specified in Penal Code Section 13837, and their 24-hour counseling service telephone number.
  - 2) A simple statement on the proper procedures for a victim to follow in a sexual assault.
  - 3) A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.

#### K. Seizure of Firearms:

1. A police officer who is at the scene of a domestic violence incident involving a threat to human life or a physical assault, shall take temporary custody of a firearm or other deadly weapon in plain sight or discovered pursuant to a consensual search as

- necessary for the protection of the peace officer or other persons present.
- 2. Upon taking custody of a firearm or other deadly weapon, the officer shall give the owner or person who possessed the firearm a receipt. The receipt shall describe the firearm or other deadly weapon and list any identification or serial number on the firearm. The receipt shall indicate where the firearm or other deadly weapon can be recovered and the date after which the owner or possessor can recover the firearm or other deadly weapon.
- 3. No firearm or other deadly weapon shall be held less than 48 hours. Except as provided in Penal Code Section 12028.5(e), if a firearm or other deadly weapon is not retained for use as evidence as related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm or other deadly weapon shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than 72 hours after the seizure.
- 4. In those cases where the department has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the department shall advise the owner of the firearm or other deadly weapon and, within 30 days of the seizure, initiate a petition in superior court to determine if the firearm or other deadly weapon should be returned. The department must comply with the provision of Penal Code Section 12028.5(f) in making this petition to the superior court.
- 5. Check on the existence of a court order requiring removal of weapon or of conviction of any crime prohibiting possession and/or ownership of a firearm prior to release (P.C. 12021(g)).

# L. Officer Safety:

1. Officers should exercise reasonable care for the safety of officers and parties involved. No provision of this guideline shall supersede that responsibility.

#### V. APPENDIX:

A. Systemwide Chapter 11- Response to Domestic Violence

## VI. ATTACHMENTS:

- A. Domestic Violence, Sexual Assault & Elder Abuse Follow Up & Referral Card- English Version.
- B. Domestic Violence, Sexual Assault & Elder Abuse Follow Up & Referral Card-Spanish Version.
- C. Domestic Violence, Sexual Assault & Elder Abuse Follow Up & Referral Card-Chinese Version.
- D. Police Officer's Reference Card Domestic Violence Emergency Protective Orders.

## ATTACHMENT A

SERVICES FOR CHILDREN	
Child Trauma Project	206-5311
Comprehensive Child Crisis Services	
(for children 6 - 17½)	970-3800
Mt. Zion Violence Prevention Project /L.I.N.C.	885-7636
Safe Start (for children under six)	565-SAVE
	565-7283
TALK Line Family Support Center	441-KIDS
	441-5437
SEXUAL ASSAULT	
S.F. Rape Treatment Center	437-3000
SF Woman Against Rape	647-7273
S.F. HOUSING AUTHORITY - (current residents of	37
Office of Domestic Violence Crisis Intervention	345-0132
TTV FOR LIFARING IMPAIRED	
TTY FOR HEARING IMPAIRED	
	7 704 2224
,	<b>781-2224</b>
	<b>781-2224</b> 7864-4765
,	
W.O.M.A.N. Inc.	
W.O.M.A.N. Inc. TTY	′ 864-4765
W.O.M.A.N. Inc.  TTY  FOR OFFENDERS  Center for Special Problems	292-1500
W.O.M.A.N. Inc.  FOR OFFENDERS  Center for Special Problems  Men's Hotline  Crisis Line	292-1500 924-1070
W.O.M.A.N. Inc.  FOR OFFENDERS Center for Special Problems Men's Hotline Men Overcoming Violence (MOVE)  CTYSIS Line	292-1500 924-1070 626-6683
W.O.M.A.N. Inc.  FOR OFFENDERS Center for Special Problems Men's Hotline Men Overcoming Violence (MOVE)  CTYSIS Line	292-1500 924-1070 626-6683 924-1070 457-6760
W.O.M.A.N. Inc.  FOR OFFENDERS Center for Special Problems Men's Hotline Men Overcoming Violence (MOVE) Men's Program – Marin  Crisis Line  POCOVI (Spanish Speaking)	292-1500 924-1070 626-6683 924-1070 457-6760
W.O.M.A.N. Inc.  FOR OFFENDERS Center for Special Problems Men's Hotline Men Overcoming Violence (MOVE) Men's Program – Marin  Crisis Line  POCOVI (Spanish Speaking)	292-1500 924-1070 626-6683 924-1070 457-6760 552-1361
W.O.M.A.N. Inc.  FOR OFFENDERS Center for Special Problems Men's Hotline Men Overcoming Violence (MOVE) Men's Program – Marin  Crisis Line  POCOVI (Spanish Speaking) Resolve to Stop the Violence Project  FOR TRANSPORTATION to Hall of Justice - Courts	292-1500 924-1070 626-6683 924-1070 457-6760 552-1361 0-266-9336
W.O.M.A.N. Inc.  FOR OFFENDERS Center for Special Problems Men's Hotline Men Overcoming Violence (MOVE) Men's Program – Marin  Crisis Line  POCOVI (Spanish Speaking) Resolve to Stop the Violence Project  656	292-1500 924-1070 626-6683 924-1070 457-6760 552-1361 0-266-9336
W.O.M.A.N. Inc.  FOR OFFENDERS Center for Special Problems Men's Hotline Men Overcoming Violence (MOVE) Men's Program – Marin  Crisis Line  POCOVI (Spanish Speaking) Resolve to Stop the Violence Project  FOR TRANSPORTATION to Hall of Justice - Courts Senior Escort Service	292-1500 924-1070 626-6683 924-1070 457-6760 552-1361 0-266-9336
W.O.M.A.N. Inc.  FOR OFFENDERS Center for Special Problems Men's Hotline Men Overcoming Violence (MOVE) Men's Program – Marin  Crisis Line  POCOVI (Spanish Speaking) Resolve to Stop the Violence Project  FOR TRANSPORTATION to Hall of Justice - Courts Senior Escort Service  A.D.A. (Americans with Disabilities Act)	292-1500 924-1070 626-6683 924-1070 457-6760 552-1361 0-266-9336
W.O.M.A.N. Inc.  FOR OFFENDERS Center for Special Problems Men's Hotline Men Overcoming Violence (MOVE) Men's Program – Marin  Crisis Line  POCOVI (Spanish Speaking) Resolve to Stop the Violence Project  FOR TRANSPORTATION to Hall of Justice - Courts Senior Escort Service	292-1500 924-1070 626-6683 924-1070 457-6760 552-1361 0-266-9336

## **DOMESTIC VIOLENCE, SEXUAL ASSAULT & ELDER ABUSE FOLLOW UP & REFERRAL CARD**

Incident Report Number:	Date	Time
Reporting Officer:	:	Star
WHETHER OR NOT THERE WAS	AN ARRES	Т:
DOMESTIC VIOLENCE OR ELDI crime. Contact the office of the Dor Unit, 850 Bryant St., Rm.561 (Mon 553-9225.	nestic Viole	nce Response
SEXUAL ASSAULT: Sexual ass unknown to you, including your s the Sexual Assault Unit as soon 850 Bryant St., Rm. 436 (MonFri 553-1361.	spouse, is a as possible a	crime. Contact at
☐ IF THERE IS FINANCIAL ABU contact the Fraud Unit, 850 Brya (MonFri., 9a.m 5p.m.), 553-152	int St., Rm. 4	,
Victim Confidentiality		V202 F

# Government Code 6254(f)(2) and PC 293/293.5

The California Government Code 6254(f)(2) gives you the right to request that your name not become part of a public record, including release to the media, if you are the victim of one of the following crimes: 220, 261, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288(a), 289, 422.6, 422.7, 422.75, or 646.9 PC.

Need to know an inmate's custody status? Despite official restraint of the person alleged to have committed domestic violence/sexual assault, the restrained person may be released at any time. For further information on an inmate's custody status, call the San Francisco Sheriff's Department at 575-4418.

SFPD 142E(rev. 11/03)

#### IF YOU NEED FURTHER LEGAL PROTECTION:

You should seek a Restraining Order from the Superior Court, 400 McAllister St., Rm. 103, San Francisco, CA 94102, which can:

- · Remove the abuser from the household;
- Restrain the abuser from abusing you and your family members \*:
- Order the abuser to stay away from you and your family \*, residence, workplace and/or child's school;
- Prohibit the abuser from contacting you by phone, mail, or third party;
- Establish child custody, visitation rights, and order child support payments;
- Restrain the abuser from molesting or interfering with minor children in your custody;
- Direct the defendant to make specified payments coming due while the order is in effect;
- Direct that either or both parties participate in counseling.
- \* Petitioner must list all family member(s) or other persons as additional protected parties.

YOU ARE NOT ALONE THROUGH THE CRIMINAL JUSTICE SYSTEM PROCESS. If you need assistance or support at any time, contact the Family Violence Project at 850 Bryant St., Rm. 320 (Mon.-Fri., 8a.m. -5 p.m.), 553-1865.

The Family Violence Project can also assist eligible victims in applying to the State Victims' Compensation Fund. The program may cover medical, mental health, loss of wages, and funeral/burial expenses. For additional information regarding the California Victims' Compensation Program, you may contact 1-800-777-9229.

You have the right to file a civil suit for financial losses resulting from the abuse, including medical expenses, loss of earnings, and other expenses from injuries sustained and damage to property, and any other related expenses incurred by you or any agency which shelters you.

# FOR INFORMATION ON SHELTERS & SERVICES CONTACT:

#### 24 - HOUR HOTLINE

W.O.M.A.N. Inc.

864-4722

# COUNSELING AND SUPPORT SERVICES FOR VICTIMS

Community United Against Violence (Same Sex DV)\*

333-4357

La Casa de la Madres

Adult Crisis Line toll free 1-877-503-1850
Teen Crisis Line toll free 1-877-923-0700

business office 503-0500

Resolve to Stop the Violence Project 734-2313 W.O.M.A.N. Inc. 864-4722

#### **ELDER ABUSE**

Adult Protective Services 355-6700 Legal Assistance to the Elderly Inc. 861-4444

#### **EMERGENCY HOUSING**

Asian Woman's Shelter	751-0880
Las Casa de las Madres	503-1850
Riley Center	255-0165

#### RESTRAINING ORDERS AND LEGAL INFORMATION

Community Restraining Order Clinic	252-2844		
Asian Pacific Islander Legal Outreach	567-6255		
Bay Area Legal Aid	982-1300		
Community United Against Violence (Same Sex DV)*333-4357			
Volunteer Legal Service Program (Bar Association)	989-1616		
W.O.M.A.N. Inc.	864-4722		

<sup>\*</sup>Other agencies that also serve victims in same sex relationships.

# ATTACHMENT B

		DOMESTIC VIOLENCE, SEXUAL ASSAULT & ELDER
		ABUSE FOLLOW UP & REFERRAL CARD
SERVICIOS PARA NIÑOS		VIOLENCIA DOMESTICA, ASSALTO SEXUAL,
Child Trauma Project	206-5311	Y ABUSO DE PERSONAS DE EDAD.
(Proyecto de Niños Con Trauma)		TARJETA DE REFERENCIA
Mt. Zion Violence Prevention Project/L.I.N	V.C.	TARGETA DE REFERENCIA
(prevenir violencia)	885-7636	NUMERO DE CASO.
TALK Line Family Support (soporte para		NUMERO DE CASO:
lineas telefonicas) 441-KIDS	441-5437	FECHA: HORA:
Safe Start (for children under six)	565-SAVE	
(Comienzo Seguro)		OFICIAL:
(Para niños menores de seis años de eda		
	565-7283	NUMERO DE ESTRELLA:
Comprehensive Child Care Services	970-3800	
(Servicios Completos de Cuidado para N		SI UVO ARESTO O NO:
(Para niños de 6 hasta 17 1/2 años de eda	ad)	
1011700 057111150		☐ VIOLENCIA DOMESTICA O ABUSO DE PERSONAS
ASALTOS SEXUALES	427 2000	DE EDAD es un crimen. Llame a la oficina de Violencia
S.F. Rape Treatment Center	437-3000	Domestica (Domestic Violence Response Unit),
(Centro de trauma sexual) S.F. Woman Against Rape	647-7273	850 Bryant St. Cuarto 561 (Lunes a Viernes, 8am-5pm) al numero 553-9225.
(Muieres contra violación sexual)	041-1213	ai numero 555-5225.
(Mujeres contra Molación Sexual)		ASALTO SEXUAL: Asalto sexual cometido por una
S.F. HOUSING AUTHORITY -		persona conocida o no, incluiendo su conyuge, es un
(Residentes de San Francisco)		crimen. Llame a la oficina de Asalto Sexual lo mas pronto
Office of Domestic Violence Crisis Interven	ention	possible a 850 Bryant St. cuarto 436 (Lunes a Viernes,
(Oficina para la intervencion de la violence		8am-5pm) al numero 553-1361.
domestica)	345-0132	
		☐ EN CASOS DE ABUSO FINANCIEROS CONTRA
TTY Para las personas que no oien)		PERSONAS DE EDAD llame a la Unidad de Fruade
(Para prevenir suicidia)		(FRAUD UNIT).850 Bryant St. cuarto 421 ( Lunes a
	781-2224	Viernes, 8am-5pm) al numero 553-1521.
W.O.M.A.N. Inc. TTY	864-4765	Notificación Sobre la Confidencialidad de las Víctimas
BARA 0551100050		El Código Gubernamental 6254(f)(2) y el Código Penal
PARA OFENDORES	000 4500	293/293.5
Center for Special Problems	292-1500	510/11 0 1/ 1 1 0 1/ 1 005/(0/0) I I I
(Centro para problemas especiales)		El Código Gubernamental de California 6254(f)(2) le da el
Men Overcoming Violence (MOVE)	606 6683	derecho de pedir que su nombre no se haga parte del record público, inclusive que no sea divulgado a los
(Hombres para vencer violencia)  Men's Program – Marin	626-6683	medios de difusión, si usted es la víctima de uno de los
Linea de Crisis	457-6760 <b>924-1070</b>	crímenes siguientes: 220, 261, 262, 264, 264.1, 273a,
POCOVI (en Español)	552-1361	273d, 273.5, 286, 288, 288(a), 289, 422.6, 422.7, 422.75 o
Resolve to Stop the Violence Project 65		646.9.
(Proyecto Para Resolver Cómo Parar la		
(1 Toyecto Fara Nesolvei Como Faral la	violeticia)	¿Necesita usted saber el estado de detención de un
PARA TRANSPORTACION - A LAS CO	RTES	preso? A pesar de la restricción de la persona supuesta
Servicio para personas de edad	695-5170	de haber cometido violencia doméstica/agresión sexual, la
A.D.A. (Americans with Disabilities Act)		persona restringida puede ser liberada en cualquier
Acto de Americanos con Desabilidades	000-10-0	momento. Para información adicional sobre el estado de detención de un preso, llame al Departamento del Alguacil
TTY	558-2406	de San Francisco al 575-4418.

SFPD 142S(rev.01/04)

#### SI USTED NECESITA MAS PROCTECTION

LEGAL: Deveria pedir ana orden de protection de la corte superior, 400 McCallister St. cuarto 103, San Francisco, Ca. 94102 Que podra:

- sacar a la persona que esta cometiendo el abuso, de la casa
- Detener al abusador de usted y su familia.
- Ordenar al la persona que esta abusando que no se mantenga al rededor de usted, su familia, hogar, escuela de su hijos, o su trabajo.
- Prohibir al abusador que la contacte por telefono, correo, o por comunicaciones por medio de otras personas.
- Establecer custodia de hijos, visitaciones y ordenar pagos soportivos.
- Detener al abusador de pertubar o meterce con niños que estan bajo su custodia.
- Dirigir al abusodor que haga pagos especificos mientras la orden este en efecto.
- Dirigir que la pareja participe en recibir consejos profesionales.

La persona pidiendo protection debe de incluir todos los nombres de su familia y tambien de otras personas que no sean de su familia necesitando proteccion.

NO ESTA SOLA/SOLO EN EL PROCESO DE JUSTICIA, Si necisita ayuda, contacte al proyecto de violencia de familia (Family Violence Project) 850 Bryant St. cuarto 320 (Lunes a Viernes, 8am-5pm) al numero 553-1865.

#### EL PROYECTO DE VIOLENCIA DE FAMILIA

(Family Violence Project) Puede asistirle en aplicar por compensacion monetaria. El programa puede ayudar a pagar gastos medicos, perdida de salario, y gastos de entiero. Para mas informacion a cerca de el Programa de Compensaciones de victimas de California, (California Victims Compensation Program).

Llame al telefono 1-800-777-9229.

Usted tiene el derecho de poner una peticion civil por perdidas economicas sobre el abuso, incluyendo costos medicos, perdida de ganancias, costos de heridas sostenidas, daño de propriedad, v cualquier otro costo incurrido por usted o cualquier agenicia que le dio refugio.

#### PARA INFORMACION DE ALBERGUES Y SERVICIOS CONTACTE:

#### 24 - HOUR HOTLINE Linea de 24 horas

W.O.M.A.N. Inc.

864-4722

#### CONSEJOS Y SERVICIOS SOPORTIVOS DE **VICTIMAS**

Community United Against Violence

(violencia domestica, mismo sexo) 333-4357

La Casa de las Madres

1-877-503-1850 Crisis Adulta Crisis Jóvenes 1-877-923-0700 Oficina 503-0500 W.O.M.A.N. Inc. 864-4722

Resolve to Stop the Violence Project 734-2313 (Proyecto Para Resolver Cómo Parar la Violencia)

ABUSO DE PERSONAS DE EDAD

Servicios para protejer a personas de edad 355-6500

861-4444 Asistencia Legal para mallores

# ALBERGUES EMERGICOS

1-887-751-0880 Asian Womans Shelter La Casa de las Madres 503-1850 255-0165 Riley Center

#### ORDENES RETENIENTE Y INFORMACION LEGAL

Community Restraining Order Clinic 252-2844 (Clínica Comunitaria para Ordenes de Restricción) 567-2844 Asian Pacific Islander Legal Outreach (Servicios Legales Externos para los Isleños Asiático Pacíficos)

Bay Area Legal Aid 982-1300

(Ayuda Legal del Área de la Bahía)

Community United Against Violence(Same Sex DV)\*

333-4357

(Comunidad Unida Contra la Violencia) (violencia

doméstica contra el mismo sexo)\*

Volunteer Legal Service Program 989-1616

(Bar Association)

(Programa de Servicios Legales Voluntarios)(Foro de

Abogados)

W.O.M.A.N. Inc. (M.U.J.E.R. S.A.) 864-4722

<sup>\*</sup> Otras agencias que ofresen ayuda a personas de mismo sexo

# ATTACHMENT C

<b>兒童服務</b> 兒童創傷計劃	206-5311	家庭暴力,性侵犯及虐 待老人跟進及轉介卡
全面兒童危機服務	0.70.0000	事件報告編號:日期:時間:
(六至十七歲半兒童) Mt. Zion Violence Prevention	970-3800	報告警員:
Project/L.I.N.C.	885-7636	和古言良· 生 极·
Safe Start(六歲以下兒童)	565-SAVE 565-7283	是否有逮捕任何人:
TALK Line 家庭支援中心	441-KIDS 441-5437	□ 家庭暴力或虐待老人是一種罪行。請聯絡家庭 暴力科回應中心辦事處,850 Bryant Street, Rm
性侵犯		561(星期一至五,上午八時至下午五時),
三藩市性暴行治療中心 三藩市婦女反性暴行中心	437-3000 647-7273	553-9225
三藩市房屋局(只限現時住客)		□ 性侵犯:相識或不相識的人對你作性侵犯,包
家庭暴力危機介入辦事處	345-0132	括你的配偶在內,均屬罪行。請儘快聯絡性侵犯科,850 Bryant St., Rm. 436(星期一至五,
聽覺有問題者 TTY 服務		上午九時至下午五時),553-1361。
	TY 781-2224	
W.O.M.A.N., Inc.	TY 864-4765	□ 如有濫用耆英財物,請聯絡欺詐科,850 Bryant
犯罪者		St., Rm. 421 (星期一至五,上午九時至下午五
特別問題中心	292-1500	時),553-1521
男士熱線,    危機專線	924-1070	T = = 1 Lill r > 1 Lil
Men Overcoming Violence (MOVE) 男士計劃-馬連縣,  危機專線	626-6683 924-1070	受害人機密性忠告
男士計劃-馬連縣,  危機專線	457-6760	政府法 6254(f)(2)及 PC 293/293.5
POCOVI (西班牙語)	552-1361	加州政府法 6254(f)(2)准予你有權要求在公共紀錄中
解決制止暴力計劃	650-266-9336	不包括你的名字,包括向傳媒透露你的名字,如果你
-te/75 / 24/21/21 == \		是以下任何罪行的受害人: 220, 261, 262, 264, 264.1,
<u>交通</u> (前往法庭) 耆英陪伴服務	695-5170	273a, 273d, 273.5, 286, 288, 288(a), 289, 422.6, 422.7,
自大阳计拟街	073-3170	422.75 或 646.9PC。
A.D.A (保護傷殘美國人法) 如需要其他格式請聯絡	553-1343	想知道監犯被扣留的情況嗎?雖然對被指犯家庭暴
	TY 558-2406	力或性侵犯者設有限制,被限制者有可能在任何時間被釋放。查詢監犯被扣留情況,請致電三藩市縣警
		部,575-4418。
		SFPD 142C(rev.01/04)

#### 如你需要進一步的法律保護:

你應向高等法院申請限制令,400 McAllister St., Rm. 103, San Francisco, CA 94102。限制拿可以:

- 將虐待者從家中帶走;
- 限制虐待者不准虐待你和你的家人\*;
- 下令虐待者不得到你或你家人\*的住所、工作 地點及/或學校;
- 禁止虐待者用電話、郵件或以第三者聯絡你;
- 設定兒童托管、探訪權利、和下令支付兒童生活費;
- 限制虐待者褻玩或干擾你代管的兒童;
- 下令被告在命令有效期內,支付訂明的數目;
- 下令一方或雙方接受顧問。
- \* 請求者必須列出所有家庭成員或其他人士作爲額外的被保護者。

在刑事司法系統程序中,你不是孤立無援的。如你在任何時候需要協助或支援,請聯絡家庭暴力計劃,850 Bryant St., Rm. 320 (星期一至五,上午八時至下午五時),553-1865。

家庭暴力計劃可以協助符合資格的受害人,申請州政府的受害人賠償基金。此計劃並可承擔醫療、心理健康、工資損失、和殯儀/殮葬的費用。查詢詳情請聯絡加州受害人賠償計劃,1-800-777-9229。

你有權因虐待而蒙受經濟損失,提出民事訴訟,損失 包括醫療費用、失去收入、和其他承擔受傷的費用及 財物損失、及任何你或你何庇護你的機構所召致的有 關支出。

#### 查詢庇護所及服務聯絡名單:

		、時熱線
-	<u> </u>	小人子公野

W.O.M.A.N., Inc.

864-4722

#### 受害人顧問及支援服務

Community United Against Violence (與 Sex DV 同)\*

La Casa de la Madres

成人危機專線,免費電話 青少年危機專線,免費電話 事少年危機專線,免費電話 辦事處 解決制止暴力計劃 1-877-923-0700 503-0500 734-2313

W.O.M.A.N., Inc.

734-2313 864-4722

989-1616

864-4722

虐待老人

成人保護服務 355-6700 耆英法律援助處 861-4444

緊急房屋

亞洲婦女庇護中心 751-0880 La Casa de las Madres 503-1850 Riley Center 255-0165

限制令和法律資訊

 社區限制令諮詢
 252-2844

 亞太裔法律外展計劃
 567-6255

 灣區法律援助處
 982-1300

 Community United Against Violence
 (與 Sex DV 同) \*
 334-4357

W.O.M.A.N., Inc.

\*同樣服務同性關係者的其他機構

志願法律服務計劃(律師公會)

### POLICE OFFICER'S REFERENCE CARD DOMESTIC VIOLENCE EMERGENCY PROTECTIVE ORDERS

### What is an Emergency Protective Order (EPO)?

An EPO orders one party to stay away from another for a limited period of time, usually from five to seven days. The order is requested by a police officer at the scene of a domestic violence situation and is approved by a Superior Court judge.

### When can I request one?

Reasonable grounds to issue an EPO must exist. Reasonable grounds is the belief by an officer that an adult or child is in immediate and present danger of domestic violence or child abuse by a family or household member, based upon allegations of a recent incident of abuse or threat of abuse. Among the emergency situations that may warrant an EPO are those with a pattern of domestic violence combined with a recent threat of turther violence, or a recent incident of domestic violence combined with a threat of further violence.

### Who is eligible for an EPO?

A person is eligible for an EPO if she/he and the party to be restrained are: 1) married or formerly married; 2) related by blood (to the second degree); 3) parents of a child in common; 4) living together, share a common residence, or lived together in the past; 5) dating or have been dating.

The availability of an EPO should not be affected by the fact that the endangered person has vacated the household to avoid abuse.

### How do I get an EPO?

DAYTIME PGR 540-5553

Get approval from a supervisory officer before contacting the on-call Superior Court Judge. To contact the on-call Superior Court Judge, call Room 201 (bail room). Weekdays, 0800 - 1600 hours, call 553 - 9395; weekends, holidays and weekday nights, call 553 - 9398. Officers must ask for the on-call Superior Court Judge, not the Muni Court Judge. Only the Superior Court can approve the EPO.

Complete the top portion of the Application for Emergency Protective Order form. All officers should carry this form with them while on patrol.

Copies of the approved order go to the protected party, the restrained party, the Legal Division, and on the EPO clipboard at the district station.

(over)

### ATTACHMENT D

### What about violations of the EPO?

Before making an arrest, verify the existence of the order, the date and time of expiration, and the proof of notification (i.e., that the suspect was served with or made aware of the conditions of the EPO).

After verifying the above information, arrest the violator under PC 273.6 (Domestic Violence Court Order Violation). Attach a copy of the EPO to your incident report.

### Other Useful Penal Code Sections Applicable to Domestic Violence.

273.5	Willful	infliction o	f corporal	injury.
-------	---------	--------------	------------	---------

245 (a) Assault with deadly weapon or force likely to produce bodily injury.

646.9 Stalking.

422 Terrorist threats to family.

273.6 Violation of a Domestic Violence Related

Court Order. Battery.

242 Battery.207 Kidnapping.

236 False Imprisonment.

262 Spousal Rape.

277/278 Child Abduction

136.1 Intimidating or dissuading a witness

(a felony if accompanied by force).

166 (c) Violation of Criminal Court Stay Away Order.

243e Battery of a former intimate.

368 Elder abuse.

### **Community Resources**

### Emergency Housing

Asian Women's Shelter	731 - 7100
La Casa de Las Madres	333 - 1515
Rosalie House	255 - 0165

### Legal Assistance

SF Neighborhood Legal Asst. Foundation	627 - 0240
Cooperative TRO Clinic	864 - 4555
Nihonmachi Legal Outreach	567 - 6255
Voluntary Legal Service (BAR Assoc.)	764 - 1616
Family Violence Project (Criminal Court Ac	dvocacy)
	552 - 7550

D (0/04)

Printed by the SFPD (9/94)



NUMBER: 3-7 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: B-4 REVIEWED/REVISED: Dec. 7, 2005, Jan. 17, 2006, March

28, 2006, Sept. 20, 2006, Oct. 3, 2006, July 17, 2007, Feb. 20, 2008,

SUBJECT:JUVENILE PROCEDURES May 14, 2010, Dec. 17, 2015

I. PURPOSE: The purpose of this order is to set forth regulations governing juvenile procedures, which are consistent with federal and state mandates relating to juvenile matters.

II. POLICY: The University Police Department shall be committed to ensuring that the letter and spirit of the law is followed in dealing with juveniles and juvenile offenders. The University Police Department is also committed to the support and perpetuation of programs to prevent and control juvenile delinquency. Although the University does not have a sizable juvenile population, there is an expectation that all sworn personnel handle juveniles consistent with the limits imposed by state and federal laws.

### III. DEFINITIONS:

- A. Diversion: In the broadest sense, any procedure that:
  - 1. Substitutes non-entry for official entry into the justice process;
  - 2. Substitutes the suspension of criminal justice proceedings for the continuation of those proceedings;
  - 3. Substitutes lesser supervision or referral to a non-justice agency or no supervision for conventional supervision; or
  - 4. Substitutes any kind of non-confinement status for confinement.
- B. Status Offense: An act or conduct declared by statute to be an offense only when committed by a juvenile, and adjudicated only by a juvenile court.

### IV. PROCEDURES:

- A. Jurisdiction- Jurisdiction of the Juvenile Court over minors is authorized by the following three sections of the Welfare and Institutions Code.
  - 1. 300 W&I: Dependents includes dependent, neglected, destitute, abused children

- or those who are physically dangerous to the public because of mental or physical deficiency. All such protective service cases are to be adjudged "dependents of the court".
- 2. 601 W&I: Status Offenders, any person under the age of 18 years Includes habitual incorrigibles, habitual runaways, truants, immoral youths, and those with dependent tendencies. Those in this category are known as "status offenders."
- 3. 602 W&I: Delinquents, 14 years of age or older Includes violations of federal, state and local laws. Those in this category are adjudged "delinquent." These offenders and 601's may become "wards of the court."

### B. Department Programs:

1. There are numerous juvenile based programs and referrals within the city and county of San Francisco that all members of our department can take advantage of and promote by referring juveniles to them. (Our department by function does not have the resources to develop, sustain and fund recreational youth programs such as the San Francisco Police Athletics League).

The Community Assessment Referral Center (CARC) is a service that provides support for young people, ages 11 through 17 who are arrested. CARC's goal is to help the juvenile offender avoid further involvement in the juvenile system and to stay out of jail, and to provide the juvenile with the support and guidance needed to make healthy choices.

For juveniles that have been arrested for either a misdemeanor or felony crime, the officer(s) shall notify CARC. The officer then advises the CARC staff of the circumstances of the arrest. The CARC staff will then advise the officer how to proceed with the juvenile (i.e., cite and release, transport to CARC or Youth Guidance Center (YGC) or release to parents.)

Huckleberry Youth Programs run numerous programs dedicated in assisting the youth of San Francisco and their families who may be experiencing short-term crisis. Adolescents may be referred to Huckleberry House through friends, schools, police officers, social workers and other local agencies. Huckleberry House is the starting point for adolescents to gain a continuum of services including: 24-hour Crisis Hotline (415) 621-2929, Short Term Housing, Psych-Social Programs and Health Services. Huckleberry House can also be contacted at: (415) 621-2929.

The San Francisco Police Athletic League provides both athletic programs and a Law Enforcement Cadet Program. Athletic programs for youth between the ages of 4 and 17 years old include; Baseball, Basketball Football, Cheerleading, Soccer and Judo. The Law Enforcement Cadet program is for ages 14–20.

Officers and Investigators are encouraged to participate and assist in specific juvenile based events within the city, such as "Kid Print", PAL and Huckleberry Youth Services and other surrounding neighborhood sponsored activities

- a. Program contact numbers:
  - 1) San Francisco Police Athletic League (415) 401-4666
  - 2) San Francisco Police School Resource Officer Program (415) 404-4041
  - 3) Huckleberry House (415) 621-2929
  - 4) Huckleberry Youth Multi-Service Center (415) 751-8181
  - 5) Huckleberry's Lioness Girls Program
  - 6) Community Assessment and Referral Center (CARC) (415) 437-2500
- 2. All agency employees are responsible for participating in and supporting efforts to reduce the occurrence of juvenile crime and delinquency on campus.
- 3. The various elements of the juvenile justice system are encouraged to review and provide input and suggestions to the department on its juvenile policies and procedures.
- C. Alternatives to Arrest: Officers dealing with juvenile offenders shall use the least coercive among reasonable alternatives.
  - 1. Outright release with no further action
    - a. Based on the judgment of the officer in consultation with the Watch Commander, a juvenile may be released in the field without further formal action. The best interests of the minor and the community shall be considered.
    - b. Documentation of such release shall be made within a written incident report.
  - 2. Criteria and procedures for issuing written citations or summonses to juvenile offenders to appear in lieu of taking them into custody.
    - a. Juveniles arrested for infractions and low-grade misdemeanors should be released in the field unless circumstances indicate that it would be in the best interest of the minor and/or the public for him or her to be detained or if such release would be otherwise unlawful or inappropriate.
    - b. If a minor is detained for a non-traffic infraction or low-grade (non-violent) misdemeanor, the arresting officer may, upon approval of a supervisor, release the minor in the field. If the detention is for a 602 W & I offense, either issue a citation for release and complete a crime incident report for the offense committed.
    - c. Those juveniles arrested for the following charges shall be detained until a responsible adult can respond to accept custody:
      - 1) California Vehicle Code (CVC), sections 23152(a), 23152(b), 23153(a), and 23153(b);
      - 2) Health and Safety Code (H&S), section 11550; and
      - 3) California Penal Code (PC), section 647(f).
    - d. If the detention is for a 601 W & I Status Offense, (i.e., runaway, truancy, and

- curfew) and the minor is going to be released in the field to a parent/guardian or responsible party, the officer shall write the appropriate report and document the incident.
- e. Citations: All juvenile violators of California Vehicle Code and specified sections, as listed below, should be released with a citation.

### The Penal Code Sections are:

```
308(b) PC
             - Minor in possession of tobacco.
374.3, 374.4 PC
                    - Littering
490.5 PC
             - Petty Theft under $50.00
502(c)(6), (7), (8) PC - Computer Access
594(a)(1) PC - Vandalism with liquid/paint
602(m) PC - Drive on private property
             - Enter fenced property w/o permission
602.8 PC
640 PC
             - Bus fare evasion, disturbance
640.5 PC
             - Graffiti public vehicle ($250 or less)
640.6 PC
             - Graffiti private property ($250 or less)
```

At discretion of officer when offense is at level of infraction:

330 PC
 415 PC
 485 PC
 555 PC
 - Illicit gaming, dice, cards
 - Disturbing the peace
 - Keeping lost property
 - Trespass posted property

853.7 PC - Violate written promise to appear

### **Business and Professions Code:**

25658 - Minor consuming alcohol

25668.5 - Minor attempt to purchase

25661 - Use or possess false ID

25662 - Minor possessing alcohol

### Health and Safety Code

11357(b) - Possession less than 1 oz. of marijuana

### D. Referral to Juvenile Court:

- Custody Dispositions Officers must make an initial determination as to which jurisdictional section the minor is under. The following categories present procedures to follow based upon the applicable jurisdictional section.
  - a. 300 W&I Dependents
    - 1) Detention and Disposition Minors taken into protective custody under this section should be referred to the appropriate agency as soon as possible.
    - 2) In most cases, this will involve contacting a Child Protective Service (CPS) worker at the Department of Social Services.

- 3) Minors may then be immediately released to the care and custody of the CPS worker for foster care placement and/or reunification with parent or legal guardian.
- 4) In cases of injury or illness where a parent or legal guardian is unavailable, an officer may seek and order medical treatment for such minor.
- 5) Authority for these types of detentions is 305 W&I. Officers detaining minors under this section shall complete an Incident Report detailing circumstances of the case.
- 6) Notification to Parent or Legal Guardian Officers taking any minor into temporary custody are responsible for taking immediate step to notify parents or guardians. When this is not possible, reasons for the failure to notify shall be documented in the officer's report.

### b. 601 W&I - Status Offenders

- 1) Detention and Disposition Minors (status offenders) taken into custody under this section shall be referred to the appropriate agency or released to a parent or guardian as soon as possible.
- 2) In some cases, minors may be considered for protective custody as a Department (300 W&I). In certain aggravated cases, 601's may be referred to the juvenile court for consideration of possible wardship.
- 3) In no case may a 601 offender be lodged in a juvenile detention facility.
- 4) Authority for these detentions is 625 W&I. Officers detaining minors under this section shall complete a Crime Report or an Incident Report; whichever is appropriate, detailing the circumstances of the case.
- 5) Notification to parent/guardian Officers taking any minor into temporary custody are responsible for taking immediate steps to notify parent or guardian.
- 6) When this is not possible, reasons for the failure to notify shall be documented in the officer's report.
- 7) Whoever responds to obtain custody of the juvenile should be advised of the circumstances and relevant information on the citation.

### c. 602 W&I – Delinquent

- 1) Refer to Attachment below for a list of offenses requiring mandatory bookings.
- 2) Officers are encouraged to release, admonish and release, or cite and release whenever possible.
- 3) Only if minors are escapees, probation violators, a menace to persons (themselves or others) or property, or apt to flee the jurisdiction, may they be detained at the Youth Guidance Center (YGC) or the Community Assessment Referral Center (CARC).
- 4) Authority for these detentions is 625 W&I. Officers arresting minors under this section shall complete a Crime Report detailing the circumstances of the case.
- 5) Incarceration When a minor has been taken into temporary custody under 602 W&I and detention is indicated, the officer shall contact the Watch Commander for approval and transport without delay. A copy of the YGC or CARC Referral Form must accompany the arrested juvenile to the receiving

facility.

- 6) Minors may be taken into custody:
  - a) On the basis of a criminal law violation; or
  - b) The arresting officer has a reasonable belief that the minor presents a serious security risk of harm to himself or others.

### 7) Juvenile Secure Detention Procedure

- a) Secure Detention is defined as a juvenile (under 18) locked in a room/ enclosure and/or secured to a cuffing fixture or other stationary object while in custody in a law enforcement facility for any length of time.
- b) Secure Detention Conditions:
  - i) The juvenile is 14 years of age or older.
  - ii) The juvenile is detained under Section 602 WIC.
  - iii) The detaining officer has reason to believe that the juvenile presents a serious security risk of harm to self or others.
  - iv) The detention is for the purpose of investigating the case, facilitating release to a parent or guardian, or arranging transfer to an approved juvenile detention facility.
- c) Securely detained juveniles shall not be permitted to come in contact with juveniles described by WIC sections 300 and 601.
- d) Officers shall enter the following information in the Secure Detention of Juveniles Log:
  - i) Juvenile's name, sex, age, charge, date, time, 30-minute observations, date/time of release, total time detained, release code, release to/by information, 207.1 WIC Advisement, and the Arresting Officer's name, Approving Supervisor.

### e) RIMS Entry

- i) Officers shall check the appropriate box in reports for incidents involving juveniles, either Secure or Non-Secure Detentions.
- 8) Juvenile Non-Secure Detention Procedure
  - a) Non-Secure Detention is defined as a juvenile's (under 18) freedom that is controlled by the staff of the facility; and
    - i) the juvenile is under constant personal observation and supervision by staff of the law enforcement facility;
    - ii) the juvenile is not locked in a room or enclosure; and
    - iii) the juvenile is not physically secured to a cuffing rail or other stationary object.

- b) Non-Secure Detention Conditions:
  - i) Juveniles described by Section 602 WIC, under 14 years of age, shall be kept in Non-Secure Detentions no more than 6 hours to investigate the case, facilitate release of the juvenile to a parent or guardian, or arrange for transfer of the juvenile to an appropriate facility.
  - ii) Juveniles 14-17 years of age who do not present a serious security risk of harm to self or others shall be kept in Non-Secure Detention.
  - iii) Non-securely detained juveniles shall not be detained in either a jail or lockup (holding tank or other locked enclosures).
  - iv) Non-Secure Detention allows the handcuffing of a juvenile, regardless of age, but not to a cuffing rail or other stationary object.
- c) Officers shall enter the following information in the Non-Secure Detention of Juveniles Log:
  - i) Juvenile's name, sex, age, charge, date, time, 30-minute observations, date/time of release, total time detained, release code, release to/by information, and the Arresting Officer's name, Approving Supervisor.

### d) RIMS Entry

- i) Officers shall check the appropriate box in reports for incidents involving juveniles, either Secure or Non-Secure Detentions.
- e) Communications/Records Section Responsibility
  - i) Monthly Reporting Procedure. The Records Supervisor or his/her designee shall submit the "California Corrections Standards Authority Monthly Report of the Detention of Minors" form to the Corrections Standards Authority by the 10th of each month.
- 9) Minors meeting these criteria may be locked in a room or cell in the station, subject to the following conditions:
  - a) Minors may not be detained at the station longer than six (6) hours.
     Juveniles detained must be visually observed no less than every 30 minutes.
  - b) The detention must be for the purpose of giving the officer time to investigate the case, facilitate release of the minors to parents or arrange transfer to the Youth Guidance Center or the Community Assessment Referral Center.
  - c) Minors must be separated from adult prisoners.
  - d) Minors must be told how long incarceration can last.
  - e) Minors must be adequately supervised.
  - f) The officer must generate a written record explaining the need for and

length of secure detention.

- 10) All juvenile incarcerations will be documented in the officer's report.

  Documentation will include the need for the detention, length of the detention, any notifications (i.e., parents, probation officer, etc.), results of notifications, and final disposition.
- 11) Under no circumstances will 300 W&I dependents or 601 W&I status offenders be placed in "secure confinement" (lock up) or be permitted to come into contact with adult prisoners.
- 12) Investigations and Arrest A peace officer may arrest or detain any minor who falls under these jurisdictional sections.
- 13) No warrant is required unless the minor is at home; then "Ramey" warrant requirements must be met in the case of 602 offenders.
- 14) Reasonable cause to believe that a misdemeanor has been committed, though not in the officer's presence, for instance, is generally sufficient for arrest without warrant. Probation violators may also be arrested without warrant.
- 15) The same constitutional safeguards apply to juveniles as to adults, with the added requirement of Section 625 W&I which states, "In any case where a minor is taken into custody on the grounds that there is reasonable cause for believing such minor is a person described in Section 601 or 602, or that he has violated an order by the court, the officer shall advise such minor of his/her rights pursuant to Miranda."
- 16) Parents will be advised of the arrest; beyond this, all investigations and processing of evidence or reports will be conducted in the same manner as for adult cases.
- 17) Whoever responds to obtain custody of the juvenile should be advised of the circumstances and relevant information on the citation.
- E. Procedures for taking a juvenile into custody.
  - Determining whether a juvenile is alleged to have engaged in non-criminal misbehavior (status offense), or in circumstances where there is an allegation the juvenile has been harmed or may be in danger of harm.
    - a. The application of the status offense governing code definition shall be the first consideration.
      - 601 W&I: Status Offenders, any person under the age of 18 years Includes habitual incorrigibles, habitual runaways, truants, immoral youths, and those with dependent tendencies. Those in this category are known as "status offenders."
    - b. If a juvenile is taken into custody for a status offense or to prevent harm, the officer shall:
      - 1) Follow Miranda procedures in GO 3-2:
        - a) An officer does not have to immediately ask if the juvenile wishes to speak

- with the officer.
- b) The interview/interrogation can take place when the officer is ready to question the juvenile.
- 2) Complete a written incident report;
- 3) Notify the juvenile taken in custody of the reason(s) for the action, if the juvenile is of an age to understand; and
- 4) Notify the parents or legal guardians of the juvenile of the action taken.
- 2. Ensure the constitutional rights of the juvenile are protected and procedures for the custodial interview of juveniles.
  - a. The constitutional rights of a juvenile will be protected at all times.
  - b. Conferring with parents or guardians: A minor will be advised that he/she may confer with his/her parents or guardian before and anytime during an interview.
  - c. Parents and guardians will be provided information relative to the charges pending and probable future court proceedings.
  - d. An interview will be limited to no more than two officers and for periods of no longer than one-hour increments without a break.
  - e. An explanation of agency and juvenile justice system procedures will be provided to a juvenile being interrogated/interviewed and to the juvenile's parents or guardians. This will include informing the juvenile and parents/guardians that:
    - 1) A record of the case is established with the department;
    - 2) Parents/guardians are contacted and informed of circumstances;
    - 3) Officers dealing with juvenile offenders use the least coercive among reasonable alternatives; and
    - 4) Pending court action, if any.
- 3. Transporting of juveniles to intake facility
  - a. Unless a juvenile is in need of emergency medical treatment they shall be transported without delay to intake or the department.
  - b. Public exposure of a juvenile placed into custody shall always be minimized.
- 4. Notification of parents/guardians
  - a. Notification to parents or guardians shall be as soon as reasonably possible.
  - b. Parents/guardians shall be provided the circumstances and particulars of the incident in the initial contact with them.
  - c. The location of where parents/guardians may respond to physically contact the juvenile in custody shall be provided.

### V. APPENDIX:

A. Systemwide Chapter 2- Arrest, Search and Seizure

### VI. ATTACHMENT:

- A. Secure Detention Form (Juvenile)
- B. Non-Secure Detention Form (Juvenile)C. California Corrections Standards Authority Monthly Report on The Detention of Minors

Date Approved

Secure Detention of Juveniles Log (Revised 01/06)

ATTACHMENT A

**Print Form** 

Secure Detention of Juveniles Log

Note: A juvenile shall not be detained in a law enforcement facility for a period exceeding six hours.

Month/Year:

## Secure Detention Conditions:

- 1. The juvenile is 14 years of age or older.
- 2. The juvenile is detained under Section 602 WIC.
- 3. The detaining officer has reason to believe that the juvenile presents a serious security risk of harm to self or others.
- 4. The detention is for the purpose of investigating the case, facilitiating release to a parent or guardian, or arranging transfer to an approved juvenile detention facility.

Note: Securely detained juveniles shall not be permitted to come in contact with juveniles described by WIC sections 300 and 601.

\* Release Codes are listed on back of log.

# **SECURE DETENTION**

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# Secure Detention of Juveniles Log

Detention Of Minors In Buildings That Contain Lockups/Jails/Temporary Holding Facilities. Ensure that At the end of each month, the entries on the log of juveniles held in secure detention shall be Instructions: This log shall be kept pursuant to Section 207.1 (d) (F) of the Welfare and Institutions each juvenile is counted only once. Retention begins when the juvenile enters the law enforcement tallied and entered on the Corrections Standards Authority form entitled Monthly Report On The acility and ends when the juvenile leaves the facility.

## Section A

Detentions:

Information shall be entered for each juvenile placed in secure detention, regardless of the length of time. "Reason Detained" shall be the appropriate charge (e.g., 211 PC, 459 PC, 11350 H&S).

## Section B

Type of Release Codes:

<u>Description</u>	Juvenile released to parent.	Transfer to detention facility
Code #	<del>-</del>	6

Other type of release.

က

Date Approved

ATTACHMENT B

**Print Form** 

## Non-Secure Detention of Juveniles Log

Note: A juvenile shall not be detained in a law enforcement facility for a period exceeding six hours.

Month/Year:

## Non-Secure Detention Conditions:

- 1. Juveniles described by Section 602 WIC, under 14 years of age, shall be kept in non-secure detention no more than 6 hours to investigate the case, facilitate
  - release of the juvenile to a parent or guardian, or arrange for transfer of the juvenile to an appropriate facility.
- Juveniles 14-17 years of age who do not present a serious security risk of harm to self or others shall be kept in non-secure detention. 3. Non-securely detained juveniles shall not be detained in either a jail or lockup (holding tank or other locked enclosures).
  - 4. Non-secure detention allows the handcuffing of a juvenile, regardless of age, but not to a cuffing rail or other stationary object.
- \* Release Codes are listed on back of log.

# **NON-SECURE DETENTION**

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Non-Secure Detention of Juveniles Log (Revised 01/06)

Supervisor Approving:

# Non-Secure Detention of Juveniles Log

on the Corrections Standards Authority form entitled Monthly Report On The Detention Of Minors month the entries on the log of juveniles held in non-secure detention shall be tallied and entered In Buildings That Contain Lockups/Jails/Temporary Holiding Facilities. Ensure that each juvenile is counted only once. Retention begins when the juvenile enters the law enforcement facility and requires that a log shall be kept of all juveniles held in non-secure detention. At the end of each Instructions: Effective August 2003, Section 1150, Title 15, California Code of Regulations ends when the juvenile leaves the facility.

### Section A

Detentions:

Information shall be entered for each juvenile placed in non-secure detention, regardless of the length of time. "Reason Detained" shall be the appropriate charge (e.g., 211 PC, 459 PC, 11350 H&S)

## **Section B**

Type of Release Codes:

## Code # Description

- Juvenile released to parents.
- 2. Transfer to detention facility.
- Other type of release.

### ATTACHMENT C

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### CALIFORNIA CORRECTIONS STANDARDS AUTHORITY MONTHLY REPORT ON THE DETENTION OF MINORS – 2007

### INSTRUCTIONS

### **GENERAL INSTRUCTIONS**

The Juvenile Justice and Delinquency Prevention Act of 2002 (JJDPA)<sup>1</sup> requires the CSA to monitor facilities that hold minors in detention for compliance with three core requirements:

- 1. **Deinstitutionalization of Status Offenders** (JJDPA Section 223 (a) [11])
  - Minors who are charged with only a status offense (Welfare and Institutions Code [WIC] § 601) or who are nonoffenders (WIC § 300) must not be held in secure detention.
- 2. Separation (JJDPA Section 223 (a) [12])
  - Minors held in secure detention must not come into sight or sound contact with adult offenders.
- 3. Jail Removal (JJDPA Section 223 (a) [13])
  - Delinquent minors (WIC § 602) must not be held in secure detention for more than **six (6) hours** pending investigation, processing and release.

In accordance with the JJDPA, the CSA is required to submit the number of minors held in secure detention over six hours annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Additionally, Welfare and Institutions Code (WIC) Sections 209 and 210.2 mandates the CSA to conduct surveys of law enforcement agencies on the processing of minors to ensure compliance with WIC Section 207.1(d) and applicable Title 15 minimum standards.

Law enforcement facilities that contain a lockup, jail, temporary holding facility, or cuffing fixture <u>and</u> detain minors in their facility will need to complete a Monthly Report on the Detention for Minors—2007 for each month in the calendar year 2007. This will assist the CSA with data collection and submission requirements.

- Please complete and return this form to the CSA by the 10<sup>th</sup> of each month. A form must be completed for each month, even if no minors were detained.
- If no minors were detained during the month, complete only Sections I and II, date and return the form.
- If one or more minors were detained for any length of time during the month, complete all sections, date and return the form.
- In the spaces provided at the bottom of the form (Section V), provide the name, title, telephone number and date for **both** the reporting person and the department head.
- Forms may be downloaded from our website at: http://www.cdcr.ca.gov/DivisionsBoards/CSA/minors\_lockups.htm
- Please fax (916) 327-3317 or mail all completed surveys to:

Corrections Standards Authority Attn: Report Analyst 600 Bercut Drive, Ste. A Sacramento, CA 95814

- Completed surveys may also be **emailed** to: <u>Analyst@cdcr.ca.gov</u>
- If you have any questions regarding the *Monthly Report on the Detention of Minors 2007*, please contact Allison E. Ganter, Field Representative, Corrections Standards Authority, at (916) 323-8617 or email at allison.ganter@cdcr.ca.gov.

<sup>&</sup>lt;sup>1</sup> Pub. L. No. 93-415 (1974), 42 U.S.C. 5601. For more information on the JJDPA and compliance monitoring, please visit: <a href="http://www.ojjdp.ncjrs.gov/compliance/index.html">http://www.ojjdp.ncjrs.gov/compliance/index.html</a>

### INSTRUCTIONS FOR INDIVIDUAL SECTIONS

### **SECTION I**

**Agency Name:** Please enter the name of the reporting agency.

Facility Name: Enter the name of your detention facility

Facility Address: Enter the physical address of your facility. Please include your zip code.

County: Enter the county in which your facility resides.

Jurisdiction: Please check the box that defines whether your facility is within the "city" or "county"

jurisdiction.

### **SECTION II**

Please check the month that is being reported; only check one month per report.

**Minors detained in this facility during the month:** Please check "Yes" or "No" to the question "Were minors detained in this facility during the reporting month".

- If "Yes" is checked, proceed to Section III.
- If "No" is checked, skip Section III and Section IV, fill out Section V and return to the CSA.

### **SECTION III (DIRECTIONS FOR THIS SECTION HAVE BEEN MODIFIED):**

For this section, please document the number of <u>delinquent minors (WIC 602)</u> held in either secure or nonsecure detention during each month for each time frame. <u>Do not include status offenders (WIC 601) or nonoffenders (WIC 300)</u> in this section-please see Section IV.

**Number of minors held 6 hours or less:** In the spaces provided to the right, please enter the number of minors that were held in your facility for <u>six (6) hours or less</u> for the reporting month, for both secure and non-secure detention.

**Number of minors held over 6 hours:** In the spaces provided to the right, please enter the number of minors that were held in your facility for <u>over 6 hours</u> for the reporting month, for both secure and non-secure detention. *If minors were held in your facility <u>over 6 hours</u>, please briefly explain the reason for the 6-hour rule violation in the space provided.* 

**Total number of minors held:** In the spaces provided to the right, please enter the <u>total number</u> of minors that were held in your facility for the reporting month, for both secure and non-secure detention. These numbers should be a <u>total of the columns</u>.

<u>References</u>: JJDPA Section 223 (a) [13], WIC Section 207.1 (d) (1) (B), Title 15-Section 1150

### SECTION IV (THIS IS A NEW SECTION REQUESTING ADDITIONAL INFORMATION):

Please indicate the number of <u>status offenders (WIC 601)</u> and <u>nonoffenders (WIC 300)</u> held in secure detention in your facility during each month. *Please note, the JJDPA, WIC Sections 206 and 207 prohibit the secure detention of status offenders and nonoffenders.* 

References: JJDPA Section 223 (a) [11], WIC Section 206, WIC Section 207

### **SECTION V**

This section requires the information for <u>both</u> the reporting person **and** the Department Head. Please print both names including each person's title, telephone number and date.

### **DEFINITIONS**

**Minor:** A person under 18 years of age.

**Temporary Holding:** A local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.

**Lockup:** A room or secure enclosure under the control of a sheriff or other peace officer that is primarily for the temporary confinement of adults upon arrest. A minor may be securely confined in a lockup only as provided in Section 207.1(d) WIC.

**Type I:** A local detention facility used for the detention of persons for not more than 96 hours, excluding holidays, after booking. May also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate.

**Administrative Station:** Administrative Stations are law enforcement facilities that do not have a locked holding room. These may include, but are not limited to: store-fronts, substations, and some police departments where the public is served, law enforcement officers write reports, use the telephone, interview victims and witnesses, and conduct other administrative functions.

**Jail:** A Jail is an adult detention facility, the purpose of which is to detain sentenced and non-sentenced adults (not including inmate workers). These facilities are defined as Type II, III, or IV local adult detention facilities as defined in Section 1006, Title 15, California Code of Regulations. \*Caution: Minors may generally not be detained in jails but may be detained in buildings that contain jails – see WIC Section 207.1 for exception.

**Nonoffender:** A nonoffender is a minor who is considered a dependent of the court. Welfare and Institutions Code (WIC) Section 300 defines nonoffenders; according to the Juvenile Justice and Delinquency Prevention Act and WIC Section 206, nonoffenders must not be held in secure detention in a jail or lockup.

**Secure Detention:** Secure Detention occurs when a minor (under 18) is locked in a room/enclosure and/or secured to a cuffing fixture or other stationary object while in custody in a law enforcement facility for any length of time.

**Status Offender:** A status offender is a minor who has committed an act which would not be considered criminal had it been committed by an adult. Status offenders are defined by Welfare and Institutions Code (WIC) 601 and include acts such as: disobeying parents, violating curfew, truancy and running away. A minor may be in violation of a municipal code that establishes curfew; such a violation would be considered a status offense. According to the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) and WIC 207, status offenders must not be held in secure detention in a jail or lockup.

**Non-Secure Detention:** Non-Secure Detention occurs when a minor's freedom is controlled by the staff of the facility; and (1) the minor is under constant personal visual observation and supervision by staff of the law enforcement facility; (2) the minor is not locked in a room or enclosure; and (3) the minor is not physically secured to a cuffing rail or other stationary object.



NUMBER: 3-8 APPROVED: Registed Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 22, 2016, Dec. 17, 2019

SUBJECT: FINGERPRINTING CITE AND RELEASE CASES

I. PURPOSE: To establish procedures for fingerprinting to ensure that DOJ will place a conviction on criminal histories on any cite and release cases involving retainable offenses.

II. POLICY: It is the policy of this department to obtain a field thumbprint on all persons arrested for cite and release cases involving retainable offenses. This will provide a method for future identification of suspects in subsequent crimes.

III. DEFINITIONS: None

### IV. PROCEDURES:

- A. General Requirements to Fingerprint:
  - Pursuant to Section 13150 of the California Penal Code, "For each arrest made, the reporting agency shall report to the Department of Justice, Bureau of Criminal Identification and arrest data described in Section 13125 and FINGERPRINTS, except as otherwise provided by law or as prescribed by the Department of Justice."
  - 2. To ensure that DOJ will place a conviction on a criminal history, a field thumbprint will be completed on all cite and release cases in which the offense or charge is RETAINABLE; this includes juveniles (FBI/DOJ-CA/CA I.D./ DEPT.).
- B. Non-Retainable Offenses (Do not fingerprint) Per PC-853.6:
  - 1. 647 (f) P.C. Drunk
  - 2. 25662 B&P Minor in possession of alcohol. (First Offense)
  - 3.600 & 601 W&I
  - 4. Local Ordinances
- C. Subsequent Offenses (Fingerprint). Includes all other penal code offenses and the vehicle code violations on Appendix A.

- 1. 11357 (b) H&S Possession of Marijuana less than one ounce
- 2. 25662 B&P-Minor in possession of Alcohol
- 3. 12500 (a) V.C.-Driving without a license
- 4. 14601.1(a) V.C.-Driving on a suspended license

### D. Fingerprinting Procedures:

- 1. An officer citing a subject on a retainable offense will obtain a Field Thumbprint on the back of the citation as soon as the citation is completed.
  - a. The arresting officer will drop off the citation in the dispatch center for processing as the conclusion of his/her shift.
  - b. If a report is required, in addition to the citation, the report will be completed and approved by a sergeant prior to processing.
  - c. After obtaining a Field Thumbprint from a juvenile, the officer must contact CARC (Community Assessment Referral Center 415 567-8078) before the final disposition, i.e. released to parents, petition requested, etc.
  - d. Juvenile Infraction Citations are not issued a court date, but are marked "To Be Notified".
  - e. Juvenile Misdemeanor Citations are assigned a court date of 10-14 business days.
  - f. Adult Infraction Citations are assigned a court date of 30 calendar days.
  - g. Adult Misdemeanor Citations are assigned a court date of 30 to 40 business days.
- 2. Officers should make certain that the Field Thumbprint is legible, fully rolled, and classifiable. If the print is smudged, use the upper portion of the citation and submit the Field Print again.
- 3. Juveniles must appear in court with a parent or guardian if the citation was issued prior to eighteen years of age.
- 4. If at all possible when issuing a citation to a juvenile, the arresting officer should attempt to have a parent or guardian sign the citation.

### V. APPENDIX:

A. Recordable Vehicle Code Violations

VI. ATTACHMENT: None



NUMBER: 3-9 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Sept. 12, 2005, Jan. 18, 2006, April 25, 2006, Oct. 19, 2006, Dec. 21.

SUPERSEDES: REVIEWED/REVISED: 2006, Oct. 29, 2007, Feb. 20, 2008.

Feb. 23, 2010, Jan. 22, 2016, Dec.

17, 2019

SUBJECT: PRISONER TRANSPORTATION

I. PURPOSE: The purpose of this policy is to establish procedures to ensure that prisoners and detainees are transported in a manner that will maximize their safety as well as the transporting officer's safety.

II. POLICY: The policy of this department is to maximize the safety of both officers and persons in custody while maintaining security during necessary transport.

### III. DEFINITIONS:

- A. Detainee: A person in the custody of agency personnel and whose freedom of movement is at the will of agency personnel.
- B. Prisoner: A person under arrest.

### IV. PROCEDURES:

- A. Search of Prisoners/Detainee and Transport Vehicles:
  - 1. The transporting officer is responsible for searching prisoners/detainees before they are transported.
    - a. It should never be assumed that someone else has searched the prisoner/detainee.
    - b. It must be assumed that the prisoner/detainee may have had an opportunity to obtain contraband or a weapon prior to the time of transport.
    - c. Prisoners/detainees will be searched each time they come into the transporting officer's custody, including transports between detention facilities.
  - 2. The transporting officer prior to and after transporting prisoners/detainees will search the transport vehicle.
    - a. The entire area that would be accessible to a prisoner/detainee will be searched

- for weapons; contraband and other items will be searched.
- b. The shift supervisor will be advised of any items found.
- 3. All officers will examine their vehicles at the beginning of each shift prior to use for transporting prisoners/detainees.
  - a. Check for proper equipment: spare tire, jack, and flares.
  - b. Examine the condition of the vehicle including proper inflation of tires, fuel and oil levels, and engine operation.
- B. Procedures for Prisoner/Detainee Transports:
  - 1. Transporting vehicle safety configuration
    - a. Vehicles regularly used for patrol and transporting prisoners should be equipped with a safety barrier that separates the prisoner from the police officer(s).
      - 1) Under certain circumstance, (special operations, limited operational vehicles, investigation functions), a prisoner/detainee may be transported in a police vehicle not equipped with a safety barrier. The prisoners/detainees will be handcuffed to minimize escape and positioned on the rear seat on the side opposite the officer driving. All prisoners/detainees shall be secured with a seat belt. When two officers transport, the position of one or both prisoners/detainees on the rear seat does not matter.
    - b. Vehicles regularly used for patrol and transporting prisoners should have the rear passenger doors modified so that the prisoners may not open the door from the inside to minimize escape.
      - Under certain circumstance, (special operations, limited operational vehicles, investigation functions), a prisoner may be transported in a police vehicle without modified door locks. The prisoners will be handcuffed and seat belted in the rear seat to minimize escape.
  - 2. Positioning of prisoners/detainees in any transport vehicle:
    - a. Officers during regular patrol functions should transport prisoners/detainees in a police vehicle equipped with a safety barrier that separates the prisoner/detainee from the police officer(s).
    - b. Officers will check the police vehicle's rear seat prior to and as soon as possible after transporting any prisoner/detainee.
    - c. When one officer is transporting prisoner(s)/detainee(s):
      - 1) One prisoner/detainee: the prisoner/detainee will be positioned on the rear seat on the side opposite the officer driving.
      - 2) Two prisoners/detainees: both prisoners/detainees will be positioned on the rear seat.

- d. When more than one officer is transporting prisoner(s)/detainee(s):
  - 1) One or both prisoners/detainee will be positioned on the rear seat and the assisting officer will position himself in the front passenger seat.
- di. All prisoners/detainees shall be transported secured with a seat belt.
- dii. Officers shall not transport more than two prisoners/detainees in any police vehicle unless the vehicle is designed to safely do so.

### 3. Visual Contact:

- a. The transporting officer will maintain visual contact at all times with prisoners/ detainees that are being transported.
- b. On lengthy transport, where a prisoner/detainee may require the use of toilet facilities, the officer should ensure that he has as much control of the situation as possible.
  - 1) Do not allow another person in the facility with the prisoner/detainee.
  - 2) Ensure that there are no escape routes within the facility.
  - 3) Ensure there are no potential weapons available to the prisoner/detainee.
- 4. Stopping To Provide Law Enforcement Services While Transporting:
  - a. The primary duty of the transporting officer is the safe delivery of the prisoner/detainee in his care.
  - b. Officers may only stop to render assistance if the risk to third parties is both clear and grave and the risk to the prisoner/detainee is minimal.
  - c. In all other cases, the officer shall advise dispatch to notify the appropriate agency, and have other officers respond.
- 5. Transporting prisoners with physical disabilities
  - a. Officers who arrest persons that are non-ambulatory;
    - 1) Notify a supervisor of the situation
    - 2) The officer shall make all efforts to cite and release the prisoner at the scene. If the situation dictates a mandatory booking such as felony violation or resisting arrest, the prisoner shall be transported to County Jail.
    - 3) Request assistance from San Francisco Police Department for a transport van with the ability to transport a non-ambulatory prisoner. If San Francisco Police Department is unavailable to provide the transport, request shall be made to the San Francisco Sheriff's Department for transport.
- 6. In the event a prisoner escapes while being transported, the transporting officer will:
  - a. Notify the watch commander and have the dispatcher advise the appropriate jurisdiction of the escape;

- b. The transporting officer will submit a written report to the Chief of Police explaining the circumstances of the escape;
- c. Provide a description of the escapee including charges being held on; and
- d. Assist in recapturing the prisoner.

### 7. Prisoner Communication

- a. A prisoner's right to communicate with others will not normally be exercised during the period that the prisoner is being transported.
- b. Officers may allow prisoners to communicate with others if the situation is such that a verbal exchange is necessary.
- 8. Prisoner Identification When transporting prisoners to or from detention facilities officers should ensure they have the correct prisoner by the following methods;
  - a. Officer's personal knowledge of the detainee
  - b. Predetermine detainees identification via DMV and/or CLETS
  - c. Verifying any documents for the detainee's personal identification
  - d. Requesting verification by jail personnel of the detainee's identity
- 9. The transporting officer will inform dispatch of starting and ending mileage for the transport to be included in RIMS.
- C. Procedures to be followed upon arrival at destination and required documentation:
  - 1. Firearms will be secured in the designated place at the entered facility.
  - 2. Restraining devices will be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
  - 3. The proper documentation will be transported with the prisoner and submitted to the proper person at the receiving facility. This will include:
    - a. Booking forms, warrants, etc.;
    - b. Prisoner's property and property form; and
    - c. Information on escape or suicide tendencies.
  - 4. The officer will obtain documents from the receiving officer detailing the prisoner transaction.
  - 5. Transporting officers will convey to the receiving facility any information of a security nature involving a prisoner to include:
    - a. Escape tendencies;
    - b. Suicide tendencies; or
    - c. Unusual illnesses.
    - d. Any other security risk
    - e. Or any medical risks

### CI. Transport Situations:

- 1. When transporting a prisoner/detainee, all officers will:
  - a. At the beginning of the transport, advise dispatch of odometer mileage and vehicle number:
  - b. Proceed directly to the destination by the shortest route practical;
  - c. Upon arrival at the destination, advise dispatch of odometer mileage.
  - d. The time of radio transmissions will be recorded, in RIMS.
  - e. When making lengthy transports, an officer of the same sex should be used. If this is not possible, two officers will be used for the transport.
  - f. The officer's BWC shall be activated and recording during the entire transport.
- 2. When Transporting juvenile detainees all officers will:
  - a. At the beginning of the transport, advise dispatch of odometer mileage and vehicle number:
  - b. Proceed directly to the destination by the shortest route practical;
  - c. Upon arrival at the destination, advise dispatch of odometer mileage.
  - d. The time of radio transmissions will be recorded, in RIMS.
  - e. When making lengthy transports, an officer of the same sex should be used. If this is not possible, two officers will be used for the transport.
  - f. The officer's BWC shall be activated and recording during the entire transport.
- 3. If a prisoner/detainee becomes sick or complains of an injury subsequent to arrest, the officer will:
  - a. Notify the dispatcher immediately.
  - b. The watch commander will respond and evaluate the situation.
  - c. Paramedics will be called to the scene and make transport, if necessary.
  - d. The watch commander will ensure all appropriate reports are completed.
- 4. Transport of Prisoner to a Medical Care Facility
  - a. When a prisoner is transported to a medical facility and is admitted to the facility by the attending physician, the officer will immediately notify the watch commander and will utilize the following procedures to ensure control of the prisoner.
    - 1) Have the prisoner released from custody, if possible and appropriate.
    - 2) If the prisoner has to remain in police custody, the medical facility should be requested to put the prisoner in as secure and private room if at all possible.
    - 3) The prisoner shall be kept under observation at all times and normally restraining devices shall be utilized. Officers shall consult with medical personnel in reference to the best utilization of restraining devices.
  - b. These same procedures apply for the commitment of mentally disturbed persons with the exception that officers may be relieved when the subject has completed the intake process and is turned over to the facility staff.
  - c. Physically disabled prisoners' present conditions for their transport that dictate special care and attention.

- 1) Officers encountering this situation will notify the Watch Commander.
- 2) The Watch Commander will evaluate the situation and ensure that the proper actions are taken.
- 3) The receiving agency will be notified and a determination made as to whether they will accept the prisoner.
- 4) A request will be made for the receiving agency to provide a special transport vehicle, if required.

### E. Use of Restraining Devices:

- 1. All prisoners being transported by members of this department will be restrained during transport in accordance with all department General Orders.
  - a. Single prisoners will be handcuffed behind the back.
    - 1) In such instances when handcuffing behind the back is not possible, the Watch Commander will be notified.
    - 2) The Watch Commander will assess the medical circumstances, charges, and criminal history of the arrestee and a determination will be made as to the devices and restraining techniques to be utilized.
  - b. When officers transporting any prisoner and they have reason to believe the prisoner might be an escape risk may use additional restraining devices.
  - c. Under no circumstances will a prisoner be handcuffed to a part of the transport vehicle itself, such as the door, post, protective screen barrier, etc.
  - d. These same procedures apply for the commitment of mentally disturbed persons.
  - e. When a prisoner has a handicap that is such that there is no danger of escape or injury to anyone, then restraining devices may be inappropriate.
    - 1) Physically disabled prisoners' present conditions for their transport that dictate special care and attention.
      - a) Officers encountering this situation will notify the Watch Commander.
      - b) The Watch Commander will evaluate the situation and ensure that the proper actions are taken.
      - c) The receiving agency will be notified and a determination made as to whether they will accept the prisoner.
      - d) A request will be made for the receiving agency to provide a special transport vehicle, if required.
  - f. The Watch Commander shall be notified when restraining devices are not used and advised of the justification.

- 2. Mentally disturbed prisoners will be restrained in such a manner so as to prevent them from injuring themselves or others. Flex-cuffs may be utilized to restrain the extremities of the detainee.
- 3. Police vehicles used regularly for transporting prisoners will be equipped with screens between the driver and the rear seat.
- 4. Police vehicles used for transporting prisoners will be modified so that rear windows and doors cannot be opened from inside the vehicle.
- 5. Whenever handcuffs are utilized, they will be double-locked.
- 6. While transporting a prisoner in the unmarked vehicle, officers shall utilize the child safety locks and window feature to prohibit a prisoner from escaping.
- F. When a detainee is transported from the University Police Department to another facility, officers should ensure the following documents accompany the detainee:
  - 1. Booking forms/Medical records if applicable
  - 2. Personal identification documents
  - 3. Detainee's personal property
  - 4. Information shall be sought as to the detainee's escape or suicidal potential or other personal traits of a security nature. This information shall be given to the next receiving agency and recorded within a report.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 3-10 APPROVED: Reynold Ra

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: January 21, 2010, Dec. 17, 2015, Dec.

17, 2019

SUBJECT: MULTIPLE SIMULTANEOUS ARRESTS

I. PURPOSE: The purpose of this order is to specify those procedures that are to be utilized during Multiple Simultaneous Arrests or Detention Event arising from an incident on the San Francisco State University.

II. POLICY: It shall be the policy of this department to provide specific procedures for field and support personnel regarding the safe and efficient arrest, detention and processing of subjects for various offenses when the number of subjects detained is extraordinarily high.

### III. DEFINITIONS:

- A. Arrest: To deprive a person of his/her liberty by legal authority.
- B. Arresting Officer: A sworn law enforcement officer who takes a person into custody, with or without a warrant.
- C. Booking: A procedure for admitting to a holding facility a person charged with an offense; includes searching, fingerprinting, photographing, medical screening, collecting personal history data, and inventorying and storing a person's property.
- D. Civil Disturbance: Situations that include riots, disorders, and violence arising from dissident gatherings and marches, rock concerts, political conventions, and labor disputes.
- E. Criminal Process: Those writs, summonses, mandates, warrants, or other process issuing from a court of law compelling a person to answer for a crime. The term also includes process issued to aid in crime detection or suppression, such as search warrants.
- F. Custody: Legal or physical control of a person in an area or facility or while in transit; legal, supervisory, or physical responsibility for a person.
- G. Unusual Occurrence: Situations, generally of an emergency nature, that result from natural or man-made disasters, or civil disturbances.

### IV. PROCEDURES:

### A. Arrest Procedures:

1. The basic concept of the Multiple Simultaneous Arrest/Detention Procedure is

that a specialized group of officers working together during large-scale arrests at major events be primarily responsible for all aspects of the arrest process. This includes from the point of arrest, to release to another detention facility-agency, or via other legal protocol. By doing so, the chain of identification is not broken and officers managing the event will not be taken from their primary assignments, thus weakening the overall deployment.

- 2. Notification Requirements
  - a. If they are not already on scene, the Event Coordinator shall notify the Chief of Police and the on-duty Command Staff and Officers.
  - b. The Associate Vice President of University Communications will be notified and media relations will be handled per General Order 1-5
    - 1) Press releases will be handled by University Communications, with assistance from the Chief of Police or his/her designee.
    - 2) Media representatives will be provided a gathering point in major incidents.
    - 3) Copies of all press releases will be included in official department files.
  - c. Timely notice shall be given to all involved agencies of impending major public events where the possibility of multiple simultaneous arrests exists.
  - d. The Chief of Police or his/her designee shall ensure that such information is provided so the associate agencies can prepare their own resources in support of our anticipated event and activities.
  - e. Notifications shall include San Francisco Police Department and the San Francisco County Sheriff's Department.
- 3. Arrest Teams shall consists of the following staff (consider no set number):
  - a. Arrest team leader/squad leader;
  - b. Two (or more) officer arrest teams;
  - c. One photographer;
  - d. A booking recordation officer;
  - e. One or more two-officer transportation teams;
  - f. Two or more receiving officers at the designated booking/detention facility; and
  - g. A Videographer
- 4. Arrest team/squad shall have the following equipment:
  - a. Two digital cameras;
  - b. One or more transportation vehicles; and
  - c. A Field Arrest Packet.
- 5. Pre-planning Process
  - a. When a large scale event dictates consideration of multiple simultaneous arrests, the Incident Commander shall confer with the command staff and Sergeants on site to determine the approximate number of potential arrestees, and assess

- an individual and group temperament of those individuals, focusing upon any identified agitators. Upon arriving at that figure, and the key persons, the Incident Commander shall configure his arrest teams of a size that will enable those officers to take custody of the individuals safely.
- b. Videotape of the incident areas will provide an opportunity to later identify other suspects.
- c. The Incident Commander shall pre-arrange the event deployment to allow for a swift implementation of officers from a variety of locations from within the event, as well as directing available field units supplied by the patrol Watch Commander.
- d. If numerous arrests are considered prior to the event, the Incident Commander shall assure that the necessary transportation unit(s) are immediately available to the event facility with drivers.
- e. Should the multiple simultaneous arrests exhaust deployed officers on campus, the Incident Commander shall request off-campus mutual aid resources called upon for standby prior to the event. Transportation units also will be equipped with drivers. Mutual aid requests from outside agencies will be handled through notification to San Francisco Sheriff's Department and San Francisco Police Department.

### 6. General Arrest Guidelines

- a. When possible, all arrests, once ordered by the Incident Commander, or his designee, should be made by an event manager, police sergeant, and arrest team members, so event officers may remain at their assigned posts.
- b. When the nature of the offense requires the immediate intervention and arrest by an event officer, an arrest team shall assume custody of that arrestee and these procedures shall be resumed as soon as possible.
- c. Arrest teams shall make arrests for specific violations of the law.
- d. When the Incident Commander or designee makes the determination that a multiple simultaneous arrests are to be made:
  - 1) He/she shall request the assistance of specially equipped officers assigned as arrest teams.
  - 2) He/she shall request the dispatch for sufficient transportation units to the location that will facilitate the most expeditious removal of the arrestees from the event, informing these units of:
    - a) The number to be transported;
    - b) The location of arrest and best route of access;
    - c) The name of the group (if any) upon which the arrests are to be made; and
    - d) The location at which transport vehicles should meet with arrest teams.
- e. He/she shall physically isolate those to be arrested from sympathizers and other demonstrators, using squads of officers and terrain features so that the arrest process can proceed deliberately and without danger to the officers.
- f. If necessary, a perimeter should be made around transportation units until they leave with the prisoners.

- g. Photographs of the arrestees shall be completed during the field pre-booking at the field facility.
- 7. Juvenile Arrests If a large number of juvenile arrests are expected, the event supervisor will notify Juvenile Intake prior to the event, and provide the available intelligence information necessary to make the assessment of the impending arrests.
- 8. After the demonstrators have been isolated and contained, the designated arrest sergeant and event management representative will physically arrest individuals and physically control and move them through the isolated area to awaiting transportation unit(s). They will then, after securing a full load of arrestees, deliver them to the field booking facility.
- 9. The number of officers needed to handle each arrestee shall be determined by the following factors:
  - a. The number of arrestees; and
  - b. The amount of cooperation or resistance they offer.

### 10. Processing

- a. Arrestees will be taken into custody by arrest teams.
- b. Arrest team officers shall deliver arrestee to awaiting transportation officers and unit.
- c. If time constraints exist, transportation officers shall assist arrest team members with the completing of the arrest information and securing of any evidence.
- d. The arrestee shall then be taken to the field arrest facility where he/she will be processed for the most immediately available release with consideration to the severity of the offense, condition of the arrestee and expected conclusion of the event.
- e. A personal property arrest envelope shall be used for holding personal items belonging to the arrestee, such as cash or other valuables.
- f. The arrestee and the arrest team member shall be photographed together, and the photograph shall be attached to the exterior of the arrest envelope. If necessary, transportation officers will provide the arrest team members with a new supply of restraints for future arrests.
- g. The arrest team will have its photograph taken with the arrestee prior to loading the arrestee onto the transportation unit. This photograph will then accompany the arrestee to the field booking facility, and be retained with booking records until the arrest team prepares the report.
- h. Each arrest team squad leader shall assure that each person arrested or detained by a member of his/her squad is photographed along with that member by the Event Photo Officer (Team).
- i. Each arrestee or detainee will be the subject of digital photos.
  - 1) Officers will hold up a placard stating the serial number of the arrest.
  - 2) At the field booking facility, the Custody Officer (s) shall maintain the second photograph, until release of the suspect.

- j. Arrestees shall be handcuffed either by department field arrest handcuffs or by the use of flex cuffs, behind the back, unless physical abnormalities or other conditions warrant a modified physical restraint of the suspect.
- k. Arresting officers shall be responsible for the initial search of the arrestee prior to releasing the arrestee to the transportation officers. The transportation and field-booking officers at the field booking facility shall perform booking searches and removal of personal belongings and property jointly.
- I. Large items such as backpacks shall be booked in with the arrestee. Should the property not be accepted by the booking facility due to its size the items shall be retained for safekeeping until the arrestee's release, (tagged and logged in accordance with evidence/property procedures).
- m. Juveniles who are arrested shall be kept separated from and adults and be photographed and handcuffed in the same manner as adults.
- n. Juveniles, who are in the company of adults who are being arrested, shall be transported separately to the Police Department, where they will be supervised and kept separated from adults until a responsible adult family member or other legal guardian arrives and takes custody of the juvenile; unless a responsible adult is available at the scene at the time of arrest.
  - 1) Officers are reminded of the immediacy of exhausting event resources when an adult with exceptionally young children is to be arrested.
  - 2) Such an arrest may be detrimental to event deployment if there is likelihood that other family or adult guardians will not be available to assume custody of the child.
  - In cases such as these, an adult arrestee may be considered for an expedited processing and release either via CPC 849b or on his or her own recognizance.
- o. An arrestee can be released via one of the following ways:
  - 1) Notice to Appear (citation).
  - 2) Pursuant to CPC 849 (B) 1 or 2.
  - 3) To the custody of County Jail.
  - 4) To the custody of Juvenile Intake (if a juvenile).
  - 5) To a parent or legal guardian (if a juvenile).
  - 6) To a medical facility, after completion of a citation or CPC 849(b).
- p. Prior to release, all persons taken into custody shall be the subjects of a standard department records check to determine if additional wants for the arrestee exists.

### B. Confinement and Detention Facilities:

- At the scene of a multiple simultaneous arrest situation, the Incident Commander or designee shall establish a secure Field Pre-Booking Facility and work with the Sheriffs office to provide transportation via bus.
- 2. Once the arrestees arrive at Pre-Booking Field Site they will be processed and transported to the San Francisco County Jail as quickly as possible.
- 3. The secure location shall provide for:

- a. Immediate access to all areas of the campus;
- b. Sufficient room for appropriate segregation of gender, age and offense (male/female, juvenile/adult, violent/non-violent);
- c. Ease of access and regress from the facility, and for detention officers to monitor detainees:
- d. Accessibility to the University Police Department.
- 4. The transportation officer will transport all arrestees to a processing facility as predetermined by the Incident Commander or designee.
- 5. Assigned Field Booking Facility Officers shall perform bookings or citation releases.
- 6. Citations:
  - a. If fewer than 250 persons are cited per day, the persons shall be cited to appear 30 days later, in groups of 25.
  - b. If more than 250 persons are cited per day, as many as 50 persons shall be cited per day, in accordance with section (1).
  - c. Citations will be issued according to Department policy, and pursuant to Court stipulations.
  - d. Juveniles shall be released via current required formats, which shall include all Juvenile Court mandated forms.

### 7. Juveniles

- a. If an exceptionally large number of juveniles are considered for arrest, the Incident Commander or designee shall contact the Juvenile Intake and advise of the number of juveniles who will be considered for transportation due to lack of available legal guardians, or the severity of the offense.
- b. Juveniles will be segregated from adults as well as opposite sex arrestees at the field booking facility.
- c. Departmental processing shall be the same as adults.
- d. Once processed, all juveniles who can be released shall be released when their legal guardians arrive. Those juveniles who must be transported shall be released as soon as available personnel are identified and assigned by the Incident Commander or designee.
- 8. Food, water, sanitation, and medical treatment
  - a. Arrestees will be afforded the opportunity to utilize restroom facilities, if needed, and when personnel are available to escort the arrestee.
    - 1) Use of building facilities near the temporary holding area shall be the first consideration.
    - 2) Movement or transfer of arrested individuals to a detention center should also be considered.
  - b. Because of the short duration of detention, providing for food should not be necessary. Arrestees will be provided water, if requested. In operations lasting

beyond two hours, consideration will be given to providing field water locations utilizing supplies and equipment available for Emergency Management (EOC Storage).

### c. Medical treatment:

- 1) Any person injured or complaining of an injury shall be afforded medical treatment.
- 2) Depending on type of injury paramedics shall be dispatched at the request of an officer.
- 3) Documentation of all injuries shall be made by a supplemental report.

### C. Evidence Collection:

- 1. Any evidence collected shall be handled in the appropriate manner as outlined within the departmental General Orders.
- 2. An evidence envelope will be completed on any evidence collected. If the evidence is collected from an arrestee, full identifying information, as well as the location collected will be provided.
- 3. A temporary storage facility may be established to secure evidence if needed. This fact shall be included in the written report.
- 4. Photography or video taping of the crowd and incident area(s) will be done prior to beginning multiple simultaneous arrests whenever possible to facilitate identification. Tapes or digital data shall be packaged as evidence.

### CI. Security:

### 1. Perimeter and scene

- a. Officers shall be assigned security responsibilities in the area affected by the action
- b. The perimeter shall be controlled in such a manner to limit access and prevent escalation.
- c. Outside support departments will be the first consideration in handling perimeter assignments—leaving the actual arrests to department personnel.

### 2. Detention Facilities

- a. Temporary detention facilities shall be secured by personnel who can observe holding areas. Arrestees shall not be placed in area where observation is limited.
- b. Arrestees shall be released or transported to other detention facilities as soon as possible to limit problems.
- c. If possible, video taping of the temporary detention area can be conducted.

### CII. Identification of Arrestees:

1. Arrestees who are unable to offer, or are unwilling to offer satisfactory evidence of their identity, may be forwarded to County Jail for processing.

- 2. Proper identification will be sought from all arrestees.
- 3. Photographs of every arrested person will be taken a copy will be maintained by the department.

### F. Defense Counsel Visits:

- 1. Because arrestees will be expeditiously released or transferred, no stipulations for visits with defense attorneys need to be made.
- 2. Defense attorneys may be provided the department case number and information related to where the arrestee will be transported.

### G. Court and Prosecutorial Liaison:

- 1. The Department's Investigations Unit will maintain liaison with the prosecutors and courts in the event of a multiple simultaneous arrest situation.
- 2. An investigator will be assigned responsibility for filing any charges and providing evidence and information related to the case.

### H. Event Incident Report:

- 1. A written Incident Report shall be completed by an officer designated by the Incident Commander who will confer with the event sergeant section leaders, arrest teams, squad leaders, transportation officers, and the field booking facility supervisor prior to completing the report.
- 2. The report shall include the incidents facilitating arrests, the individuals arrested and disposition and the amount of resources required from this Department and outside agencies.
- 3. This Major Incident Report will then be forwarded to the Chief for review.

### I. Inter-agency Agreements:

- 1. No formal inter-agency agreements exist for the handling of multiple simultaneous arrest incidents.
- 2. Timely notice shall be given to all involved agencies of impending major public events where the possibility of multiple simultaneous arrests exists. The notice should be given as early as possible.
- 3. The Chief of Police or his/her designee shall ensure that such information is provided so the associate agencies can prepare their own resources in support of our anticipated event and activities.
- 4. Notifications shall include San Francisco Police Department and the San Francisco Sheriff's Department.
- 5. The policy from the California State University Systemwide Manual related to Mutual Aid and the Critical Response Unit will be utilized when appropriate.
  - a. The Critical Response Unit will be utilized first, with additional resources sought from the San Francisco Police Department when necessary.
  - b. The intent of the actions taken in response to multiple simultaneous arrests,

dependant on time factors, is to be self-supported by using campus resources, then system resources, and regional agencies if needed.

V. APPENDICES: None

VI. ATTACHMENT: None



NUMBER: 3-11 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: October 25, 2007

SUPERSEDES: REVIEWED/REVISED: Jan. 14, 2009, Apr. 24,

2014, Jan. 22, 2016, Aug. 22, 2016, Dec. 17, 2019

SUBJECT: SUPPORT WEAPONS

I. PURPOSE: This policy sets forth the guidelines and requirements for the carrying of support weapons (i.e. patrol rifles, shotguns) by officers of the San Francisco State University Police Department. The support weapon is not intended to replace the service handgun. Rather, it is meant to supplement these weapons, which remain the most appropriate weapons in most situations requiring the use of firearms.

Nothing in this order will be construed as a substitute for the utilization of the San Francisco Police Department Specialists or SWAT team.

#### II. POLICY:

Officers of the San Francisco State University Police Department shall only carry those firearms and types of ammunition authorized by this policy. They shall possess and carry firearms in a safe and professional manner that does not unduly concern the public, and promotes a positive image of the department. Officers shall maintain a high level of skill and proficiency recognizing that the use of a firearm is the most serious responsibility held by a police officer.

III. DEFINITIONS: None

#### IV. PROCEDURES:

# A. Deployment:

1. An officer with a patrol rifle or shotgun can neutralize suspects with selective rifle fire or delivery of 00 buck/ 1 oz slug rounds during the course of, prior to, or after violent acts being committed that threaten, endanger or will result in the loss of lives. The patrol rifle has the capability to project deadly force far beyond the standard patrol weapons, such as the handgun. Typically, handguns and shotguns have an effective range of 25 yards. The utilization of a patrol rifle will extend the distance between the officer and the suspect and, in situations when the suspect may not be heavily armed, the officer will have the advantage.

- 2. Other services that an officer with a patrol rifle/ shotgun may provide are:
  - a. Protecting movement of evacuation officers,
  - b. Cover for officers involved in tactical situations
  - c. Cover for officers involved in emergency rescue operations.
  - d. Securing the perimeter to apprehend or neutralize any suspect(s) and assisting the entry team in accomplishing its objective.

# B. Authorized Support Weapons

- Authorized rifle/ shotguns may be issued by the department. Privately owned rifle/ shotguns are not authorized for use unless specifically granted permission by the Chief of Police.
- 2. The only support weapons approved by this department are:
  - a. Colt Carbine Model (.223)
  - b. Remington 870 (12 Gauge)
- 3. It is the individual officer's responsibility to maintain the assigned rifle in good, clean working order and to ensure that all attached, department approved accessories are fully functional.
- 4. If the rifle or shotgun becomes unserviceable, the weapon will be taken out of service immediately and the condition reported to their supervisor and a department armorer immediately.

#### C. Ammunition

- 1. Only approved department issued ammunition will be carried in any rifle/ shotgun while on duty.
  - a. .223 Law Enforcement (LE)
  - b. 12 Gauge 00 Buck or 1 oz slug
    \*HP=Hollow Point, SP =Soft Point, HPBT=Hollow Point Boat Tail

# D. Accessories

 Only approved accessories will be used with the patrol rifles. Sighting scopes, laser pointers, bi-pods, or other devices shall only be approved by the chief or his/her designee.

#### E. Qualification

1. Only officers who have passed the department's patrol rifle and shotgun training courses and are authorized to carry the patrol rifle or shotgun. Officers shall also be required to successfully complete annual training with the rifle and shotgun. Officers will not loan their assigned rifle to another officer, except when necessary to resolve

an immediate, life threatening, emergency situation.

# F. Vehicle Rifle Storage Procedure

- 1. An officer carrying a patrol rifle will adhere to the following requirements to ensure the rifle is carried in a safe and secure manner:
  - a. Rifle will be removed from the officer's weapon locker at the beginning of each shift and returned to the locker at the end of the shift. The rifle will be carried with the safety on, the chamber empty, and a loaded magazine locked in place.
  - b. Rifle carried in a vehicle will be secured in a locking clamp.
- 2. After being involved in an incident which requires the officer to chamber a round in the rifle, the officer will unload the chambered round and exchange the chambered round for a fresh round with the watch commander, reload the magazine, lock the magazine back into place, and make sure the safety is on before returning the rifle to the vehicle.

# G. Vehicle Shotgun Storage Procedure

- 1. An officer carrying a patrol shotgun will adhere to the following requirements to ensure the shotgun is carried in a safe and secure manner:
  - a. Shotgun will be checked out at the beginning of each shift and turned in at the end of the shift. The exception to this is when the patrol car with shotgun will be used by a relieving officer. Shotgun will be carried with the safety on, the chamber empty, and a loaded magazine tube.
  - b. Shotgun carried in a vehicle will be secured in a locking clamp.
- 2. After being involved in an incident which requires the officer to chamber a round in the shotgun, the officer will unload the chambered round, reload the magazine tube, and make sure the safety is on before returning the shotgun to the vehicle.

# H. Program Disqualification

- 1. An officer who fails to maintain the required training level or fails to achieve a passing score during the annual qualification period will be removed from the support weapon program until they qualify.
- I. APPENDIX: None
- J. ATTACHMENT: None



NUMBER: 3-12 APPROVED: Regard Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Dec. 4, 2006, Feb. 20, 2008, Jan.

15, 2016, Dec. 17, 2019

SUBJECT: DEATH IN CUSTODY REPORTING REQUIREMENTS

I. PURPOSE: To comply with the reporting requirements under the federal Death in Custody Reporting Act of 2000 (PL 106-297) expanded as of January 2003. All deaths that occur "in process of arrest," as defined below under Federal Reporting Requirements, must be reported to the U.S. Department of Justice, Bureau of Justice Statistics (BJS).

II. POLICY: It is the policy of this department to abide by Federal Acts and State Codes in relation to reporting Deaths in Custody as required to the appropriate agencies.

## III. DEFINITIONS:

- A. Arrest: To deprive a person of his/her liberty by legal authority
- B. Arresting Officer: A sworn law enforcement officer who takes a person into custody, with or without a warrant.
- C. Custody: Occurs if the suspect is deprived of his/her freedom of action in any way or is led to believe, as a reasonable person that he/she is so deprived.
- D. Death: A cessation of all vital bodily functions, the end of life.
- E. Incarcerate: To subject to confinement, i.e., jail, prison.
- F. Lockup or Booking Center: A temporary facility from which arrestees are usually transferred within 72 hours and not held beyond arraignment.

## IV. PROCEDURES:

## A. California Reporting Requirements:

- 1. California Government Code section 12525 requires that, in any case in which a person dies while in the custody of a law enforcement agency or local or state correctional facility, the agency shall report to the California Attorney General within ten (10) days after the death all facts in their possession concerning the death.
- 2. The California Supreme Court defined "custody" in the case of People v. Arnold (1967) 66 Cal.2d438,448. See definition, above.
- 3. The Department of Justice (DOJ), Criminal Justice Statistics Center (CJSC), is

responsible for collecting these reports.

# B. Federal Reporting Requirements:

- 1. The federal Death in Custody Reporting Act of 2000 (PL 106-297) requires all state and local agencies to report information to the U.S. Attorney General regarding the death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, or other local or state correctional facility.
- 2. The BJS has elected to collect information on deaths of subjects that are, or in the process of being, incarcerated directly from the State Department of Corrections and the county jails. However, due to the numerous law enforcement agencies that could report a death "in process of arrest," the BJS requested that each agency within the state report through a single source.
  - a. BJS has defined deaths that occur "in process of arrest" to include those persons:
    - 1) In the physical custody, or under the physical restraint, of law enforcement officers, even if the person was not formally under arrest at the time.
    - 2) Killed by any use of force by law enforcement officers prior to booking.
    - 3) At a crime/arrest scene or medical facility prior to booking.
    - 4) In transit to or from law enforcement facilities.
    - 5) Confined in lockups or booking centers.
- 3. CJSC data collection/ compilation.
  - a. The CJSC will review all previous and future reported deaths in custody to determine if they meet the criteria provided by BJS.
  - b. If it is determined that our agency has reported a death that meets the "in process of arrest" criteria, a Law Enforcement Custodial Death Report (Form CJ-1 IA) will be forwarded to our agency to complete. The completed form should be returned to the CJSC within 15 working days.
  - c. The CJSC will forward all Law Enforcement Custodial Death Reports received from law enforcement agencies to the BJS on a quarterly basis.
- C. The Commanding Officer of Investigations shall submit the reporting form as required.
- D. In the event an in-custody decedent is identified as a foreign national, the Commanding Officer of Investigations or designee will coordinate with the SFPD Homicide Bureau, to notify the U.S. Department of State (415) 705-1176 and advise them of the circumstances. The State Dept. will make any consular notifications.
- V. APPENDICES: None
- VI. ATTACHMENTS:
  - A. CJSC Death in Custody collection form (CJSC 713)

B. BJS Law Enforcement Custodial Death Report (Form CJ-11 A).

# ATTACHMENT A

DOJ USE ONLY	)			
RECORD KEY	DATE OF DEATH		INMATE NAME	
	1 /			
AGENCY TYPE Police Sheriff Probation	INMATE/CASE N	Last UMBER CII	First NUMBER	Middle  DATE OF BIRTH
☐ State ☐ Other Local		5405		
AGENCY NCIC NUMBER  DOJ USE		RACE Other Asian	otian	CUSTODY STATUS In Transit Awaiting Booking Booked - No Charges Filed Booked - Awaiting Trial Sentenced Out to Court
CUSTODY O		Indian	tnamese lite an Indian	Other
ACILITY OF INJURY OR INSET OF ILLNESS  County Jail  Adult Camp or Ranch  Local Juvenile Facility/Camp  Local Hospital  CDC/CRC  CYA  State Hospital  City Jail  Other	Unk Adn Boo Con Hold	inistrative king g mon ling ical Treatment Applicable	000000	CILITY OF DEATH County Jail Adult Camp or Ranch Local Juvenile Facility/Camp Local Hospital CDC/CRC CYA State Hospital City Jail Other
Administrative	SE OF DEATH  lending/Unknown  latural	Dial Staff) Inmate) todial Staff)	er Communicable disease	MEANS OF DEATH Unknown Not Applicable Firearm Club, Blunt Instrument Hands, Feet, Fists Knife, Cutting Instrument Hanging, Strangulation Alcohol/Drug Overdose Mandated Method Other
ATA SOURCE CO CO Coroner's Report Death Certificate Other	UNTY	FACILITY N	AME	
Note: If this form is used to pevents surrounding the	death must be attache	d.		dent report describing the
N and Tital	SUBMITTED BY	Please print the fol	lowing information:	
Name and Title:Agency/Address/Telephone:				
Mail or FAX completed form	Sacramento CA	94203-4270, FAX (9	ody, P. O. Box 903427 16) 227-3561. ath in Custody Unit a	

# ATTACHMENT B

RETURN TO	Bureau of Justice Statistics 810 Seventh Street, NW Washington, DC 20531 FAX: (202) 514-1757	FORM CJ-11A (4-11-2003)	DEATHS IN CUSTODY, 2003  LAW ENFORCEMENT CUSTODIAL DEATH REPORT
tate	□ Qı □ Qı □ Qı	orting Period (Ma parter 1 (January 1 parter 2 (April 1 — parter 3 (July 1 — 9 parter 4 (October 1	March 31) out of period total of June 30) as reported on form CJ-11
What was  Where did Street add City What law ORI Num Name What was	First  Sthe name of the deceased?  First  Sthe time and date of the death  AM PM Month Day  If the event causing the death of  Performent agency was involved.  Sthe deceased's date of birth?	, 2003 occur?	8. Has a medical examiner or coroner conducted an evaluation to determine a cause of death?  01
01   Male 02   Fem What was 01   Whit 02   Blac 03   Hisp 04   Ame 05   Asia 06   Nativ	tale  the deceased's race/ethnic or e, not of Hispanic origin k or African American, not of His anic or Latino rican Indian/Alaska Native n ve Hawaiian or Other Pacific Islan tional racial category in your info	panic origin	11. Had charges been filed against the deceased at the time of death?  01 □ Yes 02 □ No — charges not filed, but intended 03 □ No — probation/parole revocation  12. What were the most serious offenses with which the deceased was being charged at the time of death?  a  b  c

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 60 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, N.W., Washington, DC 20531.

Name	of deceased		
13.	What were the circumstances surrounding the death?		
	01 ☐ Death, or actions causing the death, occurred prior to b 02 ☐ Death occurred at time of booking or later — Complete	ooking Section	— Complete Section A on B
	Section A: Deaths Prior to Booking	A6.	Where did the deceased die?
A1.	Did the deceased die from a medical condition or from injuries sustained at the crime/arrest scene?  01  Medical condition only (e.g., heart attack) 02  Injuries only 03  Both medical condition and injuries 08  Don't know		01 ☐ At the crime/arrest scene 02 ☐ At medical facility 03 ☐ En route to medical facility 04 ☐ En route to booking center/police lockup 05 ☐ Elsewhere — Specify
A2.	If injured at the crime/arrest scene, how were these injuries sustained? — Mark (x) all that apply		Form complete.
	01 ☐ Inflicted by law enforcement officers present 02 ☐ Inflicted by others at crime/arrest scene		Section B: Deaths After Booking
	03 ☐ Self-inflicted — Accidental 04 ☐ Self-inflicted — Suicide 08 ☐ Don't know	B1.	What was the time and date of the deceased's e the law enforcement facility where the death oc
A3.	09 ☐ Not applicable  Was the deceased under restraint in the time leading up	B2.	:_
	to the death or the events causing the death?  01 □ Yes — Mark (x) if any restraint devices were used  01 □ Handcuffs  02 □ Leg shackles  03 □ Other device — Specify		Mark (x) all that apply  01 □ Appear intoxicated (either alcohol or drugs)?  02 □ Exhibit any mental health problems?  03 □ Exhibit any medical problems?  04 □ None of the above
A4.	02 ☐ No 08 ☐ Don't know  At any time during the arrest/incident, did the deceased — Mark (x) all that apply  01 ☐ Appear intoxicated (either alcohol or drugs)? 02 ☐ Threaten the officer(s) involved? 03 ☐ Resist being handcuffed or arrested? 04 ☐ Try to escape/flee from custody? 05 ☐ Grab, hit or fight with the officer(s) involved? 06 ☐ Use a weapon to threaten or assault the officer(s)? — Specify weapon used		If death was an accident or homicide, who cause the death?  01 □ Deceased 02 □ Other detainees 03 □ Law enforcement/correctional staff 04 □ Other persons — Specify  08 □ Don't know 09 □ Not applicable; cause of death was suicide, intoxication or illness/natural causes  If death was an accident, homicide or suicide, we the means of death?
A5.	07 □ Other — Specify  08 □ None of the above  What type of weapon(s) caused the death? — Mark (x) all that apply  01 □ Handgun		01   Firearm 02   Blunt instrument 03   Knife, cutting instrument 04   Hanging, strangulation 05   Drug overdose 06   Other — Specify
	06 □ None		Form complete



APPROVED: Reginald Parson, Chief of Police NUMBER: 3-13

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Sept. 13, 2006, Feb. 20,

2008, Aug. 23, 2012, Jan. 15,

2016, Dec. 18, 2019

SUBJECT: POLICE MOTORCYCLE PROGRAM

I. PURPOSE: To operate a police motorcycle patrol program that could aid in ensuring the safe and expeditious flow of pedestrian and vehicular traffic in and around San Francisco State University. The overall goal of this program is traffic enforcement in the areas surrounding San Francisco State University, with the intersection of 19th Avenue and Holloway Avenue being the motor officer's primary assignment. Motor officers may be assigned to other details at the discretion of the Operations Division Commander.

II. POLICY: It shall be the policy of the San Francisco State University Police Department to provide rigorous enforcement of all vehicular and pedestrian violations on roadways immediately adjacent to the campus, particularly those areas heavily used by members of the University community. The department may utilize police motorcycles as a mode of enforcement in order to accomplish this task.

## III. DEFINITIONS:

- A. Accident: An accident is defined as an unintended event that produces damage or injury, where the word "injury" includes "fatal injury"
- B. Collision: A word synonymous with "accident" describing an event
- C. Patrol: The deployment of officers to repress and prevent criminal activities, investigates offenders, and furnishes day-to-day law enforcement services to the community.
- D. Point Traffic Control: To control vehicular and pedestrian movement at a particular place on a roadway, such as an intersection.
- E. Pursuit: A peace officer in an authorized emergency vehicle as defined by the vehicle code attempting to apprehend a known or suspected violator of the law, (includes failure to yield) who is avoiding apprehension, and or, ignoring the police officer's attempt to stop him, who is an occupant of a vehicle.
- F. Selective Traffic Enforcement: The assignment of personnel to traffic enforcement activities as times and locations where hazardous or congested condition exist. Such assignments are usually based on traffic volume, accidents, frequency of traffic violations, and emergency service needs.
- G. Traffic Law Enforcement: Law enforcement as it applies to statutes, ordinances, and legally

- authorized regulations relating to the use of streets and highways and ownership/operation of motor vehicles and other road vehicles.
- H. Traffic Law Violation: Violation of any statutes, ordinances, and legally authorized regulations relating to the use of streets and highways or the operation and ownership of motor vehicles and other road vehicles.
- I. Traffic Patrol: The part of law enforcement traffic supervision that consists of driving or walking within an area or a roadway for the purpose of providing protection, security, and service to the public.

## IV. PROCEDURES:

A. Usage Objective: Due to the engineering of the roadways and the volume of traffic during peak hours, motorcycles have proven to be an effective enforcement vehicle due to their maneuverability and size. It is the primary objective of this program to utilize motorcycle officers and take advantage of the motorcycle's maneuverability in enforcing traffic in the surrounding area of San Francisco State University. Motorcycles will be utilized for the primary purpose of traffic enforcement, accident investigation, and to a lesser degree, call response. Police Motorcycles are considered "authorized emergency response vehicles" per California Vehicle Code 165.

# B. Motorcycle Operations:

- 1. Communications: The radio designation for motorcycle officers shall be "B" (as in Boy) preceded by the department identifier "1 Sam" and by the officer's star number, e.g. if an officer with star number 10 was assigned to motorcycle patrol, that officer's identifier would be "1 SAM 10 B."
- 2. Prisoner Transportation: The primary responsibility of motor officers is traffic enforcement. If an arrest should become necessary such as in the case of a refusal to sign a citation, a case of driving while intoxicated, a felony or other exceptional circumstance an arrest will be made. Motor officers will turn the prisoner over the patrol division for transportation if sufficient units are available for these purposes. If there are not sufficient resources available within the patrol division the motor officer shall garage his/her motorcycle and transport the prisoner in a marked patrol unit.
- 3. Accidents: Any accident involving a motorcycle officer shall be investigated in compliance with General Order 2-11.
- 4. Storage: Motorcycle will be stored in an enclosed, secure location when they are not being operated. Motorcycle stall located at the rear of the police station shall only be utilized as temporary motorcycle parking stall during the officer's shift.
- 5. Off-Duty Operation: Motorcycles will not be driven between the department and the officer's place of residence without prior written permission from the Chief of Police. Any officer who drives a police motorcycle between the department, his/her place of residence, or any other approved destination away from San Francisco State University, e.g. a training course, shall not engage in any routine traffic enforcement on the way.

# C. Motorcycle Operation - Special Situation:

- 1. Pursuits: Nothing in this order shall be construed as preempting existing Department General Orders relating to vehicle pursuits.
  - a. Watch commanders may order pursuits terminated if they present a danger to the public.
  - b. Given the inherent dangers of pursuits and the additional hazards of motorcycle operations, motor officers should terminate a pursuit if the risks of continuation are not justified by the severity of the offense for which the pursuit was engaged.
  - c. A motor officer involved in a pursuit shall discontinue the pursuit as soon as marked patrol vehicles join the pursuit.
  - d. A motor officer should not join in a pursuit if he/she was not the initiating unit.
- 2. Emergency Response (Code 3): On Code 3 responses, officers should slow down or stop whenever approaching an intersection, proceed across the intersection with extreme caution, and be prepared for the unexpected. While responding Code 3, officers should never pass on the right.
- 3. Inclement Weather: If the weather should become such as to render it unsafe to operate a police motorcycle the officer(s) shall garage the motorcycle and check out an available marked patrol vehicle and resume traffic enforcement.

# D. Assigned Personnel:

- 1. Desired Qualification: Officers selected for the motorcycle assignment shall:
  - a. Be in good physical condition.
  - b. Submit a memorandum of interest to the operations division commander.
  - c. Have or be able to obtain a valid California Class M-1 motorcycle driver's license.
  - d. Satisfactorily complete a P.O.S.T. approved motorcycle training course. If the officer does not complete the course satisfactorily he/she shall wait a minimum of twelve months before reapplying to the program. If the officer does not pass the training course on his/her second attempt the officer shall not be considered for the program again.
  - e. Be appointed by the Chief of Police.
- 2. Appointment: Appointment to the motorcycle assignment shall be for three years with the option of additional years at the Chief's discretion. In no event shall the assignment exceed seven years unless the Chief approves.
- 3. Chain of Command: Motorcycle officers will report to the Filed Operations Division Commander.
- 4. Skills Maintenance: Motorcycle officers are responsible for practicing and maintaining proficiency with their motorcycles. Filed Operations Division Commander shall schedule their training days.
  - a. These training days should be scheduled within the officer's regular work schedule.
  - b. A record of training shall be retained in the officer's personnel file.

- 5. Removal From Program: The Chief of Police may remove Officers from the motorcycle program. Such removal will be governed by the following conditions and procedures:
  - a. Physical or mental condition which would preclude the safe operation of a motorcycle or which would be aggravated by riding a motorcycle.
  - b. Failure of the officer to maintain an adequate level of field performance as determined by the operations division commander.
  - c. Failure of the officer to respond to supervisory training and counseling.
  - d. Failure of the officer to maintain his/her motorcycle in accordance with the standards set forth in this order.
  - e. Reassignment after the initial three-year commitment, promotion or transfer.

# E. Inspection and Maintenance:

- Motorcycle officers shall regularly inspect the motorcycles assigned to them.
   Motorcycles should be carefully maintained. Motorcycle officers are responsible for the repair and maintenance of the motorcycles assisgned to them.
  - a. Motorcycle officers shall inspect their motorcycles daily and record the inspection in RIMs.
  - b. At least once a month, the patrol sergeant should inspect the motorcycle with the officer who is assigned to that motorcycle.
  - c. Officers are expected to become knowledgeable with the aspects of motorcycle mechanical operation, cost reduction and safe riding practices. Minor repairs or adjustments (e.g., changing light bulbs, replacing mirrors, and parts lubrication), which do not require the expertise or special tools of a motorcycle repair shop shall be performed by the officer.

# F. Equipment:

- 1. When operating a police motorcycle on patrol an officer shall wear proper safety equipment and motorcycle uniform. The department will furnish the following equipment:
  - a. Police motorcycle
  - b. Motorcycle boots (one pair)
  - c. Training jumpsuit or equivalent
  - d. Leather jacket or approved outer jacket
  - e. Uniform motorcycle pants (two pairs)
  - f. Motorcycle helmet and wiring for radio communications
  - g. Safety glasses (provided by EH&S)
  - h. Riding gloves (one pair)
- 2. Officers shall maintain all equipment in good condition and shall be responsible for replacements.
- 3. Officers shall purchase all other equipment at their own expense. All equipment shall conform with General Order 2-9.

- 4. Department issued jumpsuit may be worn for training and maintenance work only.
- 5. The only equipment on the motorcycles are the lights, sirens and radio and public announcement system.

# G. Authorization to Operate:

- Department motorcycles are assigned to a specific motorcycle officer and that officer is the only officer authorize to use that motorcycle for patrol duties unless approved by the Field Operations Division Commander.
- 2. For repair and maintenance purpose, other assigned motorcycle officers are authorized to operate other department motorcycles for the purpose of assisting in delivering or retrieving motorcycle from repair and maintenance facilities.

# H. Dual Purpose Motorcycles:

- 1. The Dual Purpose Motorcycle Unit was established to aid the department in responding to and patrolling those areas on and off campus that are isolated and/or difficult to reach or patrol with a car or Harley Davidson traffic motorcycle.
  - a. At the discretion of the Division Commander, the dual purpose motorcycle(s) may be used to patrol specific areas during times when there is an increase in a particular type of crime(s), to monitor protest/march activity on and off campus and special events as deemed appropriate by the Commander.
  - b. Dual purpose motorcycles may be used to supplement traffic enforcement operations as needed, however, because of the limitations of the dual purpose motorcycle, they shall not be used to pursue speeding vehicles.
  - c. On regular patrol, officers are not to exceed speeds greater than 15MPH while "off road".
  - d. When responding to a reported crime, or pursuing a suspect(s), officers are to use that speed which is necessary, BUT they are to use it discreetly.
- 2. The dual purpose motorcycle shall be of a make, model and size consistent with industry standards and of which is used by neighboring law enforcement agencies.
- 3. Per CVC 165 (b)(1) The dual purpose motorcycles shall be outfitted with emergency lights and siren.
- 4. For the safe operation of these motorcycles, no modification(s) to the motorcycle shall be made to compromise the specification(s) of the motorcycle.
- 5. Due to the limitations (physical stature or physical conditioning) required for the safe operation of an off-road motorcycle, a list of requirements was established to provide the trainee and the instructor(s) a baseline to ensure that the training can be performed safely. The trainee shall demonstrate the abilities and be evaluated on the control of the motorcycle in a manner that will be completed safely:
  - a. Shall move the motorcycle from one location and back by walking alongside of the motorcycle, while grasping the handlebar and pushing the motorcycle. This shall be completed without dropping the motorcycle.
  - b. Shall be able to mount and dismount the motorcycle safely and without the assistance of the kickstand. Mounting and dismounting shall be done with the

- motorcycle in the upright position and no tilting of the motorcycle to mount or dismount shall be allowed for the safety of the trainee. Shall be completed without tipping, falling or dropping the motorcycle.
- c. Per 27801(a) CVC When sitting astride the seat, has to be able reach the ground with his or her feet. This shall be done without tipping, falling or dropping the motorcycle.
- d. Once mounted, shall be able to, while straddling the motorcycle, duck walk/move the motorcycle forward and backwards to a designated spot without tipping, dropping or falling.
- e. Shall be able to mount and dismount the motorcycle as it is, in a parked position, between two other parked motorcycles with its kickstand in the parked position. Shall be completed without tipping, falling or dropping the motorcycle.
- f. Shall be able to lift a fallen motorcycle by themselves, from both sides of the motorcycle.
- g. No modification or major changes shall be allowed to accomplish the above tasks without prior written approval from the Chief of Police. All trainees will complete the above requirements with the same motorcycle for all phases of the test.
- 6. In addition to the above physical requirements, the trainee shall be required to:
  - a. Possess a valid Class M1 motorcycle license.
  - b. Have no existing or pre-existing documented injury/injuries that would hinder the trainee's future training performances.
  - c. If prior injuries exists, documentation shall be required stating that the trainee is cleared to train and his/her riding abilities will not be affected by the prior injury(ies).
- 7. Officer(s) assigned to a dual purpose motorcycle shall complete an on and off road training course. Ideally and when practical, the training shall be that conducted by the San Francisco Police Department's "Honda Unit".
  - a. Officers who have been previously trained in the operation and safe handling of a police department dual purpose motorcycle may, at the discretion of the Chief of Police, be permitted to attend an update and/or abbreviated training course to be certified.
- 8. Officer(s) assigned to a dual purpose motorcycle shall work as deemed appropriate or necessary by the Chief of Police or his/her designee.
- 9. Officer(s) assigned to a dual purpose motorcycle shall be provided a BDU with cloth star and name tape, motocross boots, motorcycle helmet, protective gloves, protective jacket and remote microphone and earpiece. It shall be mandatory that all riders wear knee pads.
- 10. Inspection and Maintenance:
  - a. Dual purpose motorcycle officers shall regularly inspect the motorcycles assigned to them.

- b. Motorcycles should be carefully maintained. Motorcycle officers are responsible for the repair and maintenance of the motorcycles assigned to them.
- c. Motorcycle officers shall inspect their motorcycles daily and record the inspection in RIMs.
- d. At least once a month, the patrol sergeant should inspect the motorcycle with the officer who is assigned to that motorcycle.
- e. Officers are expected to become knowledgeable with the aspects of motorcycle mechanical operations, cost reduction and safe riding practices.
- f. Minor repairs or adjustments (e.g., changing light bulbs, replacing mirrors, and parts lubrication), which do not require the expertise or special tools of a motorcycle repair shop shall be performed by the officer.

V. APPENDIX: None

VI. ATTACHMENT: None



APPROVED: Reguld Pa NUMBER: 3-14

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: March 17, 2008, Jan. 22, 2016, Dec. 19, 2019 SUPERSEDES: B-3

SUBJECT: RESPONDING TO EMERGENCY AND NON-EMERGENCY CALLS

I. PURPOSE: To establish procedures for responding to routine and emergency calls and provide guidelines for the use of emergency equipment.

II. POLICY: Police vehicles shall be operated with due regard for the safety of all persons and property. Officers shall comply with the procedures outlined in Vehicle Code Section 21055 at all times.

#### III. DEFINITIONS:

- A. Code 1: Respond as soon as possible or as soon as other responsibilities of a higher priority permit. No emergency or serious problem is involved. Neither red light nor siren is authorized and all traffic laws are to be obeyed.
- B. Code 2: Respond without delay, temporarily suspending all other activities of a non-emergency nature. Urgency rather than emergency is denoted by this code. Neither red light nor siren is authorized and all traffic laws are to be obeyed.
- C. Code 3: Respond immediately in emergency status. An emergency implies that a potential for serious injury or threat to life exists and requires immediate police response. The use of blue and red light and siren as necessary is required and the unit must proceed as an emergency vehicle in accordance with Vehicle Code Sections 21055 and 21056. Only those department vehicles equipped with the required emergency response warning equipment (blue and red light and siren – Vehicle Code Section 25252) are authorized to respond Code Three to emergency calls.

## IV. PROCEDURES.

## A. Applicable State Laws:

1. 21055 C.V.C. Provides exemptions to the driver of an authorized emergency vehicle from compliance with vehicle code sections providing that the vehicle is sounding a siren and displaying a lighted red lamp and the driver is responding to an emergency, a rescue, a pursuit, or a fire alarm.

- 2. 21056 C.V.C. "Section 21055 does not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor protect him from the consequences of an arbitrary exercise of the privileges granted in that section."
- 3. 21057 C.V.C. "Every police officer is hereby expressly prohibited from using a siren or driving at an illegal speed when serving as an escort of any vehicle, except when the escort or conveyance is furnished for the preservation of life, or when expediting movements of supplies and personnel for the armed forces during a national emergency."
- 4. 17004 C.V.C "A public employee is not liable for civil damages on account of personal injury to, or death of any person, or damage to property resulting from; the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call, or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to, but not returning from a fire alarm or other emergency call."

# B. Response Considerations:

# 1. Code 1 response

- a. Officers will proceed to the call obeying all traffic laws.
- b. A Code 1 response will be utilized in responding to non-emergency calls including, but not limited to:
  - 1) Routine calls for assistance;
  - 2) Crimes reported after the fact;
  - 3) Property damage accidents that do not create a serious traffic hazard or immediate hazard to the public;
  - 4) Minor offenses that do not pose a potential life threatening or physically dangerous situation

# 2. Code 2 response

- a. Code 2 response is utilized in incidents involving a moderate sense of urgency.
- b. Officers responding Code 2 will proceed to the scene promptly and safely.
- c. A Code 2 reponse will abide by all vehicle codes, laws, and General Policy.
- d. A Code 2 response will be utilized in responding to urgent calls including, but not limited to:
  - 1) Crimes in progress that do not pose a life threatening or physically dangerous situation.
  - 2) Medical assistance that is not of a life threatening nature.
  - 3) Alarms (if notification is such that the dispatcher has knowledge of a burglary in progress, the response may be changed to a Code 3 response).
  - 4) 911 hang up calls to include calls from the emergency "Blue Light" phones oncampus.

# 3. Code 3 response

- a. A Code 3 response will be utilized on emergency calls where an immediate response is required.
- b. The types of calls justifying a Code 3 response include, but are not limited to:
  - 1) Possible life threating personal injury accidents or motor vehicle accidents if the condition is unknown:
  - 2) Violent crimes;
  - 3) Active domestics or assaults;
  - 4) Calls involving life threatening or physically dangerous situations;
  - 5) Serious medical calls (heart attacks, choking, serious bleeding, etc.);
  - 6) Burglary or robbery in progress;
  - 7) Immediate pursuit;
  - 8) A unit at the scene requests another unit Code 3.

# C. Responsibilities.

# 1. Officers responsibilities

- a. Each officer is charged with the responsibility of using discretion as to the speed at which he/she shall drive, and will precede at a rate of speed that is conducive with the existing conditions; i.e., weather, traffic and road conditions.
- b. Officers responding to calls, regardless of the seriousness, must exercise due caution in their response and their actions must meet the test of reasonableness.
- c. Officers responding to calls for assistance are expected to arrive promptly and safely.
- d. The situation itself may dictate the type of response required based on information provided by the dispatcher, or previous experience with the persons or location involved.
- e. Officers should keep in mind the civil liability involved and the public observation and scrutiny of his/her actions.
- f. When responding Code 3, the blue and red lights are used and the siren shall be used as reasonably necessary per 21055 C.V.C.
- g. The siren should be operated throughout its entire tone scale, fluctuating from a high to low pitch.
- h. Where the possibility of traffic conflict is present, the blue and red lights and siren should be actuated sufficiently in advance so that pedestrians and motorists may have adequate warning of the approach of an emergency vehicle.
- i. Under the following circumstances an officer may proceed Code 3 without direction from the Shift Supervisor or dispatcher:
  - 1) The immediate pursuit of a suspected or actual violator of the law.
  - 2) As the result of an observation of an "emergency situation."
  - 3) When the Shift Supervisor is not available and from information received from

the dispatcher, the officer deems a life-threatening situation exists.

- j. An officer will immediately notify the dispatcher that he/she is preceding Code 3, and give the circumstances.
- k. All employees and occupants of vehicles must wear seatbelts. Exceptions include:
  - 1) When arriving at an emergency call, the operator may move the restraint device just prior to stopping for quick exit and to prevent becoming entangled in the restraint device.
  - 2) Department personnel may remove the safety restraint device just prior to coming to a stop on a vehicle/traffic stop.
  - 3) If a passenger or operator has a physically disabling or medical condition, which prevents appropriate restraint in a safety belt, use of a seatbelt is not required. The condition must be duly certified by a licensed physician, surgeon or chiropractor who state the nature of the condition, as well as the reason the restraint is inappropriate.
- I. Child safety restraints shall be used at all times in accordance with California Vehicle Code Section 27360.

# 2. Dispatcher responsibilities

- a. Upon receiving calls for assistance, the dispatcher will obtain sufficient information to:
  - 1) Determine the nature of the call; and
  - 2) Assign the appropriate units.

# 3. Supervisor responsibilities

- a. Shift Supervisors are responsible for monitoring response modes for calls for assistance and have the authority to upgrade or downgrade assigned modes.
- b. Shift Supervisors will monitor the response mode of responding officers and ensure that the policies set forth in this directive are adhered to.

# D. Use of Emergency Warning Devices:

- 1. When responding in an emergency response mode, emergency lights and siren may be deactivated at a distance from the scene so as not to alert subjects to law enforcement proximity.
- 2. When emergency warning devices are deactivated, the operator of the emergency vehicle must comply with posted speed limits, obey all traffic control devices and comply with all laws and rules of the road.
- 3. Emergency lights/siren may be used to stop a motor vehicle and to provide a safe environment for the vehicle operator, officer and the public.
- 4. Officers may activate emergency equipment when required to facilitate the safe and

orderly flow of traffic and when assisting motorists.

# V. APPENDIX:

A. HR 2003-11 Emergency Police Vehicle Use

VI. ATTACHMENT: None



# San Francisco State University Police Department

NUMBER: 3-15 APPROVED:

Reginald Parson, Chief of Police

EFFECTIVE: September 1,2004

Jan. 30, 2006, May 27, 2009, May 14,

SUPERSEDES: B-3 REVIEWED/REVISED:

2010, Sept. 16, 2013, Jan. 22, 2016, Dec. 19, 2019, Feb. 18, 2020, Jul. 14,

2020

Reginald Pa

SUBJECT: POLICE VEHICLE PURSUITS

#### I. PURPOSE AND SCOPE

# A. Purpose and Scope:

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to reduce the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the potential risk to public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicular pursuit because of the risk involved. This includes circumstances where department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicular pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An unreasonable individual's desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

#### B. Vehicle Pursuit Defined:

A vehicle pursuit is an event involving one or more law enforcement officers attempting to

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

#### II. OFFICER RESPONSIBILITIES

# A. Officer Responsibilities

It shall be the policy of this department that a vehicle pursuit shall be conducted only with red light and siren as required by Vehicle Code § 21055 for exemption from compliance with the rules of the road. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway as required by Vehicle Code § 21056.

#### B. When to Initiate and/or Continue a Pursuit

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

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

- 1. Seriousness of the known or reasonably suspected crime and its relationship to community safety.
- 2. 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.
- 3. Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).
- 4. The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.
- 5. Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.
- 6. Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- 7. Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- 8. Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- 9. Vehicle speeds.
- 10. Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- 11. Availability of other resources such as helicopter assistance.
- 12. The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

# C. When to Terminate a Pursuit:

The factors listed in When to Initiate and/or Continue a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate and/or continue a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed in When to Initiate and/or Continue a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

- 1. Distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/ or distance.
- 2. Pursued vehicle's location is no longer definitely known.
- 3. Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.
- 4. Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.
- 5. There are hazards to uninvolved bystanders or motorists.
- 6. If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- 7. Pursuit is terminated by a supervisor.

#### D. Speed Limits:

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

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

- 1. Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- 2. Pursuit speeds have exceeded the driving ability of the officer.
- 3. Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

#### III. PURSUIT UNITS

#### A. Pursuit Units:

Pursuit units should be limited to three vehicles. However, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if,

#### General Order 3-15 Police Vehicle Pursuits

after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect(s). 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.

# B. Vehicles without Emergency Equipment

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

# C. Primary Unit Responsibilities

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to him/herself or other persons.

Notify Communications that a vehicle pursuit has been initiated and as soon as practicable provide information including, but not limited to:

- 1. Reason for the pursuit.
- 2. Location and direction of travel.
- 3. Speed of the fleeing vehicle.
- 4. Description of the fleeing vehicle and license number, if known.
- 5. Number of known occupants.
- 6. The identity or description of the known occupants.
- 7. Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit. Unless practical circumstances indicate otherwise, and in order to concentrate on pursuit driving, the primary officer should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit.

# D. Secondary Units Responsibilities

The second officer in the pursuit is responsible for the following:

- 1. The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit.
- 2. Remain a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- 3. The secondary officer should be responsible for broadcasting the progress of the

pursuit unless the situation indicates otherwise.

# E. Pursuit Driving Tactics:

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- 1. 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.
- 2. Because intersections can present increased risks, the following tactics should be considered:
  - a. Available units not directly involved in the pursuit may proceed safely, based on conditions and circumstances, to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - b. Pursuing units should exercise due caution when proceeding through intersections.
- 3. As a general rule, officers should not pursue a vehicle driving left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:
  - a. Requesting assistance from an air unit.
  - b. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - c. Requesting other units to observe exits available to the suspects.
- 4. Notifying the California Highway Patrol (CHP) and/or other jurisdictional agency if it appears that the pursuit may enter their jurisdiction.
- 5. 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.

#### F. Tactics/Procedures for Units Not Involved in the Pursuit:

There should be no paralleling of the pursuit route. The term paralleling means the deliberate tactic of a vehicle operator to mirror on adjacent streets the direction and speed of vehicles actively involved in an authorized pursuit. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a nonemergency manner, observing the rules of the road, unless otherwise requested.

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.

# G. Pursuit Trailing

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspects.

The term trail means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units so as to clearly indicate an absence of participation in the pursuit.

#### H. Aircraft Assistance

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue the pursuit.

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

## IV. SUPERVISORY CONTROL AND RESPONSIBILITY

#### A. Supervisory Control and Responsibility

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The Supervisor will be responsible for the following:

- 1. Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- 2. Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- 3. Exercising management and control of the pursuit even if not engaged in it.
- 4. Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.
- 5. Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.
- 6. Ensuring that aircraft are requested if available.
- 7. Ensuring that the proper radio channel is being used.

- 8. Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- 9. Control and manage Department units when a pursuit enters another jurisdiction.
- 10. Preparing post-pursuit critique and analysis of the pursuit for training purposes.

## B. Watch Commander Responsibility:

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

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

#### V. COMMUNICATIONS

#### A. Communications:

If the pursuit is confined within radio range, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should communicate with participating agencies and units per Department radio procedures.

# B. Communications Center Responsibilities:

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

- 1. Coordinate pursuit communications of the involved units and personnel.
- 2. Notify and coordinate with other involved or affected agencies as practicable.
- 3. Ensure that a field supervisor is notified of the pursuit.
- 4. Assign an incident number and log all pursuit activities.
- 5. Broadcast pursuit updates as well as other pertinent information as necessary.
- 6. Notify the Watch Commander as soon as practicable.

## C. Loss of Pursued Vehicle:

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

# VI. INTER-JURISDICTIONAL CONSIDERATIONS

#### A. 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

#### General Order 3-15 Police Vehicle Pursuits

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.

# B. Assumption of Pursuit by Another Agency

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies and CHP units, a request for CHP assistance will mean that they will assume responsibilities for the pursuit. For the same reasons, when a pursuit leaves the freeway and a request for assistance is made to this department, the CHP should relinquish control.

## C. Pursuits Extending into This Jurisdiction

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional following factors:

- 1. Ability to maintain the pursuit
- 2. Circumstances serious enough to continue the pursuit
- 3. Adequate staffing to continue the pursuit
- 4. The public's safety within this jurisdiction
- 5. Safety of the pursuing officers

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

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

#### General Order 3-15 Police Vehicle Pursuits

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

#### VII. PURSUIT INTERVENTION

#### A. Pursuit Intervention:

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical. The techniques described below may only be used by members of the Department if authorized by the Chief of Police, absent exigent circumstances.

#### B. Definitions:

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit. Blocking is not a moving or stationary road block.

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

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out and terminate the pursuit.

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

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

*Spikes or tack strips* - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

#### C. Use of Firearms:

The use of firearms to disable a pursued vehicle (i.e. shooting out a tire) is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances dictate that such use reasonably appears necessary to protect life. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

#### D. Intervention Standards:

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

- 1. Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers after giving consideration to the following:
  - a. The risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  - b. Other reasonable intervention techniques have failed or reasonably appear ineffective.
  - c. The target vehicle is stopped or traveling at a low speed.
- 2. Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.
- 3. Ramming a fleeing vehicle should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:
  - a. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
  - b. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
  - c. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- 4. Pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
- 5. The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential

- consequences against the need to immediately stop the vehicle.
- 6. Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

# E. Capture of Suspects:

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspects.

## VIII. REPORTING REQUIREMENTS

# A. Reporting Requirements:

The following reports should be completed upon conclusion of all pursuits:

- 1. The primary officer should complete appropriate crime/arrest reports.
- 2. The Department 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 his or her supervisor the for review and distribution.
- 3. After first obtaining the available information, a shall promptly complete a memorandum, briefly summarizing the pursuit, shall be completed, as assigned by the Chief of Police or designee. and submit it to his/her. This memorandum should minimally contain the following information:
  - a. Date and time of pursuit
  - b. Length of pursuit
  - c. Involved units and officers
  - d. Initial reason for pursuit
  - e. Starting and termination points
  - f. Disposition (arrest, citation), including arrestee information if applicable
  - g. Injuries and/or property damage
  - h. Medical treatment
  - i. Name of supervisor at scene
  - j. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

## B. Regular and Periodic Pursuit Training

#### General Order 3-15 Police Vehicle Pursuits

In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

# C. Policy Review:

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

## IX. 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.

#### X. APPENDICES

- A. HR 2003-11 Emergency Police Vehicle Use
- B. CSU Systemwide Guidelines Chapter 6, Vehicle Use and Pursuits

#### XI. ATTACHMENTS

A. CHP 187 – Vehicle Pursuit Report form



APPROVED: Reginald Parson, Chief of Police NUMBER: 3-16

EFFECTIVE: September 1, 2004

SUPERSEDES: D-20 REVIEWED/REVISED: Oct. 17, 2006, Oct. 29, 2007, Feb.

20, 2008, May 8, 2009, Jun. 12,

2014, Dec. 19, 2019

SUBJECT: DEPARTMENT VEHICLES

I. PURPOSE: To establish a procedure for the inspection, maintenance and operation of special purpose vehicles for the San Francisco State University Police Department. This policy and procedure addresses the qualification, operation, and deployment of specialized methods of transportation.

II. POLICY: It shall be the policy of this department to maintain its vehicle fleet in optimum condition and ensure its vehicles meet the safety standards required for use as a law enforcement agency vehicle.

III. DEFINITIONS: None

#### IV. PROCEDURES:

# A. Pre-Patrol Vehicle Inspection:

- 1. The oncoming duty officer will conduct an inspection of the vehicle, which will include the exterior, and interior of the vehicle and all equipment assigned to the vehicle.
  - a. Any vehicle damage will be noted in the RIMs. Any discrepancies noted will be brought to the attention of the Shift Supervisor.
  - b. Any and all deficient equipment shall be reported to the Watch Commander. It shall be the responsibility of the officer using the supplies to immediately replace expended supplies. Any mechanical problems related to the vehicle shall be noted as soon as possible and a vehicle work order completed.
  - c. Sworn personnel using vehicles equipped with a patrol rifle and/or shotgun shall inspect the weapon(s) prior to using the vehicle. The inspection shall be conducted in the UPD police rear parking facility.
  - d. Department vehicles equipped with patrol rifles and/or shotguns are to be used by sworn personnel only. If the vehicle is to be used by non-sworn personnel, including the Vehicle Maintenance Assistant, for any reason, the patrol rifle and/or shotgun including extra ammunition will be removed by sworn personnel prior to

- the non-sworn personnel using the vehicle. The patrol rifle and/or shotgun will be stored in the department safe until it is re-deployed in the vehicle.
- e. At any time, if the electro-lock system fails or malfunctions, the patrol rifles and/ or shotguns shall be removed using the key override from the vehicle and the electro-lock serviced by the appropriate vendor.

# B. Daily Inspection:

- 1. The Vehicle Maintenance Officer/Assistant will gather the vehicle maintenance reviews and review them.
- 2. The Vehicle Maintenance Officer/Assistant will check all mechanical items noted on the form and note any items requiring repair.
- 3. Also noted on the form is a listing of equipment to be maintained in the vehicle.
  - a. The Vehicle Maintenance Officer/Assistant will insure that all items listed are contained in the vehicle.
  - b. Any missing or damaged items will be brought to the attention of the Watch Commander and the items will be replaced.
  - c. A supply of consumable type item, i.e. flares, barricade tape, disposable gloves, is maintained in bulk storage i.e. Lot 20 or the equipment container.

# C. Equipment included in Patrol Vehicles:

- Police vehicles used in routine or general patrol service, whether conspicuously marked or unmarked, shall be equipped with operational emergency lights and a siren.
- 2. The following equipment is maintained in the trunks of all marked patrol vehicles:
  - a. First Aid Kit
  - b. Fire Extinguisher
  - c. Road Emergency Flares
  - d. Yellow Barricade Tape
  - e. Gas Credit Card
  - f. Bollard wrench
  - g. Automatic External Defibrillator (AED)
  - h. Disposable Gloves
  - i. Laptop Computer (if so equipped)
  - j. Ballistic Shields
  - k. Spare Tire
  - I. Vehicle Jack with Lug Wrench
  - m. Chalk
  - n. Traffic Vest
  - o. Emergency Blanket
- 3. Laptop computers shall be secured in the computer mount in the vehicle interior.
- 4. The Supervisor's Vehicle also has the Evacuation Chair and the Arrest Kit.

#### D. Vehicle Maintenance:

- 1. The Vehicle Maintenance Officer/Assistant will conduct a maintenance check of the oil and fluid levels of all vehicles.
- 2. All vehicles will be maintained with a half tank of fuel. Vehicles will be refueled prior to the end of shift.
- 3. Prior to leaving the vehicle at the end of the duty shift, each officer shall remove all trash and expended items and clean the vehicle for use for the next shift.
- 4. The Vehicle Maintenance Assistant will record and file leased vehicle mileage to the State Garage no later then the 25th of each month.

#### E. Vehicle Accessories:

#### 1. Push Bars

- a. Push Bars will only be used to clear disabled vehicles, which are hazards from the roadway.
- b. Vehicles will never be push-started.

## F. Damage Incurred by On-Duty Officer:

- Any damage incurred to the vehicle shall be immediately reported to the Shift Supervisor. The Shift Supervisor shall record the damage on the vehicle maintenance board in the squadroom.
- 2. Any officer who damages a vehicle or notices damage to a vehicle that has been previously unreported will prepare a memorandum to the Watch Commander.
  - a. The memorandum will indicate the damage to the vehicle and all circumstances of the incident.
  - b. This memorandum will be completed prior to the end of the shift, unless the officer is physically unable to do so.
  - c. The on-duty watch commander will initiate an inquiry regarding the damage.
- The On-Duty Watch Commander will insure that all required forms and reports are correctly filled out and routed as required; prior to the end of the shift, i.e. DGS forms, CHP 555 etc.

### G. Other Vehicles in the Department Fleet:

#### 1. Parking Enforcement Vehicles

- a. Trucks or other utility vehicles to be used for non-emergency response or towing of utility trailers.
- b. Parking Enforcement vehicle do not require any special training to operate and are assigned primarily to parking enforcement personnel.
- c. These vehicles are equipped with amber rear facing warning/directional lights.
- d. These vehicles will be marked with the department star decal on doors and will

have a "Parking Enforcement" decal on the vehicle body.

## 2. Unmarked Emergency Vehicles:

- a. Detective or Chiefs vehicles are equipped with low profile emergency lighting and sirens.
- b. They are primarily operated by sworn personnel, but may be operated by non-sworn. But in such cases no emergency lights may be activated.
- c. These vehicles have no external markings and aside from lights and sirens they are equipped with a police radio.
- d. These vehicles do not require any special training to operate.
- 3. Motorcycles (Please refer to General Order 3-13 POLICE MOTORCYCLE PROGRAM)
- 4. Bicycles (Please refer to General Order 3-23 BICYCLE PATROL S.P.O.R.T PROGRAM SPECIAL OPERATIONS AND RESPONSE TEAM)
- 5. Administration/Pool Vehicles
  - a. Are used for transportation purposes only.
  - b. Are not equipped with emergency lights or police radio.
  - c. Are not to be used for any emergency response.
  - d. These vehicles do not require any special training to operate.

#### V. APPENDIX:

- A. CSU Executive Order 691, Motor Vehicle Inspections-Delegation of Authority
- B. CSU Use of University and Private Vehicles Policy Guidelines

#### VI. ATTACHMENT:

A. SFSU Daily Vehicle Inventory and Inspection Form

### ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

# San Francisco State University Police Daily Vehicle Inventory and Inspection

Name	Star	Day & Date	Watch	Make & Vehicle #
L		Vehic	le Equipment &	k Status
Beginning Mileage		1	(Check a box)	

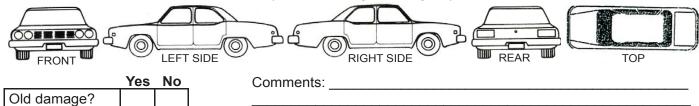
Starting Time			
Fuel Level at Start of Watch	F 3/4	1/2	1/4 E
Ending Mileage			
Ending Time			
Fuel Level at End of Watch	F 3/4	1/2	1/4 E
(Check a box)	Yes	No	N/A
Vehicle Clean - Exterior			
Vehicle Clean - Interior			
Tires Satisfactory			
Shotgun Inspected			
Shotgun Serial Number			
Rifle Inspected			
Rifle Serial Number			
Extra Ammunition/Bandolier			

	Equipped	Missing	Notes
AED			
Barricade Tape			
Cell Phone			
Chalk			
Digital Camera			
Emergency Blanket			
Fire Extinguisher			
First Aid Kit			
Flares			
Gas Credit Card			
Laptop			
Lug Wrench w/ Jack			
PAS Device			
Rubber Gloves			
Spare Tire			
Traffic Vest			

	Comments:
L	

# **Vehicle Damage at Beginning of Watch**

(Mark All Damage On Diagram)



(Note: Report new damage to Supervisor immediately)

# Vehicle Damage at End of Watch

(Mark Any New Damage On Diagram)



	Yes	No
New damage?		

Supervisor Approving: \_\_

SFSU PD 5-09



NUMBER: 3-17 APPROVED: Reynold Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 20, 2006, Jan. 8, 2007, Aug. 28,

2007, May 15, 2008, Mar. 3, 2009, May 20, 2009, Nov. 9, 2011, Jan. 21,

SUBJECT: TRAFFIC ENFORCEMENT 2016, Dec. 19, 2019

I. PURPOSE: This written directive is a guideline to assist in the reduction of injury and noninjury traffic collisions within the boundaries of the University. This General Order provides procedures for the enforcement of traffic laws, preventative patrol, proactive enforcement and relations with motorists and pedestrians.

II. POLICY: It is the policy of the University Police that all officers treat every person with respect and do their part in furthering the positive relationships the department shares with its community. It is also the policy of the department to encourage appropriate driving attitudes, skills, behaviors and habits so that all members of the university and its visitors enjoy a safer environment.

#### III. DEFINITIONS:

- A. Arrest: To deprive a person of his/her liberty by legal authority.
- B. Arresting Officer: A sworn law enforcement officer who takes a person into custody, with or without a warrant.
- C. Citation: Any traffic enforcement action that involves a written notice to the accused to appear and that contemplates adjudication or disposition to determine the guilt or innocence of the person charged with a violation.
- D. Other Traffic Law Enforcement Violations: Violation of any law, ordinance, or regulation affecting the use or protection of streets or highways but not enacted primarily to regulate safe movement of vehicles and pedestrians.
- E. Patrol: The deployment of officers to repress and prevent criminal activities, investigate offenders, and furnish day-to-day law enforcement services to the community.
- F. Point Traffic Control: The control vehicular and pedestrian movement at a particular place on a roadway, such as an intersection.
- G. Road: That portion of a highway that includes both the roadway and the shoulder.
- H. Roadblock: A restriction, obstruction or device used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a suspect.
- I. Road Side Safety Check: A temporary operation in which law enforcement or other authorized personnel stop some or all traffic to inspect individual vehicles or there contents or to interview

drivers.

- J. Roadway: That portion of the highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.
- K. Selective Traffic Enforcement: The assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on factors of traffic volume, accidents, frequency of traffic violations, and emergency and service needs.
- L. Stationary Observation: Traffic observation at a selected place, usually one with an unfavorable accident experience or traffic flow problem, for traffic enforcement purposes especially to detect violations and deter possible violators.
- M. Traffic Accident Investigation: Collection of factual information identifying and describing people, roads, and vehicles involved in an accident; description of the results of the accident in terms of damage to vehicles and roadside objects, injuries to people, marks and residue on the road, and final positions of vehicles and bodies; interpretation of these facts in terms of behavior of road users involved; and, sometimes, an attempt to specify the peculiar combination of factors required to produce that particular accident.
- N. Traffic Accident Reporting: Basic data collection to identify and classify a traffic accident and the persons, vehicles, time/location, planned movements involved, and possible contributing factors, such as traffic law violations.
- O. Traffic Control Device: All signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.
- P. Traffic Engineering Authorities: Persons responsible for traffic engineering in various local, regional, and state agencies.
- Q. Traffic Law Enforcement: Law enforcement as it applies to statutes, ordinances, and legally authorized regulations relating to the use of streets and highways and ownership/operation of motor vehicles and other road vehicles.
- R. Traffic Law Enforcement Action: The part of traffic law enforcement involving arrests, citations, or warning of any person alleged to have violated a law, ordinance, or regulation pertaining to the use of traffic-ways, when the person has knowledge of this action and when it is to (1) prevent such violation from endangering persons or property or inconveniencing other users of the traffic-way, (2) prevent continued violation, or (3) discourage recurrences.
- S. Traffic Law Violation: Violation of any statute, ordinance, or legally authorized regulation relating to the use of streets and highways or the operation and ownership of motor vehicles and other road vehicles.
- T. Traffic Patrol: The part of law enforcement traffic supervision that consists of driving or walking within an area or a roadway for the purpose of providing protection, security, and service to the public.
- U. Traffic Survey: An examination of traffic characteristics, such as volume, speed, delay, accidents, origin, destination, etc.
- V. Traffic-way: The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.
- W. Field Release Citation: A dual-purpose traffic and criminal (in-field release) citation utilized by sworn staff.

A. Uniform procedures for taking enforcement actions incidental to traffic law violations.

#### 1. Citations

- a. Citations should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and/or pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.
- b. When issuing a traffic citation, the officer will orally advise the violator of the following information:
  - 1) Nature of violation
  - 2) Court appearance schedule; and
  - 3) Optional or mandatory nature of court appearance by the motorist.
- c. Citations shall be completed (form 3800-10A) and issued to the violator at the time the officer observes the violation, in accordance with California Vehicle Code (CVC) Sections 40500, 40501 and 40502.
- d. Citations that are not delivered to the suspected violator at the time the violation occurred can be delivered at a later date or time when, as a result of the investigation of a traffic collision, the citation is issued in accordance with California Vehicle Code (CVC) Section 40600.

## 2. Physical Arrest

- a. Physical arrest is the full custody denial of a person's freedom of movement.
- b. Physical arrest can be made on only a limited number of criminal traffic offenses outlined in the California Vehicle Code or California Penal Code. These physical arrest cases usually deal with, but are not limited to the following:
  - 1) Vehicular manslaughter;
  - 2) Felony and misdemeanor driving under the influence of alcohol/drugs; and/or
  - 3) Felony or misdemeanor hit-n-run.
- c. Officers without a warrant may make physical arrest on felony violations of law.
- d. Physical arrest may be made in cases of misdemeanor violations only when authorized by California Vehicle Code sections 40300 or by use of citizen arrests procedures when not committed in the officer's presence.
- e. Physical arrest may also be made with any valid and confirmed traffic or criminal arrest warrant, or when a traffic violator refuses to sign a citation on a written promise to appear in court. A traffic citation is a written notice, issued to a violator at the time of contact, requiring a court appearance and/or payment of a fine. Citations are the most common form of traffic enforcement action.
- f. Arrest for two or fewer outstanding warrants for failure to appear on a citation for a parking offense or a traffic infraction outlined under California Vehicle Code section 40304.5:
  - Officers contacting individuals with two or less outstanding warrants for traffic infractions will advise the person of the existence of the outstanding warrants

- and the steps necessary to clear warrants.
- 2) Officer will add this information into RIMS.
- g. Officers receiving warrant information entered by neighboring agencies will follow current Department policy and procedures that relates to Warrant Arrest.
- h. If a person is arrested for charges unrelated to the warrants and is to be booked at the San Francisco County Jail, that person will also be booked for ALL outstanding warrants, including traffic infractions.

### 3. Non-residents

- a. California residents who reside outside the department's jurisdiction will be warned, cited or arrested in the same manner as California residents living within the department's jurisdiction.
- b. Individuals who are not residents of California will be warned, cited, or arrested in the same manner as California residents, except as follows:
  - 1) Out-of-state students possessing out-of-state registration and driver licenses will not be cited for offenses that require California residence unless they have declared themselves California residents.
  - 2) Foreign drivers are required to carry a valid driver license from their country, valid vehicle registration and license plates.
  - 3) International drivers' license is generally valid in the United States only if accompanied by a valid driver license from the driver's country, and only for thirty days from the date of entry into the United States.
- c. Out-of-state drivers shall be evaluated as to their license status based upon the reciprocity laws and relationship the State of California shares with the violator's home jurisdiction.

#### 4. Juveniles

- a. Juveniles who commit traffic offenses will be processed in the same manner as those committed by adults except as provided in this section.
- b. The standard San Francisco Police Department, City and County Notice To Appear will be used.
- c. The juvenile's home phone number should be obtained for the citation and he/she shall be cited into Informal Juvenile & Traffic Court.
- d. Juveniles should be told that one or both parents must accompany them when appearing in court for traffic violations.
- e. Juveniles who are physically arrested will be handled according to the nature of the offense and departmental policy.
- 5. Legislators, Foreign Diplomats/Consular Officials.
  - a. Members of the legislature of the State of California, and members of the legislature of other states shall be provided appropriate discretion. Officers are

reminded however that no legislator within the State of California is exempt from the laws of the State of California.

- b. The Vienna Convention on Diplomatic Relations, which contains the current law on the subject of diplomatic privileges and immunities, is incorporated in federal law by the Diplomatic Relations Act of 1978 (P.L. 95-393). The convention applies to members of the staff of a foreign diplomatic mission, which includes the administrative, technical, and service staffs of the embassies in the United States.
- c. Diplomatic agents and members of their families who are not nationals of the United States HAVE FULL IMMUNITY FROM ARREST, DETENTION, OR PROSECUTION for any criminal offense, unless such immunity is expressly waived by the sending state. The above individuals also enjoy immunity from civil process except in certain actions involving private activities outside their official functions.
- d. The ADMINISTRATIVE and TECHNICAL STAFF of a foreign mission and members of their families who are not permanent residents of the United States, HAVE FULL IMMUNITY from arrest, detention, or prosecution for any criminal offense. Such employee's immunity from civil process is only from those actions carried out in their official capacity. Family members of such employees are not immune from civil jurisdiction.
- e. Members of the service staff of a foreign diplomatic mission, which includes DRIVERS, MESSENGERS, and AND SECURITY GUARDS, enjoy IMMUNITY ONLY FOR ACTIONS CARRIED OUT IN THE COURSE OF THEIR OFFICIAL DUTIES. Family members of such individuals have no immunity.
- f. PRIVATE SERVANTS of embassy personnel have no immunity.
- g. D.U.I. violations in regards to persons with diplomatic immunity.
  - 1) It shall be the policy of San Francisco State University, not to issue a citation to the Diplomatic/Consular Official/Legislators, but rather warn the violator of the dangers of his/her actions and, allow the official to proceed once you are satisfied that his/her identification is in order.
  - 2) In any case where an officer has contacted a person, who has diplomatic immunity, he/she shall forward a detailed memorandum of the circumstances, via chain-of-command, to the Chief of Police. The appropriate authorities will be notified of the incident.
  - 3) If the official is stopped for D.U.I., the primary consideration shall be that the official is not a danger to himself/herself or the public. The contacting officer shall contact the Watch Commander and based upon a determination of the circumstances, the following options are suggested.
    - a) Take him/her to a telephone so that a relative or a friend can be contacted to arrange for transportation.
    - b) Arrange for transportation to his home or office.
    - c) The official may be voluntarily transported to the station or other location where he/she can recover sufficiently to enable him/her to proceed safely.
  - 4) The official shall not be handcuffed or subjected to ANY type of sobriety test.

- 5) Treat the official with respect and courtesy, and impress upon him/her that your actions and primary responsibilities are to care for his/her safety and the safety of others.
- 6) Officers making contact shall contact the Watch Commander immediately. The Watch Commander will submit a detailed account of the incident, on the department's Incident Report form, to the appropriate Division Commander.

## 6. Military personnel

- a. Military personnel may be cited for traffic violations, however officers should avoid conducting a traffic stop on military personnel who are operating United States Military vehicles, unless a hazard exist or the public's safety becomes a factor due to vehicle code violations.
- B. At the time a motorist is charged with a violation information relative to the specific charge(s) shall be provided.
  - 1. It shall be the policy of this department to provide a motorist a full explanation of his/her rights and requirements upon the issuance of a citation for a traffic violation.
  - 2. Upon issuing a citation, the officer shall explain the citation fully to the violator. The citation will indicate:
    - a. The location, date and time for court appearance.
    - b. If the violation is correctable without required court appearance
    - c. Clear instructions as to whether the violator is allowed to enter a plea and/or pay the fine by mail.
    - d. Instructions for the violator on contesting or not contesting the violation.
  - 3. At the time an officer issues a citation to a traffic law violator, the officer will advise of the need to comply fully with the requirements for the citation.
  - 4. The San Francisco State University Police Department uses a uniformed notice to appear (form #3800-10A) which is approved by the Judicial Council of California and meets the requirements for such format as set forth in California Code section 40522 and 16028(c).
    - a. The form is used for infraction and criminal traffic violations.
    - b. All information for court appearance, payment of fines, and whether or not the motorist can pay fines by mail or by court appearance, are listed on the front and backside of the citation.
    - c. The violator's copy (Defendant's Copy), the fourth copy differentiated from other copies by a blue horizontal line at the bottom of the form, shall be given to the motorist after obtaining his/her signature on the front of the citation, and all applicable section shall be completed, outlining what charges are involved.
    - d. A court appearance date shall be assigned by the officer in compliance with court directions (no less than 30 working days) and the violator will be given a full explanation of the court date.
    - e. The officer should advise the violator to read the important information and

- warnings, which appear on the reverse side of the violator's copy of the citation.
- f. The officer will direct the violator either to the office of the court clerk or the court itself to answer any further questions about handling the citation.
- g. The officer will refrain from any information relative to fine amounts or matters that would normally be handled by the court clerk or judge handling the citation.
- C. Operation of a vehicle by a driver under the influence of alcohol/drugs.
  - 1. The San Francisco State University Police Department will actively enforce all alcohol and drug laws and regulations within state university jurisdiction.
  - 2. The decision to arrest is usually determined by the following factors: driving behavior, involvement in an accident, field sobriety test, and other observations of the violator's condition.
  - 3. An individual will be considered under the influence of intoxicating alcohol and/or drugs if the substance(s) influence the violator's/suspect's driving ability to the slightest degree.
  - 4. A driving under the influence contact evolves in separate phases:
    - a. Observations of the vehicle in motion or at the scene of a collision;
    - b. Personal contact;
    - c. Pre-arrest screening; and
    - d. Arrest and booking
  - 5. During initial observation of the vehicle in operation, note any indications of a possible Driving Under the Influence (DUI) violation.
    - a. The officer must decide whether or not there is sufficient cause to stop the vehicle, whether to conduct further investigation to determine if the suspect may be impaired, or to initiate a stop for another unrelated traffic violation.
    - b. The officer is not committed to arresting the suspect for DUI based on his/her initial observation, but should concentrate on gathering all relevant evidence that may suggest impairment.
  - 6. The officer is to approach, observe, and interview the driver while he/she is still in the vehicle to note any direct evidence of impairment. Some known symptoms are:
    - a. Odor of alcoholic beverage;
    - b. Watery eyes;
    - c. Flushed complexion; and
    - d. Talkative slurred speech.
  - 7. After this evaluation, the officer must decide whether or not to request the driver to perform further field sobriety testing. The officer should continue to observe the driver's movements, comments, and ability to understand instructions during this initial personal contact.
  - 8. The officer shall administer, when possible, at least three of the seven formal psychophysical field sobriety test to evaluate the extent of the suspect's impairment.

- 9. The officer shall also, when applicable, advise the subject with the Preliminary Alcohol Screening Admonition (CHP 202 PAS Admonition). If the subject chooses to submit with the PAS device, the officer shall administer a minimum of two tests and document the results of the test in the appropriate form (CHP 202).
- 10. In some cases, it may be necessary to contact an on duty Drug Recognition Expert (D.R.E.) from an outside agency, should there be a suspicion of illegal drug use as the impairing substance. Communications shall contact the San Francisco Police Department or the California Highway Patrol, and ascertain if there is an available D.R.E. on duty. If available, the D.R.E. will respond to the scene of the traffic stop, or the California State University Police station to conduct an evaluation of the person being detained.
- 11. The legal authority for arrest and to enforce D.U.I. laws is contained in the California Vehicle Code, Division 11, Chapter 12, Articles 1 and 2, and other specified sections. After the arrest, the suspect will be advised of California Vehicle Code section 13353 (Implied consent advisement) and will be given an opportunity to submit to any of the three specified chemical test. For the chemical test to be admitted into evidence, the following steps must be followed:
  - a. The individual must be placed under arrest for any offense; and
  - b. The individual must be advised of his/her rights under California Vehicle Code section 13353.

## 12. Testing of violators.

- a. Breath If the suspect chooses breath, he/she will be transported to the California Highway Patrol (San Francisco station) and trained personnel shall administer a breathalyzer test on the suspect. The investigating officer shall advise the arrested violator, per the Trombetta decision
  - 1) they may have samples of urine or blood taken and maintained for later testing and analysis. Breath tests are excluded and samples cannot be captured for later testing.
- b. Blood The consenting suspect will have blood drawn by an Arcadia phlebotomist at the San Francisco County Jail.
- c. If the suspect is injured and requests a blood test, it may also be drawn at the San Francisco General Hospital.

#### 13. Refusal to Submit to a Chemical test.

- a. The officer will admonish the subject of California Vehicle Code section 13353 a second time upon refusal.
- b. If the subject still refuses to comply with the section and submit to a chemical test, the officer will complete and submit an Officer Statement form, CVC 13353 (DMV DS367) and indicate on the reverse side, statements or actions that indicated refusal (officer should refer to the Department's evidentiary blood draw policy for procedures regarding non-consensual blood draw).

- c. The officer will also complete an Officer Statement form (DMV DS367, page 3) and include it with his/her arrest report.
- d. The officer will photo copy the completed DMV DS367 (page 1, 2 & 3) and forward the original form (first 2 pages) to the California Department of Motor Vehicles. A copy of the DMV DS367 (page 1, 2, & 3) and the Yellow "Law Enforcement" copy will be attached to the original report. If the violator is 20 years of age or under, officers will use the Under Age 21 form (DMV DS367M).
- 14. Upon completion of all DUI arrest and appropriate DUI related forms, the officer shall transport the suspect to the San Francisco County Jail for processing. The subject shall be given the Pink "Driver" copy of the completed DMV DS367, which shall serve as the subject's temporary driver license.
- 15. Driving Under the Influence Enforcement Countermeasures Program.
  - a. The arrest of an individual for driving under the influence of alcohol differs significantly from other traffic law violations. Any person who operates a motor vehicle while under the influence of alcohol and/or drugs or any other self-administered intoxicant(s) poses an unpredictable hazard to law abiding motorists; therefore, each officer of this department will make an intensified effort to remove this type of driver from the campus community.
  - b. The department has established a proactive alcohol education and enforcement program that has as its goal the reduction of accident--and injuries related to those accidents—involving alcohol and drugs.
  - c. All officers will receive training in the detection and prosecution of DUI cases. This will be accomplished by:
    - 1) Training as provided by an accredited basic academy;
    - 2) Training as part of a concentrated curriculum in the field of DUI investigations;
    - 3) Training provided by the District Attorney;
    - 4) Training provided via California POST video training;
    - 5) Training provided as part of a field-training program for newly hired officers; and
    - 6) Training provided as part of ongoing roll-call briefing.
  - d. Officers can be assigned on regular patrols to cover the locations where analyses have shown a significant number of violations and/or accidents that have occurred involving impaired drivers.
  - e. Officers can employ roadside checkpoints, either on-campus as part of an alcohol awareness program, or in cooperation with regional efforts, to deter drinking or driving.
  - f. The Department will include drinking and driving focus in alcohol awareness programming in new student orientations, new employee orientations, defensive-driving training and special event security demonstrations and programs.
- D. Operation of a vehicle after driving privileges have been suspended or revoked.
  - 1. If an officer contacts a traffic violator for driving while his license is suspended or

- revoked, the officer may issue a traffic citation pursuant to sections 14601, 14601.1, and 14602.2 of the California Vehicle Code. The officer may add the additional charge of 12951(a), driving without a valid license, on the citation.
- 2. If a DMV check of traffic violator's license status reveals a suspended or revoked drivers license, and service is needed, the officer shall take the license into his/her possession.
- 3. The officer will verbally advise the traffic violator of the suspension or revocation and issue the citation, as well as complete the Verbal Notice form (DMV DL310). This form is written notice to the violator that he/she has had their license status suspended/revoked. The white copy of this form shall be attached to the violator's driver's license, and sent to the Department of Motor Vehicles. The pink copy shall be issued to the driver of the vehicle and the canary copy shall be attached to the original report.
- 4. If a computer check with the Department of Motor Vehicles is not available, and the motorist fails to present the officer with a valid driver license, the officer may issue a citation for violation of California Vehicle Code 12951(a). Additional charges under California Vehicle Code 14601 may be sought if it is later determined that the violator was driving on a suspended or revoked license status.
- 5. An officer who issues a citation for violation under California Vehicle Code of section 12500(a) (expired driver license over 30 days or unlicensed CA residents) may store a motorist's vehicle pursuant to section 22651(p) of this code. The vehicle shall not be released to the registered owner or his agent except upon presentation of a valid license to operate the vehicle or court order.
- 6. When officer determines a motorist is driving with a suspended or revoked driver's license, or without ever having been issued a driver's license, the officer may immediately remove and impound the vehicle for a mandatory 30 days, under California Vehicle Code section 14602.6. The vehicle shall not be released to the registered owner or his agent except upon presentation of a valid license to operate the vehicle or court order.
- 7. Suspended and Unlicensed driver violations generally require that the vehicle is towed. When the driver is cited/arrested for any sections of CVC 14601 or CVC 12500(a) and the vehicle is towed pursuant to 14602.6 or 22651(p) the Administrative Fee of \$194.00 will apply, regardless if the vehicle is stored or impounded. Supervisors issuing a vehicle release for stored/impounded shall collect the Administrative Fee in a form of a Cashier's Check or Money Order. If the Registered Owner wishes to pay the fee by cash they will have to go to the Bursar's Office to make payment and provide the Department with a receipt.
- 8. Officers may use their discretion pertaining to the storing or impounding of a vehicle. Officers will complete the Vehicle Report form (CHP180) for stored/impounded vehicles
- 9. Whenever a vehicle has been towed, and the unlicensed or suspended registered owner requests we release the vehicle to a licensed driver, the officer releasing the vehicle will ensure that the unlicensed or suspended owner of the vehicle signs a Stipulated Vehicle Release Agreement (DOJ/SVRA 14607.6). Upon proper completion of the form, the original of the form will be attached to the supplemental report documenting the release. The yellow copy will be given to the unlicensed or suspended registered owner of the vehicle. Officers will print neatly at the bottom of

the CHP 180, RELEASE ONLY TO (Print name of R/O's licensed agent).

## E. Speed violations:

- 1. Speeding violations can be determined by use of speed measuring devices, or the pace method.
- 2. Officers shall consider appropriate factors when enforcing laws of speed, including time of day, traffic flow, weather conditions and location.
- 3. Speeding violations shall be enforced by either citation or verbal warning.

#### F. Hazardous violations:

- 1. Officers shall consider proper factors when enforcing hazardous violations, including:
  - a. degree of the hazardous act;
  - b. accident history of the location;
  - c. current trends of traffic in the area; and/or
  - d. any directed patrol programming.
- 2. Citations or verbal warnings may be issued at the discretion of the officer.

#### G. Non-hazardous violations:

- 1. Non-hazardous violations will be enforced depending on the seriousness of the offense and trends/patterns observed in violations.
- 2. Citations or verbal warnings may be issued at the discretion of the officer.

#### H. Off-road vehicle violations:

- 1. Officers will take appropriate enforcement action for violations committed by operators of off-road recreational vehicles that are observed and/or reported to the California State University Police Department.
- 2. All officers should address the following issues using authority sections in the California Vehicle Code and San Francisco Municipal Code.
  - a. Removal of unlicensed vehicles from the streets and highways;
  - b. Violation of off road vehicle registration laws;
  - c. Misuse of public trails;
  - d. Improper use of street and highway crossings;
  - e. Citizen complaints of excessive noise, trespass, and/or property damage; and
  - f. Status as juvenile offenders.
- 3. Off road vehicles may include, but are not limited to, dirt bikes, all- terrain vehicles, motorcycles, four-wheel drive vehicles and dune buggies.
- 4. Accidents involving off-road vehicles will be investigated following the criteria and procedures for public and private collision investigations as directed in the California Highway Patrol Collision manual.

- I. Registration/Equipment Violations:
  - 1. Officers shall consider proper factors when enforcing violations of equipment requirements:
    - a. as specified within the California Vehicle Code and other statutes;
    - b. the operator's ability to remedy the condition promptly;
    - c. approximate influence of the hazard to other traffic; and
    - d. the approximate influence of the hazard to the operator and passenger(s).
  - 2. Citations or verbal warnings may be issued at the discretion of the officer.
  - 3. Whenever any vehicle is found or operated upon a public highway or on off-street parking facility with a registration expiration date in excess of six months, whether occupied or unoccupied, an officer may remove and store such vehicle pursuant to section 22651(o) of the California Vehicle Code. However, it is the policy of this department to enforce such removal only if the vehicle's registration is in excess of twelve months, unless other mitigating circumstances dictates the removal of such vehicle pursuant to this code.
- J. Public carrier/commercial vehicle violations:
  - Public carriers shall be examined thoroughly and appropriate laws enforced through citations, or, when necessary arrest, to ensure that programming for the safety of passengers is supported.
  - 2. Citations or verbal warnings may be issued at the discretion of the officer.

## K. Multiple violations:

- 1. Multiple violations may be placed on the same citation. The Continuation Of Notice To Appear form (form 3800-10A) may be issued if all violations cannot be covered in one citation.
- 2. In cases of multiple violations, officers shall list the most serious offense first, and additional violations below on a citation.
- L. Newly enacted laws and/or regulations.
  - 1. When new laws are enacted or new traffic controls are installed, enforcement action may be made by verbal warning or citation.
  - 2. Verbal warnings may be used in lieu of citations during a specified grace period for enforcement of new laws or new traffic controls or devices being used.
  - 3. Laws and regulations that have recently been enacted will be provided the prescribed "grace" periods, and educational steps to inform motorists shall be taken when appropriate. Grace period duration will be determined by legislation or the San Francisco's District Attorney's Office.
- M. Violations resulting in traffic collisions.

- 1. Enforcement action should be taken whenever believed appropriate by the investigating officer, when:
  - a. that officer has detected a violation of a traffic or relative law; and
  - b. when evidence exists to satisfy all the elements of that particular violation.
- 2. At the scene of the accident, the officer may take immediate enforcement action and issue a Notice to Appear. An officer is authorized to take such action, even if the violation did not occur in his/her presence, if that officer has successfully completed advanced accident investigation training, as required in CVC Section 40600(a).
- 3. If the officer observes the violation, and after responding to the accident, chooses to do so, the officer may issue a Notice to Appear based on his/her observation.
- 4. If circumstances warrant, an officer may make an arrest for driving under the influence at an accident scene, if evidence is in accordance with CVC Section 40300.5.
- 5. If the identity of a driver who was involved in an accident but left the scene is determined through an officer's investigation, they should obtain an arrest warrant.
- 6. Misdemeanor arrests at accident scenes: If an officer makes an arrest at an accident scene and takes the driver into custody, the officer will complete a Crime/Incident Report in addition to the traffic collision report.

## N. Pedestrian and bicycle violations:

- 1. Pedestrian and bicycle violations are a priority on campus due to the high number of pedestrians walking through campus.
- 2. Bicyclists will be cited for any Vehicle Code violations observed. This will include stop sign and red light violations.
- 3. Bicyclists, pedestrians, and operators of mopeds and animals shall comply with the applicable laws. Officers shall employ proper discretion to each of these, with adherence to current directed patrol programming to those violators who are in violation of campus directives in accordance with CVC 21113(a).
- 4. Pedestrians should be warned when not utilizing marked crossing locations.
- 5. The enforcement will be commensurate with the pedestrian and bicycle accident experience/history, with specific emphasis being placed on educational and preventive measures.

#### O. Traffic Enforcement Practices:

- Visible Traffic Control Normal traffic enforcement involves visible traffic patrol by officers who observe and handle traffic violations during the performance of their normal duties.
  - a. Area patrol involves traffic enforcement within an officer's assigned area of responsibility.
  - b. Line patrol involves traffic enforcement along and concentrating on a particular section of roadway.
  - c. Directed patrol specifies enforcement efforts in an area or at a specific location,

- depending on the nature of the violation being concentrated on (e.g., failure to yield to pedestrians in a crosswalk).
- 2. Stationary observation, either covert or overt, may be used as a technique to make observations about the flow of traffic in a particular location.
  - a. Officers are encouraged, when completing reports or doing other activities which will keep them out of service for a short while, to park their patrol vehicles in a conspicuous location, where just the presence of the vehicle will serve to remind drivers of the need for compliance with traffic laws.
  - b. Enforcement that requires the use of a covert location is less accepted by the motoring public, but may, at times, be the only way to resolve a particular concern.
- 3. Marked police vehicles will generally be used to effect traffic stops.
  - a. Vehicles both marked and unmarked, used to effect traffic must be equipped with emergency lights, siren, and a police radio.
  - b. Unmarked vehicles may be used for the enforcement of traffic laws, subject to availability and supervisor approval.
  - c. Plain-clothes officers will not normally conduct traffic stops unless a serious violation is observed or circumstances are present which exposed the public to danger.
    - Plain-clothes officers conducting traffic stops will advise Communications of the stop, location, vehicle license number, and the fact that they are in plain clothes.
    - 2) Communications will dispatch a uniformed officer to the location to act as the back up officer.
    - 3) Plain-clothes officers will clearly identify themselves to the violator and handle the enforcement actions.
- 4. Use of Vehicle and Roadside Safety Checkpoints.
  - a. Vehicle Checkpoints should only be use to:
    - 1) Perform vehicle equipment checks;
    - 2) Perform sobriety checks; and
    - 3) Search for wanted felons or fugitives who have been reported as both possibly within the region of the university and considered armed and dangerous.
  - b. Vehicle checkpoints will be authorized by the on duty watch commander, and will be performed via the use of traffic cones, flares and within a clearly established and designated area.
  - c. Officers shall wear traffic vests and use traffic flashlights (flashlights required if in hours of darkness).
  - d. Safe area routing will be designated so that vehicles can leave the affected area when appropriate.

- e. Specific criteria will be developed prior to the function, and that criterion will be consistently applied throughout the checkpoint/roadblock. As an example, two appropriate standards would be:
  - 1) All vehicles will be visually checked; or
  - 2) All vehicles procedurally checked in sequence by number (as in every fifth vehicle)
- P. Procedures for stopping and approaching traffic law violators. Upon observing a traffic violation, the officer shall follow the listed procedures.
  - 1. Advise Communications that he/she will be making a traffic stop.
  - 2. When Communications has acknowledged, give the location, license plate number, and the color/make/model of the vehicle.
  - 3. Select the safest possible location for the stop. Be aware of traffic flow, pedestrian traffic, and occupied vehicles in your surrounding area.
  - 4. Use overhead emergency lights and needed (Code 2 or 3) to stop the violator.
  - 5. Position the patrol vehicle eight to ten feet behind the violator's vehicle; offset approximately two feet to the left of the violator's vehicle, to create a safety zone.
  - 6. When the violator or patrol vehicle is on any part of the traveled portion of the roadway, activate all necessary emergency equipment to alert on coming vehicles that there is police activity.
  - 7. Approach the violator's vehicle using extreme caution, illuminating the interior of the vehicle with spotlights and "takedown" lights, when appropriate (i.e. evening, extreme darkness). Officers may choose to approach the vehicle from the passenger side if traffic stop is conducted on a freeway.
  - 8. Request the violator's license, vehicle registration, proof of insurance, or other appropriate documentation.
  - 9. Inform the violator of the reason for the stop (violation, street, speed, and speed allowed/posted, etc.).
  - 10. Conduct the appropriate records checks (vehicle license plate, driver's license) and take appropriate enforcement action.
  - 11. Obtain the violator's signature on the citation, return documents, and give violator the yellow copy of the citation.
  - 12. Allow violator to safely leave the location before leaving the scene.
- Q. Procedures for officers to follow during interaction with traffic violators.
  - 1. Officer shall, at all times, project a professional image when dealing with traffic violators.
  - 2. Officer must understand that prior to contact, the driver may have already deemed the encounter a "negative" contact.
  - 3. The seven-step car stop method is suggested:
    - a. Greeting (Good Morning, Afternoon, or Evening);
    - b. Identify yourself and police department;
    - c. Obtain drivers license, registration, and insurance;

- d. Advise the reason for the stop;
- e. Justification (Was there a reason why you.....?);
- f. Decision (citation or warning); and
- g. Close (Drive Safely/carefully).
- 4. Officers should attempt to calm violators who display signs of emotional distress as a result of the contact.
- 5. Officers who issue citations for traffic violations shall be equipped with the necessary forms, references, and equipment while on duty. All forms used by officers shall be properly completed.
- R. Procedures for stopping unknown risk or suspected/known high-risk violators. Additional caution shall be employed in vehicle stops involving unknown risk or suspected/known high-risk violators, such as when one or more occupants of a vehicle are suspected to be armed and/or dangerous. The following procedures are to be followed under optimal circumstances; however, officers need to be flexible and adjust in accordance with the conditions at the scene.
  - 1. Immediately notify Communications when a vehicle driven by an unknown risk or suspected high-risk individual is located.
  - 2. When Communications has acknowledged, give current location, direction of travel, and a thorough description of the vehicle and all occupants.
  - 3. Request additional units. If a sufficient number of SFSUPD units are not available, SFPD units may also be requested to assist.
  - 4. If possible, avoid initiating the stop until cover units have arrived and are in position to assist immediately.
  - 5. Select the safest possible location for the stop in order to maximize the officer's position of advantage and minimize the danger to the public. Be aware of traffic flow, pedestrian traffic, and occupied vehicles in your surrounding area.
  - 6. When additional units are positioned and conditions are favorable, use overhead emergency lights (Code 2 or 3) and siren to stop the violator.
  - 7. Position the patrol vehicle in a safe manner behind the violator vehicle (i.e. to create a safety zone, patrol vehicle can be positioned approximately two to three car lengths behind and offset approximately four to five feet to the left of the violator vehicle.)
  - 8. When appropriate (i.e. evening, extreme darkness), turn on all lighting equipment to illuminate the interior of the violator vehicle and place the occupants of the violator vehicle at a disadvantage. This tactic will also alert on-coming vehicles that there is police activity.
  - 9. Depending upon the environmental conditions at the scene (i.e. road width, traffic conditions), responding units shall place their patrol vehicles to the right, left and/or rear of the primary officer in a safe manner.
  - 10. Only one officer will issue commands to the suspect vehicle at a time.
  - 11. Direct the occupants of the vehicle to keep their hands in sight at all times and to avoid sudden movements.
  - 12. Direct the driver to shut off the ignition, remove the keys from the ignition and place the vehicle keys in a designated location.
  - 13. If additional units have not arrived, the primary officer will maintain a stable situation

- until sufficient back up units arrive.
- 14. Additional officers, when available, shall assume handcuffing, searching and arrest responsibilities by stationing themselves at the doors of the lead units.
- 15. One at a time, direct the vehicle occupants to exit the vehicle in a predetermined order.
- 16. Direct persons exiting the vehicle to move slowly and keep their hands above their heads. Visually inspect the suspect(s) for weapons as they exit the vehicle.
- 17. Once the suspect has reached a safe location, order the suspect into a position of disadvantage (i.e. kneeling, prone).
- 18. Cover officer will handcuff suspect and move him/her to a safe location to conduct a search.
- 19. Conduct a thorough search of handcuffed suspect.
- 20. After all known occupants are removed from the vehicle, additional commands will be made to the vehicle on the assumption an additional occupant is concealed in the passenger compartment.
- 21. After a reasonable number of commands are given with no response, deploy a canine unit, if available, to make the initial search of the vehicle. If no canine unit is available, one or two officers shall approach in a low profile position and search the vehicle to confirm it is now unoccupied, including a trunk search.
- 22. After all occupants have been secured, search the vehicle's interior for potential weapons prior to allowing anyone to return to the vehicle.

## S. Use of speed measuring devices – LIDAR:

# 1. Equipment specifications:

- a. The speed measuring device(s) utilized by the department shall be the handheld or vehicle mounted LIDAR.
- b. Handheld LIDAR unit(s) shall be approximately 10 inches in length and 4 inches in width. The weight of the unit shall be light and easily manageable approximately 3 to 4 pounds with batteries.
- c. Handheld LIDAR units shall either be corded or cordless units.
- d. Handheld LIDAR units shall function in a stationary mode only and are not to be used while the patrol vehicle is moving.

## 2. Operational Procedures, Proper Care, and Upkeep:

- a. Officers will operate the LIDAR unit primarily on and around the Department's established jurisdiction.
- b. Violators may only be cited on streets that have been surveyed by a state certified traffic engineer within the last 5 years. Streets or roads not surveyed may be monitored; however Officers shall not issue LIDAR citations on non-surveyed roadways unless they meet the criteria for roadways that are exempt from survey per CVC section 40802.
- c. Officers should concentrate on areas where complaints have been received of vehicles operating at unsafe speeds.
- d. Officers will only operate the unit in/outside the patrol vehicle, in a stationary

manner.

- e. Officers attempting to apprehend violators should exercise good judgment and avoid unsafe maneuvers in attempt to apprehend a violator.
- f. As with all enforcement activities, officers are encouraged to utilize discretion when citing speeding violations and should weigh all circumstances involved when determining proper guidelines for the citing of speed violations. The following information is provided as a guideline and is not intended to be an absolute:
  - 1) 0-9 miles above the speed limit officer should consider warning violator.
  - 2) 10-15 miles above the speed limit officer discretion.
  - 3) Over 15 miles above the speed limit officer should issue citation to violator.
- g. All speeding violations conducted with the use of the LIDAR unit will be documented on the citation (LIDAR unit's serial number).
- h. LIDAR Operational Check:
  - 1) Officers will conduct a "self-test" on the unit, using the test button located on the face of the unit. The unit's "self-test" function will ensure that the unit's internal circuits and display are operating correctly.
  - 2) A secondary check of the unit using predetermined distances of over fifty (50) feet, but not more that sixty (60) feet, and a distance over one hundred (100) feet, but not longer than one hundred ten (110) feet, shall be done with a reading not to exceed +/- 1 foot of the predetermined distance.
  - 3) A third check of the LIDAR unit's sighting will also be done before the unit is used for enforcement activity. This test is done by pointing the LIDAR at a telephone pole, with no structures behind the target. Point the LIDAR to one side or the other of the pole and pull the trigger. With the trigger depressed, bring the LIDAR sight across the telephone pole. The readout of the distance to the pole should appear only when the sight is on the pole and disappear when the sight moves off of the pole. The test should be repeated with the LIDAR turned ninety degrees (90%) in order to check both the horizontal and vertical sight alignment.
  - 4) If a LIDAR fails any of the tests listed above, it will be taken out of service and not used for enforcement activities until it has been repaired.
  - 5) The LIDAR unit will be secured in the squad room equipment cabinet and available for issue.
  - 6) The LIDAR unit also has two battery chargers, one of which is located in the battery charging area in the squad room. This unit will charge two batteries at a time. The second charger, which also charges two batteries at a time, will stay with the carrying case and may be plugged into the lighter assembly of the patrol unit. Batteries will not be stored in the LIDAR unit when the LIDAR is not in use
  - 7) Officers should avoid spilling food, beverages or other liquids and substances on the unit.
  - 8) To clean the device, dust it lightly with a soft clean cloth. The cloth should be free from any cleaning solutions.

- 9) The LIDAR unit shall be stored in its carrying case when not in use.
- 3. Programmed Maintenance:
  - a. Per the California Vehicle Code section 40802(2)(D), the radar unit is to be factory calibrated every three years. The Traffic Unit Supervisor will also arrange to have the units sent out for calibration. The Traffic Supervisor will arrange to have the units sent out for calibration prior to the three year expiration.
- 4. Maintenance and Calibration Records:
  - a. All maintenance and calibration records shall be maintained in the Traffic Unit files.
  - b. Original copies of the maintenance and calibration documents shall not be distributed unless required for court proceedings.
- 5. Operator Training and Certification:
  - a. All operators shall be P.O.S.T. Radar Operator certified as well as receive 8 hours of P.O.S.T. RADAR/Laser (LIDAR) Operator training from a P.O.S.T. qualified agency certifying officers in the use of stationary/moving Radar/LIDAR.
  - b. The certification training shall include the following:
    - 1) The history and theory of LIDAR;
    - 2) Stationary LIDAR operation;
    - 3) LIDAR phenomenon;
    - 4) Speed survey information;
    - 5) California Penal Code as it relates to the use of LIDAR;
    - 6) Practical application of LIDAR;
    - 7) Speed estimation certification; and
    - 8) Courtroom demeanor and legal defenses.
  - c. Those officers who complete the LIDAR certification course will be provided with a certificate of completion, from the training agency. A copy of the certificate will be kept in the officer's training file.
- T. Procedures for identification and referral of drivers recommended for reexamination by licensing authority (DMV).
  - This guideline establishes procedures for requesting the re-examination of drivers, who appear to be physically or mentally incapable of operating a motor vehicle safely.
  - 2. It is not the intent of the department to call attention or cause a person to lose their driving privileges unnecessarily. However, the department and its members have an obligation to keep the public roadways in and around San Francisco State University safe for it's visitors, students, and employees.
  - 3. Officers who have conducted a traffic stop and detained a person who appears to display any of the following that prevents him/her form exercising reasonable and

ordinary care over a motor vehicle, shall complete the appropriate forms and request a re-examination of the driver by the Department of Motor Vehicles:

- a. Incompetence;
- b. Physically or mentally disabled; or
- c. Suffers from a disease or other possible disqualifying condition.
- 4. Officers shall comply with California Vehicle Code sections, 21061 and 21062, which outlines the Department of Motor Vehicles' guidelines for the submission or reexamination request.
- 5. All re-examination notices (DMV DS427) shall be submitted to the DMV per California Vehicle Code section 21062. A copy of the re-examination notice shall be attached to the original citation for filing, or to the original report, if one is generated.
- 6. The driver shall not receive the pink copy of this form unless the officer feels that immediate re-examination is needed. If the pink copy is issued, the driver will receive priority when scheduling an appointment.

# U. Parking Enforcement:

- 1. Parking Control Officers are the primary issuing authority for parking related violations.
- 2. Parking is enforced 7 days a week 24 hours a day, by the Parking and Transportation Department.
- 3. Parking and Transportation will be contacted anytime there is a noted violation and shall utilize their discretion in the issuing of citations. The Watch Commander may select to issue a citation, if Parking and Transportation declines and cause exists.
- 4. Parking enforcement will be performed using applicable parking laws, as prescribed within the California Vehicle Code in Section 21113.
- 5. Parking enforcement will consist of a concerted effort to encourage appropriate use of the parking and access of facilities. The areas that will be patrolled and enforced on an ongoing basis are:
  - a. Disabled/Handicapped parking spaces and zones; and
  - b. Emergency vehicle spaces and zones.
- 6. Police officers who observed parking violations will determine if enforcement objectives warrant citations. The department encourages officers to enforce parking violations and when necessary, towing of violators who have left their vehicles in a location which represents a hazard to other traffic.

# V. Specialized Traffic Enforcement Program:

1. The ultimate goal of a specialized traffic enforcement program is to encourage safe driving habits and to reduce traffic collisions. This may be achieved through the application of such techniques as geographical/temporal assignments of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unsafe or unlawful driving behaviors. Such techniques will include, but

are not limited to, the following;

- a. DUI Checkpoints
- b. DUI Patrol Saturations
- c. Red Light Enforcement Operations
- d. Speed Enforcement Operations
- e. Pedestrian Safety Programs
- f. Suspended/Revoked Drivers License Enforcement Operations
- g. Vehicle Safety Equipment Enforcement Operations
- h. Repeat DUI Offender Warrant Service Operations
- 2. The objective of a specialized traffic enforcement program is to direct appropriate enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situation, but also in terms of traffic-related needs identified by the agency's community. Specialized enforcement technique, and the procedures describing the specific operation's administration, shall be implemented at the discretion of the Operations Division Commander.
- W. All vehicles are excluded from campus- including police vehicles except:
  - 1. when responding to emergencies
  - 2. to allow paramedics/fire access service vehicles and
  - 3. approved delivery/maintenance may be allowed on designated pathways

#### V. APPENDIX: None

#### VI. ATTACHMENTS:

- A. Form 3800-10: San Francisco Police Department, City and County of San Francisco Notice To Appear
- B. Form 3800-10A: San Francisco Police Department, City and County of San Francisco Continuation Of Notice To Appear
- C. CHP 180: Department Of California Highway Patrol Vehicle Report
- D. CHP 202: Department Of California Highway Patrol Driving Under The Influence Arrest Investigation Report
- E. DMV DS367 Department Of Motor Vehicle "Age 21 And Older" Officer's Statement Admin Per Se
- F. DMV DS367M Department Of Motor Vehicle "Under Age 21" Officer's Statement Admin Per Se
- G. DMV DS367A Department Of Motor Vehicle Supplement To Officer's Statement Blood/Urine Test Results
- H. DMV 310 Department Of Motor Vehicle Verbal Notice By Peace Officer, DMV Or Court Employee
- I. DMV 427 Department Of Motor Vehicle Notice Of Priority Re-Examination Of Driver.

# ATTACHMENT A

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# ATTACHMENT B

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WITHOUT ADMITTING GUI X SIGNATURE	ILT, I PROMISE TO	APPEAR AT	TIME AND PL	ACE INDICATED.		

# ATTACHMENT C

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HI VEHICLE REPORT CHP 180 (Rev. 2-99) OPI		AY PA	NTROL			VITARRATIV	wno []	LEMBEZ VVAZE	WEI	ют	i au aeu	BAR.				S FURNISHED TECHNIA		
REPORTING DEPARTMENT			LC	OCATION CODE	DAT			NOTICE OF DELIVERED					FI	LE NO	SUCH SK	NGENCE NEWTON	Paulo E	SASTAL SAND
LOCATION TOWED / STOLEN FRO	M	EBY L			OD	OMETER RE		VIN CLEAR		-	YES	=	O D/	ATE / T	TIME DISPAT	CH NOTIFIED	LOG NO	A MASSA N
YEAR MAKE		MOI	DEL		BOI	DY TYPE		COLOR	CSHI	LI	CENSE	NO.	non I	4	ONE	MONTH / YEA	R	STATE
VEHICLE IDENTIFICATION NO.	1	1	Jul 10		1		THE CONTRACT	ENGINE NO	).	FUND			V	ALUAT			OWNER + S	100 B/10 B/10 B/10 B/10 B/10 B/10 B/10 B
Г		REG	ISTERED OW	NER			7	SAME	AS R	/0			LEGA	LOWN	IER	Yaloun Bri	K130 325	T
	ne H	20	API 10540	77			- 10	n interes			26-78						AT THE	
						Yaka di	00.1000	10.8	1	SATE	SAM.					rdinuh	MYJALT E	er D
	_	_			_							-		7	OH SHEET			
STORED				MPOUNDED	)			RELEAS	ED				L	RE	COVERE	D - VEHICL	E/COM	PONENT
TOWING / STORAGE CONCERN (A	VAME	, ADD	RESS, PHONE	=)									S	TORAC	GE AUTHORI	TY / REASON		
TOWED TO / STORED AT					A	IRBAG? YES	NO	1		2		/EABL	E?	NO	JUN	K UNK	VIN SW	TCHED?
CONDITION	YES	NO	ITEM	S YES	NO	ITE	EMS	YES N	0		ITEMS		YES	NO	TIRES / V	VHEELS	COND	ITION
WRECKED			SEAT (FROM	NT)		REGISTRA	ATION		- (	CAMPE	R				LEFT FROM	IT		
BURNED HULK per 431(c) VC			SEAT (REAF	₹)		ALT. / GE	NERATOR	VARVO:	1	/ESSE	L AS LO	AD			RIGHT FRO	INT		
VANDALIZED			RADIO			BATTERY			-	FIREAR	_		an.		LEFT REAR		BOOK ST	of miller po
ENG. / TRANS. STRIP			TAPE DECK			DIFFEREN			- 0	OTHER		-			RIGHT REA	IR .		
MISC. PARTS STRIP			TAPES			TRANSMI			+		-			10.0	SPARE		0-12	
BODY METAL STRIP			OTHER RAD			AUTOMAT	TIC		4			-			HUB CAPS			
SURGICAL STRIP per 431(b) VC			IGNITION K	EY		MANUAL			┸					10000	SPECIAL W		DATE /	
NAME OF PERSON / AGENCY AUT				I.D. NO.		DATE	RG2 JT	CERTIFICA AUTHORIZI SIGNATURI	D A	ND EN	TITLED 1	TO TAI	KE PO	SSES	REBY CERTIF SION OF THE	FY THAT I AM I E ABOVE DESC	LEGALLY CRIBED VEH	HICLE.
STOLEN VEHICLE	E/C	OMF	PONENT		-[			VEHICL		you				PL	ATE(S) F			
DATE / TIME OF OCCURRENCE				DATE / TIME	REPO	ORTED		NAME OF F	EPO	RTING	PARTY	(R/P)				DRIVER	LICENSE N	O. / STATE
LAST DRIVER OF VEHICLE				DATE / TIME				ADDRESS	OF R	P				TELEPHONE OF R/P				P
I CERTIFY OR DECLARE UNDER F THE STATE OF CALIFORNIA THAT	PENA T THE	LTY O	F PERJURY U	NDER THE LAN	VS O	F		SIGNATUR	E OF	PERS	ON MAK	ING R	EPOR	Т				
				[1	JST F	PROPERTY,	REMA TOOLS, VE		IAGE	, ARRE	STS]							
DRIVER'S NAME				ARRESTED /	SEC	TION?		REPORTED	BY			C	ARGO	/ TYPE	E?	VALUE S	1	
				YES [	NO								YES	3	NO	BIL	L OF LADIN	NG ATTACHED
	6	(a)		AON B						3		6	4		3			
FRONT		(1)	LEFT SIDE		10			T SIDE					REA				TOP	NOTIFIED
SIGNATURE OF OFFICER TAKING	s KEP	ORT		J.D. N	Ю.	SUF	PERVISOR								O REGISTER 2852 VC?	RED YES NO		
F-9-10-1																		c180_299.frp

# ATTACHMENT D

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RIVING UNDER THE ARRESTINVESTIGA				Felony						11		☐ YE	s 🔲 NO
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ATE/TIME OF ARREST REPORT	DATE/TIM	E OF INCI	DENT [	SAME	LOCATION	ON OF ARR	EST/IN	CIDENT		77	-		1
ITATION NUMBER OFFI	ENSE(S) CHA	RGED OR	INVEST	TIGATED							JUS 8715	REQUIRED	YES NO
	177.0										NUMBER:		
				SUB	JECT N		0						
AME (last, first, middle)						RESI	DENCE	ADDRESS					
KA	- 17 - 100			HOME PH	ONE	MAII	NG AD	DRESS	- 10				SAME
						1,1,1,1,2,1		211200					
ACE/ETHNICITY SEX BIR	THDATE	HAIR	EYES	HEIGHT	WEIG	SHT PLAC	E OF B	IRTH (city, st	ate, country)				DISPATCH NOTIFIED
RIVER LICENSE NUMBER	STATE D	DL STATU	S	MISC. (SS	SN, INS #	, ETC.)							TIME:
MPLOYER				BUSINESS	PHONE	RUSI	VESS A	DDRESS		TI-TI-ONT-			I.D.
W COTER				BOOMEDO	/ I HOILE		12007	DOTTEO					LOG.
OOKING, CII, FBI, ETC., NUMBER(S	5)			WHERE B	OOKED/	CONFINED				DATE/TIME			FINGERPRINTED
					1000				111				☐ YES ☐ NO
OTIFICATION (Who, How, When) EX			AIM					NOTIFIED	BY:				
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			INIVECT	CATIO	AL INITE	D) // E) A/						
DO YOU KNOW OF ANYTHING MECHANICAL	Y WRONG V	VITH YOUR VE			N INTE	RE YOU SICK OR	INJURED	DESCRI	BE.	☐ YES	□ NO	
YES NO										- 010	_	
		(E INSULIN? (P	ills/Injection)	DO	YOU HAVE	ANY PHYSICAL IN	PAIRMEN	TS? DESC	CRIBE. (Fe	et, Legs, An	kles or Hips)	YES
YES NO WHEN DID YOU LAST SLEEP?	YES HOW LONG?	□ NO	YOU LAST EAT?	DES	CRIBE							
			DO REVOIT	520	OTTIBLE							
WERE YOU DRIVING THE VEHICLE?	F NO, WHO?	2	411	WHE	ERE DID YO	U START DRIVING	G?	WHERE	WERE YO	U GOING?	43	
WHERE WERE YOU STOPPED?		WHA	T HAVE YOU BEE	N DRINKIN	IG? HOW M	UCH?	TIN	ME START	ED	TIM	IE STOPPED	
LOCATION WHERE YOU WERE DRINKING?	N/	AME/ADDRESS	wer E	WD .	DO YOU	J FEEL THE EFFE	CTS OF T	HE DRINK	S? DESCF	RIBE.	YES [	] NO
DID YOU BUMP YOUR HEAD? HAVE	YOU BEEN I	DRINKING SING	E THE ACCIDENT	Γ?	IF YES	WHAT?				HO	W MUCH?	
YES NO NA	YES	□ NO	□ N/A		11 120,	WINTE				Ino	W MOCH?	
ARE YOU UNDER CARE OF A DOCTOR OR DENTIST?	□ NO IF Y	ES, NAME AND	ADDRESS							PER	CENT SURGER RFORMED?	
HAVE YOU TAKEN ANY MEDICINE OR DRUGS?	□ NO IF Y	ES, WHAT?	The second	.40	HOW M	UCH?	TIME C	F LAST D	OSAGE	- 11		□ NO
DO YOU FEEL THE EFFECTS OF THE MEDICI	NE/DRUGS?	DESCRIBE.	☐ YES ☐	] NO	-					"(8	Explain in Narra	tive)
			7200		CA 1015							
BREATH ODOR OF ALCOHOLIC BEVERAGE		SES/LENSES	EYES (appe		-	OBRIETY TI EANOR	EST LC		PEECH	-		
PRESENT:												
LOTHING WORN: CONDITION AND DESCRI	PTION	YES 1	NEESTH STATE	veneve								
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# ATTACHMENT E

A Public Service Agency  A Public Service Agency  A Public Service Agency		VC)	VARD THIS FORM	APS ITO YOUR LOCAL DRIVER
COMPLETE IN BLACK INK		SAFE	TY OFFICE WITH	HIN 5 BUSINESS DAYS
LAW ENFORCEMENT AGENCY CASE NO. ARREST DATE	OR DMV USE ONLY	M - 1		
DRIVER'S NAME (LAST, FIRST, M.I.)  DRIVER'S NAME (LAST, FIRST, M.I.)	IVER LICENSE NO.	CLASS	STATE	THUMB PRINT (Right thumb or specify)
MAILING ADDRESS    Addressed of the person o	STATE	ind complet	ZIP CODE	
55. You do not have the right to talk to an attorney dimevalent Monte.  (Recommendation of the property of the	binadir calor signi	g whether y	ga wiji enping	
DOB: Sex: Hair:  Driver License: Suspended/Revoked Surrendered to Officer (A  0.08% or more BAC Chemical Tests Results Chemical Test Results (Complete reverse)		ession Co	Wt.: Out-of-State	alto fessill ex a line and
	shown in the shaded a probable cause section of thicle with alcohol and own in the shaded are Section 191.5(a) or 1 that led to the stop or or the shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are shaded as a shaded are	area below, cion on secon the secon for drugs program below on 92(c) of the contact. If dr	admitted to ond page.) and page, descrivesent in the black Penal Code.	ood or while under the (Day/Month/Year)
the certification on the second page.  Driving Driver Collision Another Officer Citizen  NAME (PLEASE PRINT)	Driving D	river	Collision witnessed By	Another
ADDRESS	ADDRESS	1		
TELEPHONE NO. OFFICER'S BADGE/ID NO. OFFICER'S AGENCY	TELEPHONE NO.	OFFICER'S BAD	OGE/ID NO. OF	FICER'S AGENCY
OBJECTIVE SYMPTOMS of intoxication Bloodshot/watery eyes	Odor of alcoholic b	peverage [	Unsteady ga	it Slurred speech
Other:	Observed by:			at AM/PM
CHEMICAL TEST 0.08% OR MORE BLO Breath Test Results (Attach copy of the results, if available) TEST 1% BAC on AM/PM TEST 2% BAC of AM/PM TEST 2% BAC of AM/PM TEST 2% BAC of AM/PM TEST 2% BAC of AM/PM TEST 2% BAC of AM/PM TEST 2% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of AM/PM TEST 3% BAC of	on AM/f	PM TEST 3 (WHEN APPRIOR  perjury under  es. I further  17 of the C	% BAC on er the laws of the certify that I a	AM/PM  TIME  AMI/PM  TIME  TIME  To a control  Time  T
Blood Test Results Blood Test on DATE	TIME AN	M/PM	Forced Blood	Test The hierard
Urine Test Results	nilable. Drug use	suspected.	courigious nu Tantesq 9 jedf 8 craferbuttono TE	TIME AM/PM
I certify under penalty of perjury, under the laws of the State of C is true and correct.  EXECUTED ON: Date AT: City	California, that the inf		ontained in th	is Officer's Statement State
	BADGE/ID NO.		TELEPHONE NO.	e e e e e e e e e e e e e e e e e e e
AGENCY AG	REA	9 00,000,0	COURT CODE (IF	UNKNOWN, COURT NAME)
I did did not personally serve a copy of the Order of Suspensisue date of order Suspensisue date of order Suspensisue date of order Signature of arresting off X  IF ORDER SERVED BY ANOTHER OFFICER: I personally served ISSUE DATE OFFICER'S PRINTED NAME	a copy of the order to		on the date sh	

# ATTACHMENT F

AW ENFORCEMENT AGENCY CASE NO.	DETENTION OR ARREST DATE	FOR DMV USE ONLY	SO DE LOS IOTAMESOS		
DRIVER'S NAME (LAST, FIRST, M.I.)	visi given in Li Spanitivi Li Ditner a	RIVER LICENSE NO. CLASS	STATE	THUMB PRINT	
MIS SHOULD THE THE THE WAY IN THE PARTY AND ADDRESS OF THE PARTY AND AD	the to the stroker by another officers.	on, indicina mai onicera:	ZIP CODE	(Right thumb or specify)	
AILING ADDRESS	of complete the fest you choose, you r	unal submit to and STATE the line i	ALUS ZIP CODE		
OB: no nor have the north talk	to no sported Sex: Str sport Hair:	Eyes: What Ht.: 100 A	Wt.:	Hare deciding whileh usef	
river License: Suspended/F	Revoked Surrendered to Officer	(Attach) Not in Possessio	n Out-of-State	ne accomplishment if an	
0.01% or more BAC PAS or other	r Chemical Test Results PAS or oth (Complete		ced Blood Test nplete reverse)	ы жету од вых сопринци рав тарит писка збого	
ehicle Lic. No. or VIN	COMMERCIAL VEHIC	CLE: Vehicle operation requires a	commercial driver lie	cense (Section 15210 CVC	
n at at	AM/PM in (City and County)	on purificación imposició Acominates	_ CA, the above na	med driver was:	
Driving: observe	ed by this officer or the obser	ver shown in the shaded area bel	ow, ac	lmitted to driving.	
NEW PROPERTY OF THE PERSON OF	300.5 CVC. (Describe details in prob	ret			
had reasonable cause to believe the as detained and/or arrested by this	ttach collision report. In the probable the driver was driving a motor vehicle with officer or as shown in the shaded area be 23153 CVC, or Sections 191.5(a) or 19	n alcohol and/or drugs present in t elow on (Day/N	he blood or while une	der the influence. The driv	
	etail the facts and circumstances that led tate details on the second page of this fo				
observed arrested w	Collision Another ovitnessed By Officer Citiz	NAME (PLEASE PRINT )	Collision witnessed	Another Officer Citize	
DDRESS	failed-to complete any each rest. Th	ADDRESS	siche the Indice. In	Singulation of Indicates	
LEPHONE NO. OFFICER'S BAD		TELEPHONE NO. OFFICER	'S BADGE/ID NO.	OFFICER'S AGENCY	
Soft ) read and Brook in its si	B (BUSANUEL EX EX BY WARE	( )	0 0110 0110 110.		
Driver submitted to and completed	ALCOHOL SCREENING TEST 0.01% d a Preliminary Alcohol Screening (PAS	s) test with the results of:		(BAC)	
Driver submitted to and completed TEST 1 % BAC on OFFICER'S CERTIFICATION: Daily in the regular course of my duties, Manufactured by		b) test with the results of: Optional) % BAC on the laws of the State of California red this PAS test properly in acco	CONCENTRATION  at	(BAC)  AM/PM  he above PAS test result ufacturer's guidelines an	
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# ATTACHMENT G



# SUPPLEMENT TO OFFICER'S STATEMENT BLOOD/URINE TEST RESULTS

LAW ENFORCEMENT AGENCY	CASE NUMBER
DRIVER LICENSE NUMBER	STATE
CLASS OF LICENSE	

		TEST REQUEST EMENT USE ONLY	
DRIVER'S NAME (LAST, FIRST, M.I.)			
DATE OF BIRTH		DRIVER LICENSE NUMBER	
DATE OF ARREST	TIME TEST SAMPLE TAKEN  AM/PI	Section 23152 VC	Section 23153 VC
TEST REQUESTED:	URINE TEST BLOOD TEST		
OFFICER'S SIGNATURE			
OFFICER'S NAME (PLEASE PRINT)		TITLE	BADGE/ID NUMBER
AGENCY		AREA	TELEPHONE NUMBER
	CHEMICAL	FEST REQUEST	
LABORATORY NAME		TEST REQUEST DRY USE ONLY LAB. LICENSE NUMBER	LAB. RECEIPT NUMBER
LABORATORY NAME	LABORATO	DRY USE ONLY	LAB. RECEIPT NUMBER
LABORATORY NAME DATE ANALYZED		DRY USE ONLY	LAB. RECEIPT NUMBER
DATE ANALYZED	ANALYZED BY (PLEASE PRINT)	DRY USE ONLY	LAB. RECEIPT NUMBER
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DS 367A (REV. 9/94)

# ATTACHMENT H

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NUMBER: 3-18 APPROVED: Reynold Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: March 3, 2006, Jan. 21, 2016, Dec. 20,

2019

SUBJECT: TRAFFIC COLLISION INVESTIGATION

I. PURPOSE: The purpose of this directive is to establish guidelines for the investigation of traffic accidents occurring with the jurisdictional boundaries of San Francisco State University.

II. POLICY: Traffic accidents are investigated by officers to determine the cause and to review any violation(s) of the California Vehicle Code and California State University regulations. Accident information is also used to educate the public, allow the police agency to provide a safer environment where vehicles travel, and to protect the rights of the citizens involved.

#### **III. DEFINITIONS:**

- A. Traffic Accident Investigation: Collection of factual information identifying and describing people, roads, and vehicles involved in an accident; description of the results of the accident in terms of damage to vehicles and roadside objects, injuries to people, marks and residue on the road, and final positions of vehicles and bodies; interpretation of these facts in terms of behavior of road users involved; and, sometimes, an attempt to specify the peculiar combination of factors required to produce that particular accident.
- B. Traffic Accident Reporting: Basic data collection to identify and classify a traffic accident and the persons, vehicles, time/location, planned movements involved, and possible contributing factors, such as traffic law violations.
- C. Traffic Control Device: All signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.
- D. Traffic Engineering Authorities: Persons responsible for traffic engineering in various local, regional, and state agencies.
- E. Traffic Law Enforcement: Law enforcement as it applies to statutes, ordinances, and legally authorized regulations relating to the use of streets and highways and ownership/operation of motor vehicles and other road vehicles.
- F. Traffic Law Enforcement Action: The part of traffic law enforcement involving arrests, citations, or warning of any person alleged to have violated a law, ordinance, or regulation pertaining

- to the use of traffic ways, when the person has knowledge of this action and when it is to (1) prevent such violation from endangering persons or property or inconveniencing other users of the traffic-way, (2) prevent continued violation, or (3) discourage recurrences.
- G. Traffic Law Violation: Violation of any statute, ordinance, or legally authorized regulation relating to the use of streets and highways or the operation and ownership of motor vehicles and other road vehicles.
- H. Traffic Patrol: The part of law enforcement traffic supervision that consists of driving or walking within an area or a roadway for the purpose of providing protection, security, and service to the public.
- I. Traffic Survey: An examination of traffic characteristics, such as volume, speed, delay, accidents, origin, destination, etc.
- J. Traffic-way: The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular travel as a matter of right or custom.

#### IV. PROCEDURES:

- A. Accidents, which are considered priority in nature and require emergency code three response shall include:
  - 1. Death or injury;
  - 2. If injury is unknown
  - 3. Immediate threat to public safety
  - 4. Physical altercation between involved principals
  - 5. Other criminal activity
- B. Accidents which are considered non-emergency, however still require officers to respond are:
  - 1. Hit and run non-injury
  - 2. Impairment of a driver due to intoxication of some form
  - 3. Damage to public vehicles or property
  - 4. Hazardous materials where there is not an immediate threat to public safety
  - 5. Verbal disturbances between principals
  - 6. Collisions which cause severe traffic congestion: and
  - 7. Collisions which require towing services
- C. Section 16000(a) of the California Vehicle Code requires an accident be reported within 10 days when it involves:
  - 1. Death;
  - 2. Injury; or
  - 3. Damage to any party that exceeds \$1,000.00
- D. Officers of this department shall additionally complete a traffic accident report or investigation when:
  - 1. The accident involves a state vehicle;

- 2. Any party involved in a traffic collision requests a report be completed, even if no criteria of CVC 16000(a) has been met; or
- 3. An officer is making an arrest or issuing a citation at the scene of a violation and the violation was a primary factor in the accident.

## E. Officer Response:

- 1. The officer arriving at the scene of a traffic accident will be considered the "primary" officer and will be in charge until directed otherwise by a supervisor.
- 2. As the "primary" officer he/she should do the following:
  - a. Advise Communications (Dispatch) of:
    - 1) Exact location of traffic accident;
    - 2) Number of vehicles involved:
    - 3) Injury or non-injury/numbered injured;
    - 4) If there is a need for emergency services (Fire/Paramedics); and
    - 5) If additional police units are needed to assist in caring for injured parties.
  - b. Attempt to secure scene, preserving evidence, and prevent other vehicles from becoming involved in the accident scene.
  - c. Identify injured parties:
    - 1) provide extent of injuries to communications (this information is often supplied to responding emergency units);
    - 2) administering emergency medical care (basic life support) until paramedic or other rescue staff(s) arrive;
    - 3) on non-injury accidents, officers will be dispatched to the scene, both on property and on the perimeter, to determine if paramedics will be needed and will advise Communications (Dispatch) of the situation;
    - 4) in the event the accident involves injuries, the responding officer will administer first aid or needed medical attention to injured persons until paramedics arrive.
  - d. Identify any fire hazards and/or hazardous materials.
    - 1) On accidents involving any fire hazard or actual fire, any officer arriving prior to the fire department will be responsible for initial fire suppression efforts.
    - 2) The initial efforts will be limited to that fire suppression equipment that is readily available (i.e. fire extinguisher, blankets, garden hoses, etc).
    - 3) The officer will be responsible for advising Communications that Fire Department services are needed and will direct other responding police units to appropriate locations for evacuation or traffic control.

## e. Collect information

1) Mark position of vehicles and move vehicles out of the roadway as soon as practical;

- Identify drivers and passengers of all vehicles involved, as well as witnesses to the accident;
- 3) Attempt to prevent drivers, passengers, or other witnesses, from collaborating stories before statements can be taken;
- 4) Investigate the traffic accident and attempt to determine the contributing factors;
- 5) Collect and preserve evidence;
- 6) Interviewing principals and witnesses and securing the necessary identity/ address information, including telephone numbers;
- 7) Examining and recording vehicle damage officers may utilize field notes for recording information at the accident scene. However, officers are encouraged to record damage whenever practical via photography (35 mm or digital) and book photos as evidence;
- 8) Examining and recording effects of the accident on the roadway, or off of the roadway on other property, structures, etc;
- 9) Taking measurements as appropriate measurements should be taken from fixed locations that can offer revisiting if necessary. These locations can include curb lines, fire hydrants, utility poles and buildings (avoid using fences, trees, other vehicles or any object that is more likely or able to be moved or altered) or Google Earth for approximate areas of impact;
- 10) Assisting in the exchange of information among principal parties;
- 11) Taking photographs as appropriate photographs should note damage and any other evidence at the scene and should depict the landmark indicated in the diagram;
- f. Protect the collision scene:
  - 1) Secure the scene with fixed barricades, cones, and additional personnel as needed;
  - 2) Ensure evidence is not destroyed or removed; and
  - 3) Document the scene within the written accident report.
- g. Expediting removal of persons, vehicles and debris from roadway that pose a hazard.
- h. Controlling property belonging to accident victims:
  - Any property belonging to accident victims will be protected from theft or damage and if victims are not present, should be brought to the police department, where it is to be inventoried, logged and secured for safekeeping until the owner or his/her designee can arrive to claim it.
  - 2) The victim's vehicle will be towed for safekeeping by a tow service of the victim's choice or by contract with the police department. Any vehicle that is towed will be inventoried, and particularly valuable items will be removed and kept for safekeeping at the police department until the owner or his/her designee can arrive to claim them.
- Provide traffic control that includes safe and effective diversion around the accident scene.

- j. Request towing services for vehicles with damage to the extent that towing is required, or if a driver request services.
- 3. When the department receives notification of accidents with injuries, officers will be dispatched to respond if the accident is within the jurisdictional boundaries or around the perimeter of the university.

## F. General Accident Response, Reporting and Investigating:

- 1. Death and injury accidents:
  - a. These accidents are the highest priority.
  - b. An investigation and written report shall be completed and the accident thoroughly investigated.
  - c. Investigation assistance can be provided, with supervisory approval, from the California Highway Patrol Major Accident Investigation Team (MATT), or other resources that are deemed appropriate.
  - d. Notification of the Chief of Police, on-duty Lieutenant and Investigations is required, if the accident involves serious bodily injury or death.
  - e. A complaint of pain, with no visible injuries, requires a complete investigation.
  - f. Accidents resulting in death (Notification procedures):
    - 1) The Chief of Police or designee will conduct death notification(s) on all persons who are California State University students, facility, and staff.
    - 2) Notification for parties not affiliated with California State University, will be conducted by the investigating agency (California State University Police, California Highway Patrol, or the San Francisco Police Department).
- 2. Property damage only collisions (PDO accidents):
  - a. All property damage accidents should be investigated by the first officer on the scene.
  - b. Not all property damage only (PDO) collision require a traffic report. There are times when reporting parties may desire to simply exchange information. However, should a report be required for the collision, a PDO, CHP Form 555-03, will be used.
  - c. Should major damage exist, the investigating officer should request assistance in completing the on-scene investigation.
  - d. Officers responsibilities at the scene of a property damage only collision include:
    - 1) Traffic control;
    - 2) Clear the roadway;
    - 3) Assist involved parties in the exchange of correct information; and
    - 4) Advise Communications of parties involved, which will be entered into RIMS.
- 3. Hit and run accidents:

- a. These accidents require a written report regardless of the damage and whenever a victim requests one. Furthermore, an officer shall complete:
  - 1) An INVESTIGATION when there is evidence likely to lead to the identification and prosecution of the responsible party; and
  - 2) A REPORT, even when little or no evidence exists, that will aid in the identification and prosecution of the responsible party.
- b. A hit and run suspect vehicle can be impounded as evidence in the following situations:
  - 1) Felony hit and run;
  - 2) Misdemeanor hit and run, when need for evidence processing; and
  - Hit and run when evidence collection at the scene is hampered due to an unruly crowd or other circumstances requiring removal of the vehicle for officer safety.
- c. Pursuant to California Vehicle Code Section 22655(a), an officer may remove a vehicle from the highway or from public or private property for the purpose of inspection if the operator has failed to stop and comply with the provisions of California Vehicle Code sections 20002 to 20006.
- d. Pursuant to California Vehicle Code section 22655(b), the vehicle shall be released upon the expiration of 48 hours after such removal form the highway or private property, upon the demand of the owner. When determining the 48-hour period, weekends and holidays shall not be included.
- 4. Driving while under the influence of alcohol and/or drugs.
  - a. A written accident report shall be completed on any accident in which it is determined that an operator was under the influence of alcohol and/or drugs - no matter to what degree.
  - Accidents reports involving drivers who are impaired due to alcohol, drugs or some form of intoxicant shall include all related information and CHP required forms.
  - c. It is important to note that this will be applicable to ANY driver suspected of being impaired, and not only those drivers who are considered to be "at fault" for the collision.
  - d. Refer to General Order 3-17, Section IV-C, Operation of a Vehicle by a Driver Under the Influence of Alcohol/Drugs for further guidelines.

## 5. Hazardous Materials.

- a. Reports will be written on all hazardous materials accidents and the report will include the response, any medical attention required and any clean up that was facilitated.
- b. Traffic Accidents involving hazardous materials may require special units or special expertise. The department will respond to assist and advise, if the

- Hazardous Materials unit of the San Francisco Fire Department will need to respond.
- c. If a hazard does exist, responding officers should approach from an upwind direction, if possible, and will assess the situation and take the following action:
  - 1) Advise Dispatch to contact Environmental Health and Safety Department;
  - 2) Attempt to isolate the hazardous area and evacuate non-essential personnel;
  - 3) Provide first aid assistance if needed;
  - 4) Coordinate traffic control/re-routing and crowd control;
  - 5) Request additional personnel and public services as needed;
  - Isolated as large of an area as possible until the hazard danger is fully known;
  - 7) The investigating officer should attempt to identify hazardous material by questioning the driver, checking the bill of lading, placard identification on the vehicle, or placard identification on the material. DO NOT ENTER THE EVACUATED AREA TO OBTAIN THIS INFORMATION, wait for properly trained and equipped personnel to respond.
- ci. Personnel at the scene will relay all known information to Communications.

  Communications will disseminate all known information to other responding police units/agencies (San Francisco Fire Department, San Francisco County Health Department, California Highway Patrol and any other designated special services) as needed.

### 6. Private property accidents

- a. As a general rule, the University Police do not take traffic accident reports that occur on private property.
- b. Officers will respond when requested to accidents on private property, and investigate those cases if requested by a surrounding jurisdiction, or any other law enforcement agency that would normally have jurisdiction over that private property.
- c. In these cases, mutual aid protocol would provide for the response and completion of the requested assistance.

## 7. Accidents involving disturbances between principals

- a. Officers will be dispatched and will respond to the scene of any accident where there is any sort of disturbance or disagreement between parties involved in the accident.
- b. When possible two officers will be dispatched to this type of call. The responding officers will separate the involved parties and conduct a preliminary investigation.
- c. These incidents will be handled as any other call where individuals are in conflict with each other. A report will be written on these cases if the parties request it, or if any of the other criteria for reporting accidents is met.

- G. Traffic direction/control and the handling of major traffic congestion.
  - 1. The investigating officer will determine traffic direction and the diversion of traffic.
  - 2. Uniformed police officers always have the primary responsibility for the direction and control of traffic at motor vehicle accident scenes.
  - 3. Officers should set up perimeter traffic control points to:
    - a. Allow for the ingress-egress of police, fire and rescue equipment;
    - b. Halt or divert approaching traffic away from or around the accident scene; and
    - c. Provide for a system of alternate routes to move traffic around the accident.
  - 4. Officers should notify dispatch of the action being taken so that they may in turn notify other jurisdictions that may be affected.
  - 5. When it becomes necessary to close or restrict the flow of traffic, the following means of control may be used:
    - a. Flares may be used only when hazardous materials are not present;
    - b. Barricades and portable signs are appropriate when an entire roadway or intersection must be closed; and
    - c. Traffic cones are excellent for diverting traffic from one lane to the next and are often more appropriate than flares.
  - Additional personnel will be requested as needed. Parking and Transportation will be notified for additional cones or barricades for accident scene and traffic control, if required.
  - 7. Should traffic control be needed for an extended period of time, the on-duty Watch Commander will arrange for sufficient relief every hour to two hours for officers assigned at a traffic control point. Food and beverages will be provided as needed.
  - 8. In incidents in which traffic control is needed as a result of work being done to a roadway that requires a long period of traffic control, the Watch Commander will determine what is needed and coordinate the incident.
- H. Damage to vehicles to the extent towing is required.
  - 1. Tow services should be notified as soon as possible for vehicles with damage to the extent that towing is required, or if a driver request services.
  - 2. Removal of debris from the roadway:
    - a. California Vehicle Code Section 27700 requires that any tow service engaged to remove a vehicle from a roadway shall clear the roadway of any debris and glass which is a product of a traffic collision that vehicle is involved in.
    - b. When the debris is so substantial that the tow service cannot safely remove it from the roadway, on campus Facilities Department personnel will be contacted and requested to assist.
    - c. The fire department will assist in the washing down of combustible materials.
- I. Stabilization of the scene after the accident scene has been stabilized and all urgent

information has been obtained, the officer should:

- 1. Determine whether there is sufficient proof to recommend prosecution or make an arrest:
- 2. Supervise clean up of the collision scene; and if a hazard exists, have proper agency notified to remove or repair hazard; and
- 3. Complete the appropriate collision report forms.
- J. Enforcement action at the scene of a traffic accident:
  - 1. Investigations at an accident scene will normally result in detection of evidence necessary to support the arrest, issuance of a citation, or requesting a complaint be issued for violation of law. Upon determination of a violation of traffic law(s) or local ordinance, the officer will take appropriate enforcement action.
  - 2. If the violation is sustained and is an arrestable California Vehicle/Penal Code violation, officers may make a physical arrest of subject to appropriate California Vehicle/Penal Code procedures.
  - 3. If the violation occurs and the officer has completed the training program as outlined in California Vehicle Code section 40600, a citation may be issued at the traffic collision location as outlined in the procedures for issuing of a notice to violation. Procedures for arrest and issuance of citations are all outlined in California Vehicle Code Division 17, Chapter 2.
  - 4. If an officer recommends that a complaint be issued alleging a violation of a vehicle code section, he/she may make a request for further investigation, which will be forwarded to the San Francisco District Attorney's office for possible action.
  - 5. Juveniles involved in a traffic collision and who have committed a traffic violation, will note that recommendation for issuance of a citation in the recommendation section of the traffic collision form, and with supervisory approval, may issue a citation to the juvenile offender. The citation shall be attached to the collision report form. After review by Investigations, the violator will be notified of his/her court date by mail.
  - 6. If an investigating officer witnesses an accident or violation, the officer may issue a citation at the scene. The violator receives the yellow copy of the citation and the remaining copies are attached to the collision report that is submitted for report processing. The officer will record the issuance of the citation and citation number in the recommendations area on the collision form.

## K. Public or mass transportation vehicles:

### 1. School bus accidents:

- a. The California Highway Patrol handles school bus collisions, only when the bus is transporting school pupils. The includes instances of the pupil leaving or approaching the bus or crossing the road while the bus has it's flashing red lights activated.
- b. Other collisions involving school buses, which occur within the California State University property, where there are no students aboard, and/or the students are beyond the control of the school bus, are handled by the University Police.

## L. Accident investigation follow up activities include:

- 1. Collecting off-scene data such as responding to the hospital to do follow up on any injured parties who were transported.
- 2. From witnesses if they are unavailable and if the facts of causation are in dispute or unknown.
- 3. Reconstructing accidents involving serious injury. This would be a requested process in which CHP would be summoned to coordinate such a process.
- 4. In a serious accident involving severe injuries, fatalities, multiple vehicles, etc., it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists or other specialists. Such expert assistance shall be made through the watch commander, and shall be initially requested through the CHP.
- 5. Preparing accident and offense reports to support criminal prosecution.

## LI. Accident Counter Report:

- 1. Officers shall be permitted to allow parties involved in minor property damage accidents (less than \$1,000.00 damage) to file a late report of the accident (after both parties have left the scene) by giving the individual reporting a short accident report form number CHP-555-03, and allowing the individual to complete the accident report himself. The officer will not provide a determination as to the Primary Collision Factor per CVC 20015(a).
- 2. When doing so, the officer shall ensure that the below procedures are followed:
  - a. There have been no injuries, however minor;
  - b. The accident does not involve a hit and run;
  - c. No crime or traffic offenses have been committed;
  - d. The accident does not involve nor is it likely to involve any civil liability on the part of the university;
  - e. The officer shall enter the words, "Counter Report" in the upper left corner, "Special Conditions" box;
  - f. Clearly explain the proper procedure for completing the report, answer questions and assist in any way deemed appropriate;
  - g. The officer shall check all boxes on the second half of the first page, filling in the appropriate information as indicated;
  - h. The officer shall verify the accuracy and completeness of the information, review the report and sign on the bottom back page.

### V. APPENDIX: None

### VI. ATTACHMENT:

- A. Traffic Collision Report Form CHP 555-03
- B. Vehicle Accident Report Form

# ATTACHMENT A

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NUMBER: 3-20 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: May 23, 2006, August 2,2007,

Jan. 31, 2013, Jan. 21, 2016, Dec.

20, 2019

SUBJECT: TRAFFIC DIRECTION AND CONTROL

I. PURPOSE: To establish procedures for the control, coordination and effective direction of vehicular traffic through the use of temporary traffic control devices by members of the University Police.

II. POLICY: It is the policy of the University Police to perform the functions of traffic control, parking control, emergency assistance, the identifying and reporting hazardous conditions, and to provide information and recommendations for improving traffic safety.

## III. DEFINITIONS:

- A. Plain View Doctrine: Under this general rule, no "search" has taken place in any constitutional sense if an officer on-views an object and that officer has lawful right to be in the place from which the officer was viewing the object. However, no amount of probable cause can justify a warrantless search or seizure absent consent or exigent circumstances.
- B. RIMS: Records Management Systems, a computer aided dispatching and records software used by the University Police.
- C. Traffic Control Device: All signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide traffic.
- D. Traffic Engineering Authorities: Persons responsible for traffic engineering in various local, regional, and state agencies.

#### IV. PROCEDURES:

## A. Traffic Engineering:

- 1. Handling and referral of complaints or suggestions concerning traffic engineering deficiencies.
  - a. All complaints or suggestions concerning traffic engineering deficiencies will be documented in an information report and entered into RIMS. The completed

- report will be forwarded to the Filed Operations Division Commander, via the chain of command, for review and appropriate action.
- b. All traffic-engineering issues on campus will be provided to traffic engineer qualified to certify state roadways.
- c. Officers will note any traffic engineering deficiencies they observe and report these to the appropriate department.
- d. Deficiencies noted on campus will be referred to Parking and Transportation/or Capital Planning.
- e. Deficiencies noted off campus will be referred through the proper channels to the City and County of San Francisco.
- 2. Any hazardous roadway conditions will also be reported. Examples of items to be brought to the attention of the proper agency include:
  - a. Defects in the roadway;
  - b. Visually obstructed or defective traffic control devices or signs; and
  - c. Inadequate or defective roadway lighting.
- 3. Accident and enforcement data that could assist them with determining corrections that may be needed will be forwarded to:
  - a. Parking and Transportation, Plant Operations, EH&S and Capital Planning via memorandum from the Operations Commander;
  - b. Local and regional traffic engineers through direct written correspondence from the Chief of Police and will include documentation on incident(s) and supporting statistical data, if any.
- 4. Accompanying any accident and enforcement data provided local and regional traffic engineers would be recommendations on possible actions and results desired.

### B. Traffic Direction and Control:

- 1. Procedures at the scenes of traffic collisions and critical incidents.
  - a. The investigating officer or officer in charge will determine traffic direction and the diversion of traffic.
  - b. Uniformed police officers always have the primary responsibility for the direction and control of traffic at the scenes of traffic collisions and critical incidents.
  - c. Officers should set up perimeter traffic control points to:
    - 1) Allow for the ingress-egress of police, fire and rescue equipment;
    - 2) Halt or divert approaching traffic away from or around the scene of the traffic collision or critical incident; and
    - 3) Provide for a system of alternate routes to move traffic around the accident scene of the traffic collision or critical accident.
  - d. Officers should notify dispatch of the action being taken so that they may in turn

- notify other jurisdictions that may be affected.
- e. When it becomes necessary to close or restrict the flow of traffic, the following means of control may be used:
  - 1) Flares may be used only when hazardous materials are not present;
  - 2) Barricades and portable signs are appropriate when an entire roadway or intersection must be closed; and
  - 3) Traffic cones are excellent for diverting traffic from one lane to the next and are often more appropriate than flares.
- f. Additional personnel will be requested as needed. Parking and Transportation will be notified for additional cones or barricades for traffic control at scenes involving traffic collisions or critical incidents, if required
- g. Should traffic control be needed for an extended period of time, the on-duty Watch Commander will arrange for sufficient relief every hour to two hours for officers assigned at a traffic control point. Food and beverages will be provided as needed.
- h. In incidents in which traffic control is needed as a result of work being done to a roadway that requires a long period of traffic control, the Operations Division Commander will determine what is needed and coordinate the incident.
- i. If the officer deems appropriate, dispatch can be requested to summon assistance from the Department of Parking and Traffic.
- 2. Uniform hand signals and gestures for manual traffic direction and control.
  - a. Officers, when assigned to manual traffic control, will utilize uniform traffic control signal flashlights and gestures. The signals can be hand signals, whistle signals, or combinations of both.
  - b. When using hand signals eye contact should be made with the drivers who are being signaled.
  - c. When using hand signals:

# 1) Stop Signal:

a) Basic signal to stop is an upraised hand at the end of an extended arm, raised well above shoulder level, with the palm of the hand clearly facing the approaching driver for whom the signal is intended.

## 2) Starting Signal:

- a) The signal for a stopped to start moving begins at shoulder level, with the officer extending his/her arm toward the stopped vehicle, pointing and waiving the car onward by bending his/her arm at the elbow and drawing his/her hand toward his chest.
- b) Once traffic in one direction starts to move, the officer turns and faces opposing traffic and delivers the same signal.

## 3) Pull Up Signal:

- a) The signal to pull to a position, indicated by the officer directing traffic at an intersection, is usually reserved for turning traffic facing opposing vehicular or pedestrian traffic.
- b) It is started by the officer pointing to the position at which the driver should pull his/her stopped or slowly approaching vehicle.
- c) It is completed by monitoring the driver forward to the selected position.
- d) If possible, keep the pointing hand and arm in position to hold the turning vehicle until conditions are safe for the turning movement.

## 4) Turning Traffic:

- a) Once it is safe for the motorist to complete the turn, the opposing Traffic should be stopped using the standard stop signal, and monitoring the left turning vehicle to complete its turn by making a come-along signal with the other hand.
- b) Right turning traffic requires little traffic direction unless the turning movement is crossing a heavily traveled crosswalk or has to merge into heavy vehicular traffic.
- c) Natural gaps are best used for turning vehicles, when available.

## d. Use of whistle signals

- 1) Stop A single, long blast.
- 2) Start Two short blasts
- 3) Emergency Stop Three or more short blasts

### 3. Procedures at the scenes of fires.

- a. At the scene of a fire, the police shall assist and support the fire-rescue operations.
- b. Fire scene responsibilities shall include:
  - 1) Consulting with the Incident Commander/Fire Official in charge of the scene to determine their needs.
  - 2) Providing protection for the fire scene and for fire and rescue equipment.
  - 3) Setting up perimeter traffic control points to allow for the ingress-egress of fire and rescue equipment and authorized personnel to be at the scene.
    - a) Such personnel shall include all persons who can identify themselves as firemen by badge or possession of standard fire service equipment such as a hat and coat.
    - b) It shall be the responsibility of supervisory officers of the fire department to correct any problems resulting from the above persons blocking fire lanes or retarding either charged lines or the efficiency of persons at the scene.

- 4) Controlling key intersections used by ambulances as route to hospitals.
- 5) Keeping dispatch informed as to the location of control points and the alternate routes that traffic will be utilizing.
- 4. Procedures during periods of severe road and weather conditions.
  - a. The Watch Commander will determine the need for additional personnel to assist with traffic direction and control during adverse weather conditions (heavy rain, flooding, high winds)
  - b. Capital Planning will be notified of any downed trees, power or telephone lines, or other hazardous conditions
  - c. The fire department will be notified of any roadways that are considered impassable for an extended period of time, as well as any fire hazards.
  - d. Any roadways deemed to be hazardous will be closed by use of barricades and/or flares. Officers will be assigned to temporarily divert traffic around hazards.
  - e. The Watch Commander will direct dispatch to notify the news media of any adverse road conditions that will affect the motoring public, including incidents that threaten to close the University.
- 5. Circumstances warranting manual operation of traffic control devices.
  - a. The intersection signals that control roadways directly at the entrances to the campus may be set to flash when deemed necessary by the Watch Commander. This should be done only after consultation with the appropriate jurisdiction.
  - b. This procedure will only be utilized to facilitate the excessive flow of traffic either on to or off of the campus.
  - c. This type of situation will normally only occur as the result of special events on campus, such as commencement, in the event of an emergency where the campus needs to be evacuated quickly, or because of a malfunctioning traffic signal.
- 6. Use of temporary traffic control devices.
  - a. The following temporary traffic control devices are available for use by this department:
    - 1) A-frames;
    - 2) Metal barricades;
    - 3) Temporary signage;
    - 4) Traffic cones; and
    - 5) Flares
- a) When using flares, the officer shall replace the striking cap (with the cap cover) on the end of the flare (unlit side) before placing the flare on the roadway.
- b) Flares placed on the roadway without the striking cap and cap cover, can roll and potentially cause injuries, damage property, or

#### start fires.

- b. Temporary traffic control devices may be utilized when traffic signals are inoperable, during special events, to divert traffic around a hazard, or other circumstances as approved by the watch commander.
- c. Special signs and other portable signs are available from the Parking and Transportation Department, and may be requested at anytime.
- d. When approval is given to remove temporary traffic controls, Communications will notify Parking and Transportation, who will then remove the temporary controls.

## 7. Reflective clothing

- a. Police officers and other personnel with traffic direction responsibilities shall have their traffic safety vest with them while on patrol, and shall wear it at all times when directing traffic.
- b. Officers may, during inclement weather, wear department issued rainwear, with reflective tape and writing.

### C. Vehicle Escort Services:

- 1. This department shall provide escorts to vehicles on campus to ensure the safe and efficient movement of traffic and safety to the community as a whole. Examples of this is limited to:
  - a. Medical and fire services:
  - b. Hazardous cargo;
  - c. Oversized loads;
  - d. Travel into areas that are primarily pedestrian-exclusive;
  - e. Special events;
  - f. Dignitaries and government officials; and
  - g. Funerals.
- 2. Officers shall not escort any vehicle or chain of vehicles without prior authorization by a supervisor.
- Officers are prohibited from providing escorts for privately owned vehicles during medical emergencies. Officers should request dispatch to summon fire/paramedic personnel.

### CI. Roadblocks:

- 1. The University Police will not participate in the use of roadblocks.
- 2. Roadblocks are inherently dangerous, carry a tremendous amount of liability, and their use will be avoided.

## CII. Ancillary Services:

1. General Assistance

- a. Officers will stop and render aid to stranded motorists whenever possible. Should an officer not be able to stop to assist, the officer will notify Communications of the situation.
- b. If a motorist needs assistance outside of the campus area, Communications will notify the appropriate agency having jurisdiction.
  - 1) University Police personnel are not required to provide such assistance to vehicles parked off campus.
  - 2) If another law enforcement agency requests that an officer of this department respond to a stranded motorist on a roadway or highway off campus, Communications will inform the Watch Commander of the request. If the request can be satisfied, the watch commander will direct Communications to assign an officer to the motorist to provide assistance.
- c. When stalled vehicles are creating a traffic hazard the officer will stop and provide traffic control until the hazard is alleviated or he/she is relieved.
- d. Transporting of civilians can only be done with permission of a supervisor. Alternate means of transportation should be obtained, if possible. Officers who must transport shall advise Communications of the starting point and destination, as well as the starting and ending mileage, if the person is the opposite sex from the transporting officer.
- e. The University Police shall support Parking and Transportation and its ability to serve motorists to the University. Officers shall respond to calls for service on campus and to University properties in the area. When parking personnel are unavailable, police personnel will provide general assistance to motorists including:
  - 1) Directions for the area; and
  - 2) Transporting the motorist to a safe location to wait for assistance.
- f. Officers will remain with all stranded motorists who are in hazardous locations until assistance arrives. If a motorist becomes stranded after hours of darkness, the officer will remain with the motorist or can transport them to the station to await assistance.
- g. Should an officer have to leave a stranded motorist after arranging for assistance, the officer will check back after a reasonable time to be certain the requested assistance did arrive.
- h. In any case where an officer arrives at any scene and discovers a medical emergency, the officer shall request fire and paramedic personnel, and provide first aid emergency care to the victim(s).
  - 1) When doing so, the officer is to provide the type of distress or injury, location, condition of patient and any other pertinent information.
  - 2) It shall be the responsibility of the officer on the scene to document the incident by making appropriate reports.
  - 3) Identify injured parties:

- a) provide extent of injuries to communications (this information is often supplied to responding emergency units);
- b) administering emergency medical care (basic life support) until paramedic or other rescue staff(s) arrive;
- c) on non-injury accidents, officers will be dispatched to the scene, both on property and on the perimeter, to determine if paramedics will be needed and will advise Communications of the situation;
- d) in the event the accident involves injuries, the responding officer will administer first aid or needed medical attention to injured persons until paramedics arrive.
- 4) Identify any fire hazards and/or hazardous materials.
  - a) On accidents involving any fire hazard or actual fire, any officer arriving prior to the fire department will be responsible for initial fire suppression efforts.
  - b) The initial efforts will be limited to that fire suppression equipment that is readily available (i.e. fire extinguisher, blankets, etc).
  - c) The officer will be responsible for advising Communications that Fire Department services are needed and will direct other responding police units to appropriate locations for evacuation or traffic control.
- 2. Mechanical Assistance/Towing and Removal of Vehicles from Campus.
  - a. Police vehicles equipped with push bars may be used to push vehicles from the roadway creating an immediate hazard. Vehicles should not be pushed further than required to alleviate hazard, and the unit shall not be used to push startstalled vehicles.
  - b. Officers will not leave the scene of a vehicle that is creating a hazard without taking appropriate steps to protect the vehicle and the public, either by moving it or placing flares, cones, or other traffic safety devices.
  - c. Towing of vehicles is authorized under the following conditions.
    - 1) When the physical arrest of a driver occurs and:
      - a) The arrestee will not authorize the vehicle to be driven from the scene by another party; or
      - b) The vehicle is stored/impounded as evidence.

## 2) Accidents

- a) Any vehicle involved in an accident shall be removed from the roadway as soon as possible after necessary accident investigation steps have been completed, and information obtained.
- b) Any vehicle that is damaged to the point where it is not operational must be towed at the expense of the owner.

- i. The driver may select a tow service of their choice, or utilize the Department's contracted service.
- ii. If a tow service that is contacted is not able to respond in a reasonable time, the Department shall contact another service provider.
- c) Vehicles towed from accident scenes for safekeeping, where the driver is transported to the hospital, will be inventoried by an officer on the scene and towed by a Department contacted tow service to their impound lot.

## 3) Emergency Situations:

- a) Any vehicle found illegally parked in the vicinity of a fire or area of an emergency, which creates a traffic hazard or interferes with police, fire or other rescue workers may be ordered towed, at the expense of the owner.
- b) Official vehicles and vehicles being used by the press are exempt unless they obstruct police, fire or other rescue operations.

## 4) Impeding/Danger to Traffic:

- a) No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway to others.
- b) If such disabled vehicle is not promptly removed and creates a traffic hazard, the police officer may order the vehicle towed by a Department contract tow service.

# 5) Blocking a Parking Area:

- a) Any vehicle blocking a driveway or entrance to a parking facility or parking lot without prior permission from the University Police Department may be towed at the owner's expense.
- b) Officers should first attempt to locate the driver of the vehicle.

# 6) Unattended Traffic Hazard/Violation of the Law:

- a) All vehicles found parked in posted tow-away zones can be towed upon approval from the Watch Commander.
- b) Officers may tow any vehicle found on the public street unattended by the owner/operator that constitutes a hazard or is parked in violation of the law.
- c) Vehicles towed for violation of the law will first be cited for the violation and a copy of the parking ticket will be left with the vehicle.

# 7) Abandoned Vehicles - Subject to approval by the Watch Commander:

a) Whenever any motor vehicle has been left unattended for more than 72 consecutive hours on campus, it may be towed at the owner's expense.

- California Vehicle Code Section 22651 (k).
- b) A vehicle may be presumed abandoned if it does not display valid license plates, and which have been expired for more than 6 months. California Vehicle Code Section 22651 (o).
- c) Officers towing abandoned vehicles must notify the registered owner, either in writing or by registered mail, that the vehicle was towed, where it was towed to, and the reason for the tow.

## 8) Evidence/Involvement in a Crime

- a) Vehicles that must be processed for or as evidence, having been involved in the commission of a crime, will normally be impounded by a Department tow service. Including, but not limited to, impound for hit and run investigations, stolen vehicle recoveries, and vehicles driven while the driver's license was suspended or revoked.
- b) When all evidentiary processing has been completed, vehicles may be released to their owners. The owner will be responsible for the charges of the tow, plus storage.
- c) Vehicles used by a driver who is arrested for a violation of driving under the influence of alcohol or drugs will be towed by a Department's contacted tow service.
- 3. Request for tow service: Officers will obtain a tow for the vehicle's driver (or person in possession of the vehicle) when such a request is made.
- 4. Parking Citations: If a vehicle has 5 parking citations outstanding, Parking and Transportation will make the determination whether or not to impound the vehicle in accordance with their policy and procedure.
- 5. Towing Procedure

### a. Responsibilities:

- 1) Police officers must know under which provision of law the vehicle will be towed.
- 2) If the vehicle to be towed is larger than normal, or will require a flatbed tow truck, the officer will advise the dispatcher so that the tow service can respond accordingly.
- 3) Unless directed otherwise by the owner, any towed vehicle will be towed to a Department contacted service tow impound lot.
- 4) Dispatchers will be notified of all vehicles towed by officers and repossessions. Pertinent information will be noted concerning the vehicle towed on the department tow form, and this same information will be include when entering the vehicle into CLETS and RIMS (as appropriate).

### b. Inventory

1) It shall be standing policy that any unlocked vehicle, which is legally stored or impounded in accordance with this or other procedures, shall be inventoried

prior to being removed from the location from which it is contacted. This policy is intended to achieve the following goals:

- a) Protection of police officers and the department from claims or disputes concerning allegedly lost or stolen property;
- b) Protection and preservation of the property for its owner while that property remains in police custody; and
- c) Assures that inventory searches are conducted within the limits imposed by the Supreme Court of the State of California and the United States Supreme Court.
- 2) Vehicles that are towed at the request of the owner/operator or vehicles that are left legally parked will not be inventoried. Officers should remember, however, that "plain view doctrine" still applies as long as the officer has lawful right to be in the place from which the officer is viewing an object.
- 3) Inventory Procedures:
  - a) No inventory, other than listing the contents visible through the window, shall be made of any vehicle impounded to be used or processed for evidence. These circumstances should be treated as a crime scene and the investigator assigned will make inventory.
  - b) Should a vehicle be locked at the time of impoundment, the officer will inventory and list only those contents visible without making entry into the vehicle. The officer shall indicate that this method of inventory was used in a written report and no further inventory by this agency will be made.
  - c) The two truck driver who is effecting the towing of the vehicle shall be responsible for unlocking of the subject vehicle to facilitate towing and is also responsible for completing such inventory as may be required by the employer. The officer shall indicate in the report that the wrecker driver unlocked the vehicle.
  - d) All contents of the vehicle discovered through inventory, including property seized, as contraband or evidence and property removed for safekeeping, shall be listed in the officer's report. Officers shall notify their supervisors of any unsecured personal property of high value (over \$500) or any property the officer feels may be a target of false accusations, which is discovered in the course of the inventory. Supervisors shall exercise their own discretion in electing to remove such articles for safekeeping.
  - e) Officers shall exercise due care to avoid inflicting damage to the vehicle or its contents during inventory. Upon completion of the inventory, the vehicle and its contents shall be restored to the condition and arrangement existing prior to impoundment, to the extent possible. Based on current case law, contraband or evidence discovered during the inventory of a legally impounded vehicle may be admissible in court. Uniform application of this policy is a must. Any evidence seized pursuant to this policy shall be handled, marked and secured in accordance with established procedures for handling evidence and property.

- 4) A vehicle inventory will be completed and included in the tow form, CHP 180, when an officer assumes responsibility for towing a vehicle.
- 5) The following information will be included in the form:
  - a) Reason towed;
  - b) Case number:
  - c) Condition of vehicle:
  - d) Location of the tows;
  - e) The name and address of the tow service;
  - f) Release or hold conditions on the vehicle;
  - g) Vehicle make, model and color;
  - h) Itemization of the property inside the vehicle and where found; and
  - i) Owner's name and address.
- 6) Officers will search all closed containers that are not locked or sealed. If the keys are left with the vehicle, all areas accessible by key will be inventoried. This includes, but is not limited to, the glove box and trunk. Any containers found in the vehicle, which are not locked or for which a key is present shall be opened and the contents inventoried.
- 7) The officer will have the tow truck driver sign the tow form (CHP 180), and deliver a copy of the form to the driver when the vehicle has been "hooked up" to the tow truck.
- 8) The officer will provide the registered and legal owner of the vehicle with the required "Notice of Stored Vehicle" in person or by mail, pursuant to Section 22852 of the California Vehicle Code, and a "Towed Vehicle Information" sheet.
- c. Holds on Vehicles- Officers are authorized to place holds or conditions of release on impounded vehicles when the vehicle is evidence of a crime, is stolen, or where lawful ownership is in doubt. All other holds require the approval of the onduty supervisor.
- d. Nothing included in this policy is intended to hamper or interfere with the scope of a search which may lawfully be conducted by an officer when such search is based upon consent, exigent circumstances, probable cause, or a warrant; or to interfere with the seizure of a motor vehicle which is being or has been used in the commission of a crime; or the recovery of a motor vehicle which has been reported stolen or which the officer has probable cause to believe is stolen.
- 6. Maintenance of Records Vehicles Removed, Stored, or Towed.
  - a. All reports and forms utilized in the towing of vehicles shall be forwarded through the normal report approval process (CHP180 and RIMS requirement).
  - b. Communications will update and maintain the necessary records for the towing actions.
- 7. Procedures to Correct Hazardous Highway/Road Conditions.
  - a. Roadway hazards, defects, debris in roadway, defective signals, defective lighting

- equipment, abandoned vehicles, and damaged or missing street signs can all become hazardous conditions which may lead to accidents or vehicle damage.
- b. Officers observing any roadway or roadside hazard/defect will:
  - 1) Notify Communications of the incident or situation, noting the location and type of defect; and
  - 2) Should the situation be an immediate hazard, the appropriate university department or public service agency will be contacted to correct the problem immediately and the officer shall, if necessary, provide safety equipment (traffic cones, flares, signage, etc).
- c. Communications will notify Capital Planning by phone or radio, if there is a need for immediate University action.
- d. Documentation of any hazardous roadway condition shall be made via RIMS entry. A written information report (Hazard Investigation) will be completed if the condition is one that presents an extreme safety hazard that may require extensive repairs or actions (i.e., traffic lights that are inoperative, street lighting that is out in an entire section, etc.).
- e. Officers, upon observing any material, which may be hazardous, should protect the scene, notify a supervisor, the San Francisco Fire Department, the Environmental Health and Occupational Safety (EH&S), and Capital Planning of the situation.
- 8. Traffic Safety Educational Materials.
  - a. The Department will obtain and make available to the public traffic safety and educational materials.
  - b. These materials will focus on areas to help support enforcement efforts and enhance public understanding of traffic safety programs, such as "Wait for The Green" handouts.
  - c. University Police presentations, including student and employee orientations, will discuss traffic safety program issues.

V. APPENDICES: None

### VI. ATTACHMENT:

A. CHP 180 form

B. Towed Vehicle Information sheet

# ATTACHMENT A

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#### ATTACHMENT B



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



### **Towed Vehicle**

There are many reasons why vehicles are towed for storage or impoundment. If your vehicle was towed, you may follow the steps listed below in retrieving your vehicle:

- Pick up signed released form from SFSUPD (415-338-7200)
  - To retrieve a vehicle, you must be the registered owner, or an authorized agent of, and with a valid drivers license.
  - Depending on the reason why your vehicle was towed, a \$194 agency administrative fee plus a service fee for the towed vehicle may be assessed prior to the vehicle being released. You may pay with a money order or cashier's check. Do not bring cash.
  - Bring the signed vehicle release form to the tow facility. There are additional towing fees that you will need to pay before a vehicle can be released (towing, storage, etc.).



NUMBER: 3-21 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 19, 2016, Dec. 20, 2019

SUBJECT: DIGITAL AUDIO RECORDERS

I. PURPOSE: This policy is intended to provide officers with instructions on when and how to use micro-digital recorders (DAR) so that officers may reliably audio record their contacts with the public in accordance with state law.

II. POLICY: A police officer may surreptitiously record conversations when such use is appropriate to the proper performance of his/her official duties, where the recordings are consistent with this policy, and as long as the person being recorded would have no reasonable expectation of privacy about the conversation. This policy does not govern the use of surreptitious recording devices used in undercover operations.

### **III. DEFINITIONS:**

A. DAR: Digital Audio Recorder

#### IV. PROCEDURES

- A. This department has adopted the use of the DAR to accomplish several objectives. The primary objectives are as follows:
  - Digital audio recordings allow for accurate documentation of statements made during police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
  - 2. Voice recordings also enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training.
  - 3. The DAR may also be useful in documenting crime and accident scenes or other events to include the confiscation and documentation of evidence or contraband.

## B. When and How to Use the DAR:

- 1. The DAR shall be activated and remain activated in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
- 2. If an officer fails to record the entire contact or interrupts the recording, the officer shall file a written report explaining why the recording was interrupted or terminated.

# C. Activation of a Digital Audio Recorder:

- 1. Penal Code §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential. However, Penal Code §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.
  - a. No member of this department may surreptitiously record a conversation of any other member of this department without the expressed knowledge and consent of all parties. (Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code §3303 (g)).
  - b. Any member of this department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.
    - For the purpose of this policy, any officer contacting an individual suspected
      of violating any law during the course of any official law enforcement related
      activity shall be presumed to be engaged in a criminal investigation. (This
      presumption shall not apply to contacts with other employees conducted solely
      for administrative purposes.)
    - 2) For the purpose of this policy, it shall further be presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted digital audio recorder will have the knowledge that such a conduct is being recorded.
  - c. Members of the department are encouraged to activate their recorders at any time that the officer reasonably believes that a recording of an on-duty contact with a member of the public may be of future benefit.
    - 1) At no time should an officer jeopardize his/her safety in order to activate their recorder.
    - 2) Officers are prohibited from utilizing department digital audio recorder for personal use.

# D. Restrictions on Using the DAR:

- DARs shall only be used in conjunction with official duties primarily including but not limited to the investigation of crime or other violations of the law. Officers may not activate the DAR to surreptitiously record:
  - a. communications with other police personnel without the permission of the Chief of Police:

- b. conversations that concern matters over which the person being recorded would have a reasonable expectation of privacy;
- c. conversations conducted under the circumstances that would constitute a "custodial interrogation or;
- d. instances in which the case against a suspect has reached the "critical stage," that is, when formal charges have been filed or when adversarial judicial proceedings have begun.

### E. Procedures for DAR Use:

- 1. DAR equipment is issued primarily to uniform personnel as authorized by this agency. Officers who are assigned DAR equipment must utilize such equipment unless otherwise authorized by supervisory personnel.
- 2. Police personnel shall use only digital audio recorders issued by this department.
- 3. DAR equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
- 4. Officers shall inspect and test the DAR prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
- 5. Officers are encouraged to inform their supervisor of any audio recordings that may be of value for training purposes.
- 6. Officers shall note in incident, arrest, and related reports when audio recordings were made during the incident in question.

## F. Control and Management:

- When an officer makes a digital recording that is of evidentiary value, that recording will be downloaded from the recorder onto a computer disc via a department computer.
- 2. Computer discs containing downloaded digital recordings shall be marked by the officer with his/her name, serial number, and the date or dates of use. The disc shall be placed in a clear protective case, which shall be marked in the same manner.
- 3. Digital Recordings containing information that may be of value for case prosecution in any criminal or civil adversarial proceeding shall be safeguarded in the same manner as other forms of evidence. Master copies shall not be released without proper authorization. Duplicate copies may be made and released for review by prosecutors and others with a right or authorization to review such information. No copies of digital recordings shall be released without authorization of the Records Manager or Chief of Police.
- 4. Discs identified for use in criminal or civil cases shall be maintained in accordance with the evidence retention schedule as outlined in General Order 4-4 and in criminal cases until there has been a final disposition or as otherwise directed by court order.

# G. Supervisory Responsibilities:

1. Supervisory personnel shall ensure that officers equipped with DAR devices utilize

- them in accordance with policy and procedures defined herein.
- 2. At least on a monthly basis, supervisors will randomly review DAR recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify any areas in which additional training or guidance is required.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 3-22 APPROVED: Regarded Plan

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Feb. 21, 2008, Jan. 21, 2016, Dec. 19,

2019

SUBJECT: OFF-CAMPUS RESPONSE

I. PURPOSE: To establish uniform procedures for response to off campus locations for emergency service requests, including 911 calls, burglary and panic alarms, medical assistance, parking assistance and other routine service calls.

II. POLICY: It is the policy of this department not to provide patrol coverage or call response at the following sites.

#### III. DEFINITIONS:

A. Remote SFSU Campuses / Locations. Areas, structures, buildings, or offices owned, rented, leased, or otherwise occupied by San Francisco State University for the purpose of continuing its educational mission. These sites are geographically remote from the main campus located at 1600 Holloway Ave., San Francisco.

### IV. PROCEDURES:

- A. Remote SFSU Campuses/Locations:
  - Cañada College 4200 Farm Hill Boulevard Redwood City CA 94061 San Francisco State students attending Canada College in Redwood City can acquire a copy of their crime statistics by telephoning (650) 306-3420.
  - 2. The Downtown Center 835 Market Street San Francisco CA 94105 San Francisco State University Police shares this jurisdiction with the San Francisco Police Department for incidents requiring criminal investigation. All emergencies and crimes in progress should be reported to the San Francisco Police Department at 9-1-1 or (415) 553-0123.
  - 3. City College of San Francisco 50 Phelan Ave. San Francisco CA 94112 San Francisco State students attending City College of San Francisco can access their crime statistics on the following web site <a href="http://www.ccsf.edu/Departments/Public\_Safety">http://www.ccsf.edu/Departments/Public\_Safety</a>.
  - 4. Emeryville 954 60th Street Suite 10 Emeryville CA 94608 San Francisco

- State University Police shares jurisdiction with the Oakland Police Department for incidents requiring criminal investigation. All emergencies and crimes in progress should be reported to the Oakland Police Department at 9–1–1 or (510) 777-3333.
- 5. Romberg Tiburon Center 3152 Paradise Drive Tiburon CA 94920 San Francisco State University Police shares jurisdiction with the Marin County Sheriff's Department for incidents requiring criminal investigation. All emergencies and crimes in progress should be reported to the Marin County Sheriff's Department at 9–1–1 or (415) 479-2311.
- 6. Sierra Nevada Field Campus Star Route Sattley CA 96124 San Francisco State University Police shares jurisdiction with the Sierra County Sheriff's Department for incidents requiring criminal investigation. All emergencies and crimes in progress should be reported to the Sierra County Sheriff's Department at 9–1–1 or (530) 289-3700.
- 7. National Sexuality Resource Center 835 Market Street Suite 517 San Francisco CA 94103 All emergencies and crimes in progress should be reported to the San Francisco Police Department at 9-1-1 or (415) 553-0123.
- 8. SF Head Start Centers:

CENTER ADDRESS

Main Office 205 13th Street, Suite 3280, SF, CA 94103

Cadillac 316 Leavenworth Street, SF, CA 94102

Hunter's View 125 West Point Road, SF, CA 94124

OMI 1111 Junipero Serra Blvd, SF, CA 94132 Potrero Hill 824 Carolina Street, SF, CA 94107 Southeast 1300 Phelps Street, SF, CA 94102

West Side 2400 Post Street, SF, CA 94115 Ella Hill Hutch 1050 McAllister Street, SF, CA 94115

- B. All emergencies and crimes should be reported to the local police agencies listed above.
- C. The department has made arrangements for the administrators at these sites to notify the Administrative Coordinator of any reported crimes.
- D. The SFSU University Police should be notified, after the local police agencies, so that we can ensure appropriate follow up service.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 3-23 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Sept. 21, 2005, Sept. 13, 2006, Jan.

SUPERSEDES: D-30 REVIEWED/REVISED: 24, 2007, Feb. 20, 2008, May 8,

2009, Oct. 31, 2011, Mar. 26, 2013,

Jan. 21, 2016, Dec. 20, 2019

SUBJECT: BICYCLE PATROL-S.P.O.R.T PROGRAM (SPECIAL OPERATIONS AND RESPONSE TEAM)

I. PURPOSE: The purpose of this policy is to set forth and designate duties and responsibilities of Police Officers assigned to bicycle patrol. Furthermore, it is the desire of this department to establish and develop a collaborative process between the police and the university community that identifies concerns and produces effective solutions.

II. POLICY: It shall be the policy of the department to utilize bicycle patrol to reduce crime, enforce laws and regulations, patrol areas of the campus which are less accessible or which are inaccessible to motor vehicles, and to increase contact with the public to further develop the department's community-based policing philosophy with the university.

III. DEFINITIONS: None

### IV. PROCEDURES:

- A. Statement of the operational objectives of the Bicycle Program:
  - 1. The Bicycle Program is designed to enhance crime prevention, selective enforcement and community based efforts by increasing visibility and police presence in the campus interior and parking lots.
  - 2. It shall be the policy of the department to utilize bicycle patrol, when officers are trained and available, to:
    - a. reduce the opportunity for criminal events;
    - b. enforce laws and regulations;
    - c. patrol areas of the campus which are less accessible, or which are inaccessible to motor vehicles; and to
    - d. increase contact with the public so as to further develop the department's community-based policing philosophy with the university.
- B. Instructions, conditions, and limitations of usage:

- The officers assigned to bicycle patrol use the bicycle as a means of transportation in the performance of regularly assigned patrol duties during established shifts.
   Their primary task is enforcement of state laws, in particular selective enforcement of common crimes [i.e., bicycle theft] community oriented policing and call response.
- 2. Police Officers may be assigned to a standard shift or a special time period, and will be under the supervision of the Watch Commander/Supervisor on duty unless otherwise instructed by a Lieutenant.
- 3. The Commanding Officer of Field Operations is responsible for the Bicycle Program. He/she may designate a supervisory coordinator (sergeant or corporal) to enhance control.
- 4. Bicycle patrol shall be approved only when there are two police vehicles on patrol.
- 5. Bicycle Officers will perform the same patrol duties as all other officers, except those that cannot be performed on a bicycle.
- 6. Bicycle Officers shall obey all traffic laws and regulations. Officers will be permitted to ride on sidewalks and within the core of the campus when safe to do so, and when it is in the course of their duties.
- 7. Bicycle shall not be operated in periods of inclimate weather which may prove hazardous, i.e. rain, high winds, dense fog, etc.
- 8. During patrol Bicycle Officers will concentrate on the following:
  - a. Safety;
  - b. Crime prevention;
  - c. Pedestrian, Bicycle, Skateboard & vehicular traffic in campus core;
  - d. Community-based policing;
  - e. Parking lot patrols; and
  - f. Report writing/investigations;
- 9. Police bicycles are considered authorized emergency response vehicles when equipped with the proper warning lights and minimal decibel level siren per California Vehicle Code 165. Traffic stops will be made only when it is reasonably safe to do so, and only within the guidelines of the California Vehicle Code and departmental policy.
- 10. Bicycles are to be used as 'solo' units only- transportation of a prisoner or citizen shall be accomplished by a summoned squad car.
- 11. Pursuits: Generally, Police bicycles are not to be used in vehicle pursuits unless in an emergency situation.
- C. Authorization for use in various situations. Bicycler Patrol Officers may be used:
  - 1. in traditional patrols to supplement patrol shifts;
  - 2. for special events; and
  - 3. to focused areas of enforcement due to recently identified trends in activity.
- D. Qualifications and training for personnel assigned:
  - 1. Officers who have successfully completed their new hire probationary period are eligible to apply for the Bicycle Program.

- 2. The Operations or Training Captain will solicit letters of interest whenever an opening is available. The Lieutenants shall select program candidates from the submitted letters. Selection will be made based on willingness to ride every day of the week, physical fitness and eligibility.
- 3. A shift supervisor (sergeant) can submit a request to the Commanding Officer of Field Operations to have an officer removed from or added to the program. The final decision shall rest with the Division Commander.
- 4. Bicycle officers who are proven to recklessly endanger themselves or the public as determined by a Division Commander, shall be removed from the Bicycle Program for no less than six months. Officers also may be removed from the program if their bicycle is stolen or damaged beyond repair because of officer negligence or unreasonable response to a situation.

## 5. Training:

- a. Police Officers shall receive periodic update training on duty as deemed necessary by the Supervising Bicycle Patrol Unit. Officers who fail to maintain the specified level of proficiency will not be eligible for assignment until they have demonstrated acceptable skills.
- b. Prior to assuming assignment, selected officers are required to attend a P.O.S.T. approved training course or department training, before operating a bicycle on duty.
- c. Officers shall begin patrolling on bicycles only after they receive the required training.

#### E. Maintenance:

- 1. The Police bicycles will be maintained in a clean, safe and lawfully operable condition at all times.
- 2. The assigned officers will do general maintenance and repairs.
- 3. Repairs that cannot be done by the assigned Officer will be done at an authorized repair facility as designated by the Field Operations Division Commander.
- 4. Daily inspection shall include the frame, brakes and cables, tires, crank tire air pressure and quick releases as taught in bike class.

## F. Statement of the operational objectives of the Bicycle Program:

- 1. The Bicycle Program is designed to enhance crime prevention, selective enforcement and community based efforts by increasing visibility and police presence in the campus interior and parking lots.
- 2. It shall be the policy of the department to utilize bicycle patrol, when officers are trained and available, to:
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  - b. enforce laws and regulations;
  - c. patrol areas of the campus which are less accessible, or which are inaccessible to motor vehicles; and to
  - d. increase contact with the public so as to further develop the department's

community-based policing philosophy with the university.

## G. Authorized equipment:

- 1. Bicycles and field support equipment shall be checked out in the same manner as vehicle assignments.
- 2. Only approved wearing apparel shall be worn. As listed in General Order 2-9.
  - a. Bicycle Officers will wear an approved bicycle helmet and their assigned safety equipment. This will include the appropriate uniform, portable radio, and for police officers, protective body armor.
- 3. Each Officer will perform a thorough inspection of his/her equipment prior to any assignment/shift, as well as throughout the remainder of the shift. Discrepancies or hazards shall be immediately reported, and repairs that cannot be made will suspend the assignment for that officer, if replacement equipment is not available.
- 4. During the hours of darkness, officers shall meet the requirements of CVC Section 21201 (d). Every bicycle upon any highway during darkness shall be equipped and utilize the following:
  - a. A lamp emitting a white light that illuminates the highway in front of the bicycle and is visible from a distance of 300 feet in front and from the sides.
  - b. A red reflector on each pedal visible from front and rear, which shall be visible from a distance of 500 feet.
  - c. A white or yellow reflector on each pedal visible from front and rear of the bicycle from a distance of 200 feet.
  - d. A white or yellow reflector on each side forward of the center of the bicycle, and with a white or red reflector on each side of the rear of the center of the bicycle.
- H. Positions authorized to operate and use bicycles:
  - 1. Corporals and officers are the primary positions in which bicycle patrol personnel are selected.
  - 2. Sergeants may participate in the program maintaining supervision responsibilities of related staff.
  - 3. The designated watch commander may participate in bicycle patrol duties with the authorization of the Operations Division Commander.

V. APPENDICES: None

VI. ATTACHMENT: None



NUMBER: 3-24 APPROVED: Reguld Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 20, 2006, Jan. 14, 2008, Feb.

20, 2008, March 6, 2013, Dec. 1,

2014, Sept. 16, 2015, Dec. 20,

SUBJECT: DEPLOYMENT OF PERSONNEL 2019

I. PURPOSE: The purpose of this order is to establish procedures for continuous patrol coverage and assignment of personnel to patrol shifts.

II. POLICY: It shall be the policy of this Department to provide continuous patrol coverage 24 hours per day for the campus and to assign officers to shifts based on workload assessments.

### III. DEFINITIONS:

- A. Beat: A geographic area assigned to a patrol officer. The term beat applies to the area patrolled by an officer on foot or in a vehicle.
- B. Body Armor: A vest or jacket whose material-such as kevlar or nylon cloth-affords ballistic protection and whose construction may or may not accommodate metal or ceramic inserts.
- C. Incident: An event that requires law enforcement action or the dispatching of officers in response to citizen requests for law enforcement services. This includes any incident, whether criminal or non-criminal, for which there has been a response to the scene, an investigation, or the preparation of an oral or written report.
- D. Patrol: The deployment of officers to repress and prevent criminal activities, investigate offenders, and furnish day-to-day enforcement services to the community.
- E. Shift: An established period of time that an employee works. Shifts may be determined in accordance with workload demands and/or collective bargaining agreements.
- F. Shift Briefing: Training or informational sessions of short duration administered to law enforcement officers just prior to, or after, their tour of duty.

### IV. PROCEDURES:

- A. The department shall provide and maintain continual 24-hour Uniform Patrol coverage.
  - 1. On duty personnel shall remain available until relieved at change of shift.
  - 2. "Availability" equates to being fully equipped and in uniform, whether in the station or the field.
  - 3. Once the on-coming shift is available and ready for assignments, shift change can

occur.

- 4. When a shift is in "briefing status" this shall be considered continuous coverage.
- B. Officers assigned to Field Operations will work either a 3/12 or a 4/10 schedule.
- C. Minimum staffing depends on staffing levels and availability. Optimum staffing would be as follows:
  - 1. One Command Officer one Sergeant, one Corporal and one to two officers being assigned on each shift.
  - 2. Should the Sergeant be on leave, or otherwise unavailable, the Corporal will act as the shift supervisor.
  - 3. If a Corporal is not available, the Sergeant will designate a senior officer to act as Watch Supervisor. Only officers who have completed their first year probation, and have been approved by their Sergeant and the Commanding Officer of Field Operations to act as a Watch Supervisor will be placed in this role.
  - 4. It is the Sergeant's responsibility to insure that minimum staffing is maintained before granting time off requests and to have officers fill vacancies on an overtime basis if staffing is not sufficient.
- D. At least one officer must be available to respond to calls for service at all times. At shift change when officers are in Line-Up, one officer will be designated to respond should a call for service be received.
- E. One officer will be assigned to the traffic function on the streets and roadways immediately surrounding the University and its residential properties.
- F. Officers will not be assigned to specific areas on the campus unless the Sergeant temporarily assigns an officer for the purpose of concentrated enforcement, surveillance or the need for a visible presence.
- G. At least two marked police vehicles will be utilized on patrol at all times in addition to police bicycles.
  - 1. This doesn't prevent an officer from conducting foot or bicycle patrol, after parking a patrol vehicle in the field near the area they are patrolling

#### H. Shift Assignment:

- 1. Patrol personnel will rotate their shift assignments every six months, in January and July.
  - a. Officers attending university classes in furtherance of a degree will have shift priority and their shift will not change in the middle of the semester.
- I. Generally, personnel assigned to nights will rotate to days and personnel assigned to days will rotate to nights.

- J. The Chief of Police will make assignments to shifts based on the needs of the Department, taking into consideration requests from individual officers.
  - 1. Assignments will also be made taking into consideration the need to have a senior officer available to act as Watch Supervisor.
- K. At the time the shift assignments are made, the Field Operations Commander or his/her designee will also assign days off.
  - 1. Generally, all patrol personnel assigned to a specific shift will have the same days off to insure continuity of supervision.
  - 2. In the case of a 3/12 patrol personnel will generally be assigned to work either a Sunday through Tuesday schedule or a Wednesday through Friday schedule and will work every other Saturday. Depending on staffing availability, the eight-hour day can be moved to one of the other scheduled workdays.
  - 3. In the case of a 4/10, patrol personnel will generally be assigned to work either a Monday thru Thursday schedule or a Tuesday thru Friday schedule.
- L. The Chief of Police may alter the above shift schedule in emergency situations or based upon the needs of the department.
- M. The Field Operations Commander will generally work the day watch.
- N. The Unit 8 (SUPA) contract requires that all work schedules be prepared in written form and posted not less than twenty-one (21) days prior to a shift change and that employees must receive twenty-one (21) days notice of any change in his/her regular scheduled shift or days off, except in emergency situations.
  - 1. The Field Operations Commander or his/her designee will note on every schedule the date it was posted.
  - 2. If a change is made to a schedule after it is posted, the revision and new posting date will be noted on the schedule,
  - 3. The Field Operations Commander or his/her designee will note requests for a single day off on the schedule, i.e. CTO, HTO or VAC.
- O. Shift schedule preference request will be posted one month prior to change of shifts.
- P. Vacation sign up will be posted by January of every year and will be an annual schedule. Time blocks available will be noted on the sign up and sworn personnel and dispatchers will sign up in rank and by seniority,
  - 1. Non-sworn administrative employees will submit vacation requests to their supervisors.
- Q. Civilian Employees:
  - 1. Positions in the department not requiring sworn status are specified as civilian

- positions and staffed accordingly.
- 2. The current civilian positions in the Department are the Associate Director for Operations & Parking/Transportation, Administrative Analyst/Specialist, Fiscal Services Coordinator, Dispatchers, Records/Communication personnel, Community Service Officer, Information Systems Specialist, Administrative Assistant, Crime Prevention Specialist, Accreditation Coordinator, C.A.R.E. Escorts and any student or part-time personnel (all receptionists and PCO's).
- 3. Schedules for civilian personnel are set at least three weeks in advance by the civilian's respective supervisor, and are posted on the duty schedule with sworn positions.

# R. Frequency and procedures for shift briefing:

- 1. Each day before beginning Patrol duties, the Watch Commander/Supervisor will brief personnel scheduled to work that shift.
- 2. When possible, Watch Commander/Supervisor should plan their shift briefing training prior to the start of the shift, which will include the techniques used, and the instructional method for the shift briefing training, such as lecture, demonstration, discussion, or practical exercise. Training should be scheduled as far in advance as practical.
- 3. Watch Commander/Supervisor will evaluate their shift's training to ensure that it complies with current department policies, procedures, and case law.
- 4. Instructional personnel for briefing training will be persons with the special knowledge or skills for the subject matter, and will prepare lesson plans, when required.
- 5. Local police academy instructors can be utilized to conduct briefing training.
- 6. All briefings will be conducted in a professional manner and attendance is mandatory.
- 7. Officers will arrive at the briefings on time, in the uniform of the day, with all equipment in operational order and ready to begin Patrol duties immediately.
- 8. Shift sergeants will determine the actual time when briefings will be conducted. The time may vary depending on whether the briefing includes inspections or training.
- 9. Officers attending the briefing are to be ready to respond to calls if assigned during briefing.
- 10. Briefings will be used to:
  - a. A briefing will be conducted at the beginning of each shift.
  - b. Inform Officers of any special enforcement activities scheduled for that day and any specific item of interest [i.e. unusual situations, wanted persons, stolen vehicles and investigations];
  - c. Provide transfer of responsibility from the previous shift to the new shift, to include all ongoing issues and review shift log from previous shift;
  - d. Review administrative business issues, to include changes in schedules, assignments or days off and duty assignments;
  - e. Provide officers with any new or revised general orders or special orders and train them on the content of the orders;
  - f. Provide other training appropriate to a roll call setting; and

g. Evaluate Officer readiness to assume Patrol duties, including spot inspections.

#### S. Field Interviews:

- It shall be the policy of the department to record instances of contacts with individuals when an officer reasonably associates unusual or suspicious activity with the individual.
- 2. Since the field interview relies on voluntary cooperation, Officers must let a subject walk away if the person refuses to consent to the interview, even if the person is rude or unpleasant. Persons may be detained if either reasonable suspicion or probable cause has been developed.
- 3. The Field Interview provides the department a source(s) of information to:
  - a. Apprehend criminals and to prevent crime with the number and frequency of persons interviewed
  - b. Expand an officer's power of observation to obtain information from persons who work on campus, or, living or working within the area surrounding the campus.
- 4. Field interviews are used to investigate and document suspicious activities, interview complainants, and conduct fact-finding. The Officers experience, training, knowledge of the area and of criminal activity within it should help determine whether to perform a field interview.
- 5. Field interviews can be valuable tools in investigations since they can:
  - a. Place a person at a particular place at a particular time;
  - b. Document subject explanations for actions or for being at a location;
  - c. Identify a subject, e.g. name, address, physical description, etc.;
  - d. Identify associates;
  - e. Gather vehicle information; or
  - f. Gather intelligence.

#### 6. Identifying the Suspect

- a. An on-view arrest is not always based upon the immediate recognition of a wanted criminal. Frequently, it is the outgrowth of the action taken by a police officer that stops to question a person who has aroused his/her suspicions.
- b. Information obtained during the field contact may also be used at a later date to identify a criminal. This information can be used by:
  - 1) Patrol Officers
  - 2) Investigators
  - 3) Other law enforcement agencies

#### T. Crime Suppression and the Field Interview:

- 1. The assertiveness of the patrol activity may be brought to the attention of the criminal(s) and their associates.
- 2. The criminal(s) can also observe the activities of the police and conclude that the

possibility of escaping detection, apprehension and prosecution is not favorable.

# U. Conducting the Field Interview:

- 1. Officers must determine when a field interview is warranted. To do so, the officer must understand that:
  - a. A fine line exists between a field interview and a lawful detainment.
  - b. Detentions, as defined within U.S. Supreme Court case Terry v. Ohio, 392 U.S.
     1 (1968), and casual encounters, permit officers to contact individuals absent of making an arrest.
  - c. Officers are to understand that in cases of a field interview, this is neither a custody scenario, nor an interrogation.
    - 1) The individual is free to leave, unless the officer elevates the status of the investigation because of new observations, information, or actions of the individual which indicate criminal activity has or is about to occur.
    - 2) A Miranda waiver is NOT required, again because there is NO CUSTODY.

# 2. Approaching the subject

- a. The purpose of the field interview will determine the method(s) used to contact and converse with the subject.
- b. Whenever possible, officers should select a location for a field interview that is well lighted and away from bystanders.
- c. Officers must at all times protect themselves and others in the area. Officers are to remain cognizant of the rights of the individual who is being contacted.
- d. Officers working in civilian attire have the added responsibility of identifying themselves as police officers before stopping a person for a field interview.

# V. Using the Field Interview Card:

- 1. A field interview card will be completed for each individual whom an officer stops for a field contact.
- 2. A field interview card may also be used as an observation-recording device.
  - a. In these instances, the officer should fill out the card as completely as possible, using prior knowledge of the individual or vehicle and the current observation made.
  - b. This will supplement the automated recording of these events into the Department's RIMS records system.
- 3. Field interview cards should be used in these instances:
  - a. An officer stops an individual for the purpose of conducting an interview, but the individual refuses to give the officer any information and the officer has no reasonable cause to pursue the matter further.
  - b. An officer wishes to make note of a subject in a specific place at a certain time,

- and the officer has completed a field interview card on the same subject on another occasion.
- c. An officer observes a vehicle which arouses his/her suspicions, but the owner/driver of the vehicle cannot be interviewed (e.g., a "strange" vehicle parked in a parking lot or near a campus facility after normal University hours.
- d. An officer observes a known criminal in or at a suspicious place or time, but is not able to stop to talk to that individual.
- 4. When completed, the field interview card(s) shall be placed in the "To Be Processed Box", where they are entered into RIMS.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 3-25 APPROVED: Reynold Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Sept. 13, 2005, Jan. 18, 2006, Mar.17, 2006, Sept. 20, 2006,

SUPERCEDES:

REVIEWED/REVISED:

Jan. 26, 2007, Feb. 20, 2008, Mar. 17, 2008, Mar. 4, 2015, Jan.

22, 2016, Dec, 20, 2019

#### SUBJECT: TEMPORARY DETENTION FACILITY/INTERVIEW ROOM

I. PURPOSE: To establish general guidelines for the use and operation of the Department's Temporary Detention Facility.

II. POLICY: It shall be the policy of this department to utilize the Temporary Detention Facility to provide a safe and secure facility for interviewing and the temporary detention and processing of criminal suspects while preliminary investigations are conducted. The following procedures shall be observed at all times unless the circumstances demand a variation. In all cases where a deviation from the guidelines occurs, the action shall be approved, explained and justified by the duty Shift Supervisor.

Shift Supervisors shall be directly responsible for securing adherence to the policy and for the direct supervision, control, upkeep, repair and cleanliness of the Temporary Detention Facility as well as the care and treatment of detainees.

#### III. DEFINITIONS:

A. Temporary Detention Facility: Rooms 118 and 119, areas including both Cells, restrooms and the secure interview room.

#### IV. PROCEDURES:

A. Organization, Administration, and Management of Temporary Detention Facility and Interview Room:

#### 1. Supervision

- a. The Commanding Officer of Investigations shall serve as supervisor of the temporary detention facility and interview room.
  - The Commanding Officer of Investigations shall be responsible for all aspects of the detention facility to include overseeing prisoner processing,

- record keeping, staff training, security, sanitation and maintenance, safety, supervision, and the designation of personnel necessary to safeguard the well being of detained prisoners.
- 2) The supervision and accountability for the arrested person shall be that of the officer placing the person into the temporary detention facility and interview room, unless relieved of this responsibility by the Watch Supervisor.
- 3) People arrested and transported to the temporary detention facility may be detained for the purpose of processing, questioning, or testing for a period not to exceed two hours. Assigned agency personnel shall physically monitor an arrestee continuously while they are in the facility.
- 4) Supervision of detainees of the opposite sex shall be monitored, if possible, by another employee of the same sex.
- b. Video and audio surveillance in the Temporary Detention Facility will be controlled to reduce the possibility of invading detainees' privacy.
  - 1) Video, audio and alarm monitoring devices allow for constant observation and supervision of detainees inside of the Temporary Detention Facility area. The video monitoring devices are employed for security and safety purposes. Video and audio monitors in dispatch allow officers to observe the detainees.
  - 2) Video and audio monitoring devices allow for constant observation and recording of detainees inside of the interview room. The officer must confirm that Investigations is prepared to monitor and record the detainee inside of the interview room when conducting interrogations or questioning. Video and audio monitoring shall not be used to record detainees' privileged conversations with clergy, mental health or medical personnel, and attorneys.
  - 3) Officers with portable radios may utilize them to communicate the need for immediate response or assistance.
  - 4) One panic button in the temporary detention area is located near the existing wall telephone, which will in turn report into the Dispatch center. This will also sound an audible alert in the hallway near the Investigations area of the station. One keypad is used to deactivate the panic alarm system, which is located outside the temporary detention area entry outer hallway. One intercom system is between the temporary detention area and dispatch. The alone system has a call button located above the existing wall telephone, which is used to contact the dispatch center. At any time, dispatch can monitor the temporary detention area without having the call button in the temporary detention area activated. The speaker is mounted just above the temporary detention entry area in the recess ceiling.
- c. The Watch Supervisor shall prepare a memorandum of all incidents that threaten the facility or any person therein and forward it to the Commanding Officer of Investigations via the Chain of Command.
- 2. Authorization for use of the temporary detention facility and interview room (Room 118).

- a. When transporting a detainee to the station for placement in the temporary detention facility and/or interview room, an officer must notify the dispatcher and the Watch Supervisor of the day, date, time (in and out) and the reason detained shall be recorded in RIMS.
- b. The Watch Supervisor will ensure that there are no special considerations as noted in this order that would require the detainee to be transported to another facility rather than to the University Police Department. These include escape risk, physical injury, violent tendencies, or other arrested individuals occupying the facility.
- c. When bringing in a detainee into the detention facility, an officer is to enter the Police building through the northeast door located in the sally-port area, into the facility.
- d. No visitor shall be allowed in the detention facility with the arrestee.

# 3. Training

- a. All sworn University Police personnel shall first receive training in safety and security procedures, supervision and physical restraint of prisoners and detention facility operations to include fire suppression and equipment provided for use by the agency. This training is required to ensure the safety and security of staff and detainees.
  - 1) Sworn officers shall receive this training during the FTO program and every 2 years thereafter.

#### 4. Inspections

#### a. Fire Safety

The temporary detention facility, and interview room are equipped with an automatic fire alarm with a heat and smoke detection system. Inspections of the fire alarm system and fire equipment shall be conducted on a regular basis.

 Documented weekly visual inspection of the fire equipment by the Commanding Officer of Investigations or his/her designee on the form in Attachment D.

#### b. Sanitation

The temporary detention facility and interview room shall be maintained in a clean, sanitary condition and shall be inspected on a weekly basis by the Commanding Officer of Investigations or his/her designee, on the form in Attachment D.

1) Weekly documentation shall identify any conditions that are unsanitary or conductive to infestation by vermin and provide time frames for correction

or recommendations for facility improvements to eliminate the problem.

Notifications to the SFSU Plant Operations should be considered for controlling vermin.

# c. Security

The Commanding Officer of Investigations or his/her designee shall conduct Security Inspections of the Temporary Detention Facility weekly using the form in Attachment D. Windows, exit doors, cell doors, cell locks, bars, ventilator covers, floors, and walls shall be checked carefully for operational wear, detainee tampering, weapons, and contraband. In addition the Watch Supervisor and Officers shall:

- 1) Conduct and inspect prior to placing a detainee inside of the facility and after the detainee is transported from the facility.
- 2) Deficiencies found in the inspections shall be reported in writing to the Commanding Officer of Investigations via the Chain of Command. All defective security equipment should be replaced or repaired immediately.
- d. The Commanding Officer of Investigations or designee shall conduct a quarterly test of the security alarms for the evidence room and the property container. The Commanding Officer of Investigations shall conduct a biennial review of policies and procedures for the temporary detention areas.
- 5. Minimum physical conditions for the Temporary Detention Facility and Interview Room
  - a. Water will be provided upon request of the detainee via the water fountain inside of the facility or by paper cup.
  - b. Requests for use of the restroom by detainees are authorized for the temporary detention area restroom only. The detainee may use the washbasin in the restroom.
  - c. Food is not allowed in the Temporary Detention Facility and Interview Room.
  - d. There shall be adequate lighting in the Temporary Detention Facility when used.
  - e. There shall be circulation of fresh air within the facility.
  - f. No culinary equipment will be brought into the detention cell area or interview room.
  - g. One brass key will be stored in the Dispatch key box for Emergency access to the detention cell area.
- B. Safety and Emergency Operations:
  - 1. Fire Prevention and Suppression
    - a. When detainees are searched, all matches, lighters, etc. will be removed from their person.
    - b. No smoking is allowed in the temporary detention facility and interview room.

- 1) No flammable objects will be allowed in the temporary detention facility and interview room, and the interior is such that it is not conducive to burning.
- c. Should a fire be started, a fire extinguisher is located in the east hallway near the entrance to the temporary detention area, officers will utilize this to extinguish any flames.
  - 1) The dispatcher will make notifications to the San Francisco Fire Department, if required, and to the Watch Commander.
  - 2) The incident will be documented within a University Police Employee's Report and the arresting officer shall summarize the incident in a written memorandum to the Chief of Police.

#### 2. Evacuation Plan

- a. Detainees will be immediately evacuated from the temporary detention facility/ interview room in the event of fire in the building, earthquakes, or any other situation, which makes remaining in the building unsafe.
- b. A written and posted emergency evacuation plan for the facility is posted on the north wall directing evacuation of persons to hazard-free areas.
  - 1) Detainees who are evacuated will be removed from the building through the closest exit door into the rear parking lot.
  - 2) A secondary evacuation exit shall be the west interior entrance door to the facility. Detainees who are evacuated through this route will be escorted south through the Department's east hallway into the front parking lot.
- c. If a detainee cannot be released they will be secured in the rear of a caged police vehicle and monitored by Department personnel until a transport can be arranged to another facility.
- d. Should a detainee require first aid and/or hospital transportation as a result of fire and/or any other situation, the San Francisco Fire Department Paramedics will be notified to respond for assistance.

# 3. Detainees with Illness, Injury or Disability

- a. The temporary detention facility is not intended for or equipped to handle arrestees who require immediate or sustained medical attention. Therefore:
  - 1) No detainee shall be transported to the temporary detention facility or held for interrogation or other purposes, who has injuries or illnesses that require hospitalization or attention of a health care professional. This also includes detainees who suffer from extreme alcohol intoxication or drug overdose, symptoms of severe mental disorder, and signs of being a suicidal risk per 5150 W&I. Any detainee injured or ill shall be taken directly to San Francisco General Hospital.
  - 2) If the detainee requires immediate medical care, notify the San Francisco

- Fire Department Paramedics for assistance to be transported via ambulance directly to a medical facility.
- 3) Intoxicated violators shall be transported directly to the County Jail 1.
- 4) Violent subjects detained under 5150 W&I shall not be transported to the University Police Department. They shall be transported directly to the S.F. General Hospital Psychiatric Ward.
- 5) If a detainee becomes injured or ill while being held in the temporary detention facility, San Francisco Paramedics should be called immediately.
- b. An SFSU Student Health Center Physician can be called as a secondary choice during business hours.
- c. A first aid kit shall be available mounted on a wall inside of the detention facility. The first aid kit shall be inspected weekly and replenished if necessary.
- d. At the time a person is detained, the officer who is placing them in the Temporary Detention Facility and/or Interview Room must medically screen the detainee through visual observation and by asking the detainee directly, if the detainee is:
  - 1) Sick or injured;
  - 2) Diabetic or epileptic;
  - 3) Taking insulin;
  - 4) Using any medicines or prescription drugs;
  - 5) Using any controlled substance; or
  - 6) Suicidal (state of consciousness and mental status);
  - 7) Has body deformities, bruises, lesions, trauma markings.
- e. Should a detainee require medication or prescription drugs, the officer who placed them in the facility shall immediately notify the paramedics to disperse drugs; once cleared by paramedics or SFSU Physicians, detainee should be transported to San Francisco General Hospital.
- f. Violent Suspects
  - 1) Violent suspects who are under arrest shall not be taken to the University Police Department. Arrestees shall be taken directly to County Jail 9.
- g. Signs are posted in the temporary detention facility and interview rooms that state, "If you are injured or sick, notify the officer or supervisor immediately so that medical attention can be obtained."
  - 1) The signs are written in English, Spanish and Chinese.

#### C. Security and Control:

#### 1. Weapons control

a. Prior to entering the facility with an arrestee, officers shall secure their weapons (firearms, chemical sprays, baton, knife) in the gun lockers available in the sally port and east hallway wall. Exceptions to this directive are times of emergency

limited to life/safety issues.

# 2. Access to facility and detainee- Non Essential Staff

- a. Once an arrestee is placed in the temporary detention facility or interview room, no personnel except those involved in the arrest or the investigation shall enter the area. Non-essential persons shall not be granted access to the facility unless the facility is unoccupied.
  - 1) Non-essential persons shall be prohibited from accessing the Temporary Detention Facility.
- b. The Watch Supervisor may assign personnel to assist in the processing and monitoring of the arrestee.
- c. The arrestee may not receive visitors, however, attorneys, parents, guardians, or relatives may be allowed entry for a specific purpose, if approved by the Watch Supervisor.

#### 3. Detainee Records

- a. Access to a detainee's personal records (Criminal History, Arrest Record, DMV Information) is limited to assigned University Police Department personnel and shall not be disseminated without consent from the Chief of Police.
- 4. Keys/Access cards to Temporary Detention Facility
  - a. Keys and access cards to the facility shall be strictly controlled and limited to sworn University Police personnel. Keys to the cells shall be kept in the following locations.
    - 1) One key will be kept in the hallway gun locker #1 for use by arresting/ transporting officer.
    - 2) One key will be maintained in the department "Key Watcher" cabinet in the squad room.
    - 3) Once a prisoner is locked in the cell the key will remain in the possession of the officer assigned to monitor the prisoner. The cell key will not be removed from the building for any reason.

#### 5. Escape Prevention

- a. Officers will ensure that the hallway door and the exterior door to the temporary detention facility shall at all times remain closed and secured, and remain isolated from other department personnel.
  - Interior and exterior doors must be secured to the temporary detention facility before unhandcuffing detainees or moving them to and from the Interview Room.

- b. Doors to unoccupied cells, the facility restroom, and the interview room shall remain secured when not in use.
  - 1) Doors to the facility shall be tested for vulnerability after they are secured.
- c. Officers are permitted to unlock the doors to the cells in the facility with approval from the Watch Supervisor, or in case of an emergency.
- d. Two officers must be present when a detainee is being searched, being placed in a cell, interview room, or being removed from the interview room for processing. Two officers must be present when entering an occupied cell to minimize the opportunity for escape.
  - 1) The conditions under which an officer enters an occupied cell shall be for prisoner removal and emergencies.

# 6. Prisoner Escape

- a. Prisoner escapes shall be reported immediately to the Watch Supervisor and dispatch. The Chief of Police shall be notified via Chain of Command.
- b. Descriptions, identities, and offenses of the escapee shall be relayed to all duty personnel, the SFPD, SF Sheriff's Department, and CHP.
- c. The Watch Supervisor shall coordinate intelligence gathering and search procedures among department personnel and other law enforcement agencies as appropriate.
- d. The detention facility shall be secured, all prisoners accounted for, and all security doors and devices inspected to ensure proper functioning.
- e. The Watch Supervisor shall initiate an investigation of the circumstances surrounding the escape and provide a full report with recommendations to the Chief of Police.
- f. If the escaped prisoner is located, notifications must be made to end the alert to all duty personnel, the SFPD, SF Sheriff's Department, and CHP.

# 7. Detainee Processing

- a. A security check for weapons and contraband shall be conducted by the arresting officer or personnel designated by the Watch Supervisor, on unoccupied cells, the facility restroom, and Interview Room prior to and after use.
  - 1) Any conditions observed shall be reported immediately to the Watch Supervisor verbally and in an SFSUPD Employee's Report.
- b. A pat down search will be conducted of all subjects before they are placed in the temporary detention facility and anytime a subject has been removed and then returned to the facility.
  - 1) Incidental to a lawful arrest, detainees will be thoroughly searched and all of their property will be removed from them, inventoried and properly secured.

This included belts, jewelry and cellular telephones. Detainees shall be allowed to retain only their clothing.

- a) Personal property of the detainee taken for safekeeping shall be transported and booked at CJ 1 with the arrestee.
- b) Confiscated property/evidence shall be placed in evidence lockers, and appropriately documented and inventoried. A receipt will be issued if needed. A second officer or dispatcher will witness the counting of cash in excess of \$100.00.
- c) In the event a detainee is released from police custody, personal property taken from the detainee shall be compared with the inventory list, and the detainee shall be requested to sign a receipt for the property returned. Any discrepancies shall be reported immediately to the Watch Supervisor or officer-in-charge.
- d) Property retained for evidentiary or other purposes should be noted on the receipt.
- e) If the detainee is released to a transporting officer for transfer to CJ 1, the property should be given to the transporting officer, who should sign the receipt.
- c. The primary detention area for detainees will be the two cells within the facility. Detainees shall not be held in the detention facility longer then 2 hours. All detainees shall be escorted by an officer at all times.
  - 1) Detainees shall be booked into County Jail 9 as soon as possible.
    - a) The officer shall complete the San Francisco Police Department Field Arrest card. (Attachment A)
    - b) The Field Arrest card and a copy of the property Inventory shall be taken with the arrestee to County Jail 9.
    - c) A copy of the Property Inventory shall be given to the arrestee.
- d. The use of handcuffs will be at the Officer's discretion based on the following factors:
  - 1) Have they exhibited behavior that indicates that they are a threat to the University community, the officer, or to themselves?
  - 2) Are they going to use the telephone while in the detention facility?
  - 3) What is the demeanor (mental/emotional state) of the detainee?
  - 4) Are sufficient officers available to control the detainee?
  - 5) Do they need to sign documents?
  - 6) Will the interview process be hindered if the detainee is handcuffed?
- e. Confirm the classification of the detainee to ensure segregation, if required, per 4001 P.C.
  - 1) Female detainees may not be confined with males.

- 2) Juvenile detainees may not be confined with adults and shall not be processed in the presence of adult violators.
- 3) If adults and juveniles are required to be detained at the same time, the adults and juveniles must be separated by placing the juveniles in the interview room or detention cells away from the adults.

#### f. Detainee Release

1) Prior to the release of a detainee from police custody, positive identification must be made of the detainee.

# g. Mass Arrests

1) Mass arrest booking, and detention of prisoners shall be handled in conformance with this agency's civil disturbance policy (G.O. 3-10). The SFPD and SF Sheriff's Department shall be summoned for booking and transport in the event of a mass arrest. At no time shall prisoners be transported to the station if the maximum capacity of the detention facility is reached.

# D. Supervision and accountability for detainees

- 1. The officer must confirm that Investigations or an officer is prepared to monitor and record the detainee.
  - a. Ensure the video camera and monitor are operational.
  - b. Ensure the audio sound is operational.
  - c. Turn the lights on and ensure they are functional.
  - d. Ensure that the facility is clean and free of any trash or debris.
- 2. Before placing a detainee in the Interview Room, the officer will conduct a security inspection of the room, checking for weapons, contraband, and unauthorized materials/items. A second security inspection shall be performed upon the removal of a detainee from the facility.
- 3. Video and audio monitors allow for constant observation of detainees in the detective's office and or in the Squad Room.
  - a. Video and audio monitoring shall not be used for detainee conversations with clergy, mental health or medical personnel, and attorneys.
- 4. Officers with portable radios may utilize them to communicate the need for immediate response or assistance.
- 5. Detainees are not to be secured to stationary objects unless such a detention is necessary and when that occurs the subject will only be secured to the cuffing rails on the bench or interview room wall, specifically designed for that purpose.
- 6. Minimum physical conditions for the interview room
  - a. There shall be circulation of fresh air through the ceiling vents.

- b. The hallway door and the Investigations office door shall remain closed and the area isolated from other department personnel.
- c. Water shall be provided upon request of the detainee via paper cups.
- d. Requests for use of the restroom by detainees are authorized for the temporary detention area restroom only. Detainees shall be accompanied to the restroom and maintained in visual contact, if possible, at all times.
- e. Food is not allowed in the Interview Room unless authorized by the Watch Supervisor. Bottles and cans are not allowed under any circumstances.
- f. There shall be adequate lighting in the interview room.
- g. Detainees should not be held more then 2 hours in the interview room.
- 7. Plan for fire prevention, fire evacuation, and fire suppression.

#### a. Fire Prevention

- 1) All detainees shall be searched prior to entering the investigations interview room. When detainees are searched, all matches, lighters, etc. will be removed from their person.
- 2) No smoking is allowed in the interview room.
- 3) No flammable objects will be allowed in the interview room.

# b. Fire Suppression

1) Should a fire be started, a fire extinguisher is located in the east hallway near the south interior entrance door to the Investigations office. Officers will utilize this to extinguish any flames.

#### c. Evacuation

- 1) Detainees will be immediately evacuated from the Interview Room in the event of fire in the building, earthquakes, or any other situation, which makes remaining in the building unsafe.
- 2) Evacuated detainees shall be removed and escorted from the building through the closest exit door into the rear parking lot.

# 8. Security and Control

#### a. Weapons control

- 1) Officers shall secure their weapons (firearms, chemical sprays, baton, knife) prior to entering the interview room.
- Officers shall secure their weapons by utilizing the gun lockers located in the sally port and east hallway wall.

#### b. Access to area and detainee

1) Once a detainee is placed in the interview room, no personnel except those

- involved in the arrest shall enter the room. (Due to safety concerns and the size of the Interview Room no more than two officers shall interview a subject at one time.)
- 2) The Watch Supervisor may assign personnel to assist in the processing and monitoring of the arrestee.
- 3) The arrestee may not receive visitors, however, attorneys, parents, guardians, or relatives may be allowed entry for a specific purpose, if approved by the Watch Supervisor.

# c. Escape prevention

- 1) Officers will ensure that the external doors are secure before unhandcuffing detainees or moving them from the area.
- Two officers must be present when a detainee is being searched, being placed into the temporary detention facility, or being removed from the room for transport.
- 3) The visual and audio monitoring must be activated before a detainee is placed inside of the interview room.
- 4) The use of handcuffs will be at the officer's discretion based on the criteria mentioned in Part C, Section 7, d.

#### d. Search of detainee

- A pat down search of the detainee will be conducted prior to placement into the Interview Room and anytime a subject is removed and then returned to the room.
- 2) Incidental to a lawful arrest, detainees will be thoroughly searched and all their property will be removed from them, inventoried, and properly secured.
- Confiscated evidence/property will be placed in the evidence lockers and properly documented.

#### e. Visual Observation of Detainee

1) Personnel will physically monitor an arrestee continually while in custody. Detainees are not to be left unattended.

# f. Training

1) Documented training on the use of the temporary detention area is required for all department personnel with any responsibility for detainees in temporary custody.

# E. Special Considerations:

- 1. Temporary Custody and Detention of Juveniles
  - a. Temporary Custody

- 1) No juvenile may be held in temporary custody at the SFSU Police Department facility without authorization of the Watch Supervisor. All individuals taken into custody for Welfare & Institutions Code 300, 601, or 602 shall be processed as soon as practical.
- 2) Status offenders and abused or neglected children (juveniles falling within provisions of Welfare & Institutions Code 300 and 601) may not be detained in the temporary detention facility. They may be taken to welfare workers, but not held in a secured environment or come into contact with adults in custody at the police station.
- 3) Juveniles detained under Welfare & Institutions Code 602 (Criminal law violation) may not be held at the SFSU Police Department facility for more than 2 hours from time of arrival at the police department. When a juvenile is taken into custody, the arresting officer shall notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (Welfare & Institutions Code 627).
- 4) Contact between juveniles in temporary custody and adult prisoners shall be restricted. There will be no communication or contact between the juvenile and adult prisoners except during movement of persons in custody within the police department.

# b. Handcuffing of Juveniles in Police Facility

- 1) The following factors shall be taken into consideration when determining whether a juvenile needs to be handcuffed while inside of the temporary detention facility and/or interview room:
  - a) Age, maturity, and delinguent history of juvenile;
  - b) Severity of offense for which taken into custody;
  - c) Juvenile's behavior;
  - d) Availability of staff to provide adequate supervision or protection of the juvenile;
  - e) Age, type, and number of other individuals detained at the facility.
- 2) At no time shall a juvenile be secured to a stationary object (bench in the Temporary Detention Facility) for more than 30 minutes. If a juvenile is secured to a cuffing rail, an officer must be present at all times to assure the juvenile's safety while secured to the rail.

#### c. Dispositions

- 1) Any juvenile not transferred to a juvenile facility shall be released to one of the following:
  - a) Parent or legal guardian
  - b) An adult member of his/her immediate family
  - c) An adult person specified by the parent/guardian

- d) An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the Watch Supervisor.
- 2) If the 2-hour time limit has expired, the juvenile shall be transported to the appropriate juvenile facility.

#### d. Release of Information

- 1) At no time shall department personnel divulge any information to the general public regarding juveniles in police custody without consent from the Chief of Police.
- 2) Per Welfare & Institutions Section Code 828, the release of certain information to other agencies is authorized at the discretion of the Chief of Police.

#### e. Medical Care

- 1) When emergency medical attention is required for a juvenile, the SFFD Paramedics will be notified for assistance. The Watch Supervisor shall also be notified of the need for medical attention for the juvenile.
- 2) In cases where injury or illness is life threatening, officers shall administer first aid prior to the arrival of the paramedics.
- 3) In cases of a serious illness, suicide attempt, injury or death of a juvenile, the following notifications shall be made:
  - a) The Juvenile Court
  - b) Parents, or legal guardian
  - c) Chief of Police via Chain of Command
  - d) Appropriate agencies
- 2. San Francisco State University Police Department/Taravel Station no longer accepts custodial care of arrestees for individuals that have traffic or parking warrants. To facilitate a potential warrant arrestee for a traffic violation in which bail is \$101.00 an advisement may be given to the potential arrestees. The potential arrestee would be advised that he/she has five working days to initiate payment or community service. That potential arrestee would respond to the Hall of Justice at 850 Bryant Street, Room 101 and initiate the desired action. (Bail or Community Service)
- 3. If the arrestee damages any part of the detention facility the arresting officer shall add the below charges where applicable:
  - a. 4600 (a) P.C. Damage to jail property
  - b. 4502 (a) P.C. Possession of weapon by prisoner
  - c. 4502 (b) P.C. Manufactures or attempts to manufacture weapon while in custody
  - d. 4532(a)(1) P.C. escape attempt by misdemeanant
  - e. 4532(b)(1) P.C. escape attempt by felon
  - f. 4573 P.C. Furnishing controlled substance to prisoner
  - g. 602 W & I persons under eighteen years in violation of law

# V. APPENDIX: None

- VI. ATTACHMENTS:
  - A. SFPD Field Arrest Card
  - B. Juvenile Detention Disposition Report
  - C. Juvenile Admission Form
  - D. Inspection Report
  - E. Signs in the Temporary Detention Facility/Interview Room

**DATE** 

# ATTACHMENT A

# For Misdemeanors (White Card)

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**ACTIVITY** 

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Note: Fields with an asterisk (\*) in the Law Enforcement Section are mandatory

# ATTACHMENT C

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# ATTACHMENT D



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

# **Temporary Detention Facility/Interview Room Inspection**



Date Inspection	Conducted:	

	Air	Clean	Contraband	Lighting	Running Water	Toilet Working	Fire Alarm Tested	Fire Sprinkler(s)
Left Cell					N/A	N/A	N/A	
Right Cell					N/A	N/A	N/A	
Restroom							N/A	
Secure Interview Room					N/A	N/A	N/A	

Evacuation Sign in the Temporary Detention Facility	YES	NO
Exit Signs	YES	NO
First Aid Kit Stocked	YES	NO

#### **TESTING**

January Visual, audible, fire alarm testing of fire equipment 8.2.7

Weekly Visual inspection of fire equipment 8.2.7

Weekly Sanitation Inspection 8.2.7
Weekly Security Inspection 8.2.7

Quarterly test of all four emergency panic buttons in the Temporary Detention Facility									
January	Yes	N/A	Yes	N/A	Yes	N/A	Yes	N/A	
April	Yes	N/A	Yes	N/A	Yes	N/A	Yes	N/A	
July	Yes	N/A	Yes	N/A	Yes	N/A	Yes	N/A	
October	Yes	N/A	Yes	N/A	Yes	N/A	Yes	N/A	

#### **EVIDENCE ROOM/PROPERTY CONTAINERS**

Quarterly test of the Security Alarms for the Evidence Room and the Property Containers								
	Evidence Room	Property	Containers					
		Found Property	Evidence					
January								
April								
July								
October								

Person Conducting Inspection:	
Supervisor:	_
Notes:	

#### ATTACHMENT E

# Signs in the Temporary Detention Facility/Interview Room

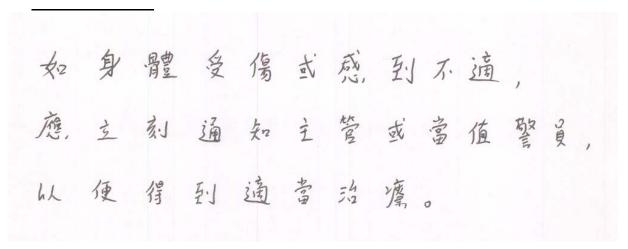
# **English Version**

IF YOU ARE INJURED OR SICK, NOTIFY THE OFFICER OR SUPERVISOR SO THAT THE APPROPRIATE MEDICAL ATTENTION CAN BE OBTAINED.

# Spanish Version

SI USTED ESTA LESIONADO O ENFERMO NOTIFIQUE A EL OFICIAL O SUPERVISOR PARA QUE LA ATENCION APROPIADA, SEA OBTENIDA.

# Chinese Version





NUMBER: 3-26 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2018

SUPERCEDES: REVIEWED/REVISED: Dec. 21, 2019

SUBJECT: RECREATIONAL MARIJUANA RESPONSE

 PURPOSE: To establish proper law enforcement response and procedures for recreational marijuana (<=28.5 grams of bud or plant material, or <=8 grams of concentrated cannabis) on campus property.

II. POLICY: The University Police Department will respond to potential marijuana usage.

III. DEFINITIONS: NONE

#### IV. PROCEDURES:

- A. Residential Assistant Response:
  - 1. If NO MERIT: No further action required.
  - 2. If MERITED.
    - a. Advise and educate about Marijuana and smoking policy on campus.
    - b. Identify the roommates and document the incident.
    - c. If Police assistant needed call University Police Department.
- B. University Police Department Response:
  - 1. If Reporting Party is anonymous AND if merited.
    - a. Advise and educate about Marijuana and smoking policy on campus.
      - 1) Academic and Legal Consequences.
        - University Judicial Student Conduct sanctions leading to suspension or expulsion.
        - ii. Breaking your University Housing contract leading to possible eviction.
        - iii. Medical marijuana cards are not recognized on campus due to federal regulation.

- iv. Marijuana is illegal under Federal Law, which may lead to misdemeanor or felony charges.
- v. Fines and possible imprisonment depending on the number of convictions and the amount in possession.
- vi. Possible loss of federally funded financial aid.
- vii. Housing Regulations: No smoking, paraphernalia, or alcohol, refer to Student Conduct.
- viii. University Police Department will document using appropriate forms, such as citations, and RIMS Incident Reports.
- 2. Notify Housing Residential Assistant, they will document the incident.
  - a. If NO MERIT, advise dispatch and confirm CAD entry with appropriate information entered.
  - b. If NO ANSWER, advise dispatch.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 3-27 APPROVED: Reguld Pa

Reginald Parson Chief of Police

EFFECTIVE: September 1, 2004

Oct 12, 2005, Dec. 4, 2008,

REVIEWED/REVISED: Feb. 11, 2015, Jan. 21, 2016,

Dec. 21, 2019

SUPERCEDES: H-1/H-2

SUBJECT: BUILDING/LIBRARY SECURITY MANAGEMENT CSS PROGRAM

I. PURPOSE: To establish procedures and policies to be followed in reference to the University Police Department's Building, Library Security Management and Community Service Officer Program.

II. POLICY: It is the policy of this Department to hire Community Service Officers as a furtherance of the Department's efforts in community relations and crime prevention.

#### III. DEFINITIONS:

- A. Building Community Service Specialist: Non-Sworn employee whose primary responsibility is to open/close campus buildings. (Also referred to as a Community Service Officer or CSO)
- B. Library Community Service Specialist: Non-Sworn employee whose primary responsibility is to provide library security for persons and materials.

#### **IV. PROCEDURES:**

#### A. Administration:

1. Library and Building CSS's are directly supervised in the field by the patrol shift supervisor while on-duty. They are administratively supervised (i.e., personnel evaluations, time off requests, training, etc.) by the Library CSS Supervisor.

#### B. Qualifications:

- 1. Must have a valid California Driver's License.
- 2. Must pass Defensive Driver's Course.
- 3. Must have the ability to work varied shifts on occasion.
- C. Supervising Library CSS responsibilities include:
  - 1. Completion of Library CSS weekly work schedules.
  - 2. Prepare annual vacation schedules and provide vacancy coverage

- 3. Prepare evaluations with input from the Watch Commander
- 4. Provide training and supervision to subordinates
- 5. Continue to maintain Quiet Study/John F. True usage logs
- 6. Bi-annual inspection of all library alarm systems
- 7 Liaison between the Library and University Police Department
- D. Utilization of Building CSS and Library CSS:
  - 1. CSS's provide assistance to staff and faculty members as needed or requested.
  - 2. Library CSS's provide overnight security coverage to the Quiet Study Area and the John F. True Lab.

# E. Duties as assigned:

- 1. Community Service Specialist's are representatives of the police department but have no more authority than any other citizen. Their duties include assisting the University Police Department with:
  - a. Escorts (Students, Staff, Faculty)
  - b. Building unlocks and lockups;
  - c. Site security;
  - d. Special events;
  - e. Traffic control:
  - f. Assist during emergency situations.
- F. Training: (Library CSS, Building CSS and Parking Officers CSS):
  - 1. New recruits are assigned to a senior Community Service Specialist who will insure familiarization with the campus and department procedures.
  - 2. All new recruits will complete a two-week in-service training. They shall also serve a one-year probationary period. If the recruit's performance requires improvement after the completion of the initial training, the training program can be extended.
  - 3. All recruits will receive the following training to assist them in performing their authorized and assigned duties:
    - a. First Aid and CPR 4 hours each
    - b. Radio communications
    - c. Pepper Spray defense training (Optional)
    - d. Defensive Driving 4 hours
    - e. Traffic Control
    - 4. All CSS employees who wish to carry O.C. spray for personal defense will be provided with the O.C. spray and holster after successfully completing department training.
- G. Uniforms:

- Community Service Specialist/Library Community Service Specialist will wear uniforms that distinguish them from sworn police officers. The uniform will consist of:
  - a. Navy blue pants.
  - b. Light blue uniform shirt with CSU Police shoulder patches and a badge designating CSS/Library Guard.
  - c. Black shoes or boots.
  - d. Black basketweave belt.
- 2. Issued equipment will include:
  - a. Badge
  - b. Patches
  - c. Vest (Traffic)
  - d. Leather Gear
  - e. Radio/Battery
  - f. Flashlight
  - g. Flashlight Holder
  - h. Card Key
  - i. Pepper Spray/OC (Optional)
  - j. Duty Belt
  - k. Global Card
- 3. CSS's will receive an annual uniform allowances and can be reimbursed on a monthly basis. Employees must submit receipts to the Associate Director of Operations, Parking & Transportation not to exceed limits in their Collective Bargaining Unit.
- H. Evaluations: (Annual/Probationary)
  - 1. The Community Service Specialists are responsible for doing the evaluations of the Library and Building CSS's.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 3-29 APPROVED: Reynold Re-

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERCEDES: D-16 REVIEWED/REVISED: May 12, 2010, Jan. 19, 2016, Dec. 20,

2019

SUBJECT: FIRE AND SECURITY ALARM RESPONSE

I. PURPOSE: To Provide Guidelines for Response to Campus Security Alarms.

II. POLICY: It shall be the policy of the University Police Department to respond to all campus alarms.

III. DEFINITIONS: None

#### IV. PROCEDURES:

- A. Fire Alarms The following procedure will be followed when a fire alarm signal is received via the Simplex Fire System in UPD Dispatch:
  - 1. Dispatch will acknowledge the fire signal on the Simplex computer
  - 2. The dispatcher will initiate a "Fire Alarm" entry in RIMS/CAD. The dispatcher will also dispatch the appropriate police personnel.
  - 3. The dispatched Officer will immediately respond to the source of the fire alarm and verify if the alarm is the result of smoke or a fire.
  - 4. If the alarm was caused by smoke or fire, the officer will immediately notify dispatch who will request a response from SFFD.
  - 5. Additional officer(s) and/or a supervisor will be dispatched to assist and set up a command post. The command post locations are listed in the patrol manual.
  - 6. When dispatch has been advised of the location of smoke or fire, the dispatcher will immediately contact the San Francisco Fire Department (SFFD).
  - 7. During a fire, officers may assist with the evacuation of the building.
  - 8. Floor sweeps are conducted only when:
    - a. The fire has been extinguished and no longer poses a threat.
    - b. Sufficient police personnel are available to staff the command post and assist with the sweep.
    - c. The sweep can be conducted safely without putting the police personnel at risk.
  - 9. University Police personnel will assist the SFFD as necessary. If there is SFFD

- response, Dispatch will also notify SFSU Environmental Health and Safety personnel.
- 10. If the cause of the alarm is found to be a false alarm, Officers will advise the building coordinator that the building may be re-occupied once the alarm is silenced.
- 11. The alarm will be reset at the control panel. All control panel locations are kept in the patrol manual.
- 12. If the alarm was caused by a fire, or smoke, the building will not be re-occupied until it is deemed safe by either the SFFD or EHOS.
- 13. The officer will complete an alarm response card or appropriate incident reports if necessary.
- 14. Incident reports shall include documentation of notifications that were made, and a comprehensive list of personnel or agencies who responded to assist.
- 15. The pink copy of the Alarm Response Card shall be left with the building coordinator, or at the alarm panel.
- 16. The yellow and white copies shall be placed in the Alarm Card box in the UPD Squad Room.
- B. Simplex Trouble Alarms When a Simplex "trouble alarm" signal is received via the Simplex Fire System in UPD Dispatch, the following procedure will be followed:
  - 1. The dispatcher will acknowledge the signal on the Simplex Computer.
  - 2. The dispatcher will initiate a "Security Alarm" entry in RIMS/CAD. The dispatcher will also dispatch the appropriate police personnel if necessary to investigate.
    - a. An officer will always be dispatched to investigate those trouble alarms, which indicate "No Answer" from a smoke detector. These often indicate the device has been tampered with.
  - 3. The dispatcher will contact Plant Operations and advise them of the alarm.
- C. Security Alarms Campus Security Alarms are regulated by the Campus Security Alarm Policy (Attachment A).
  - 1. The UPD dispatcher monitors all campus security alarms. Upon activation of a security alarm the dispatcher shall:
    - a. Acknowledge the alarm computer by silencing the alarm.
    - b. Identify the type of alarm and specific location.
    - c. Dispatch appropriate police personnel to the location.
    - d. Initiate a RIMS entry of the call.
    - e. Enter the disposition of the alarm call into the RIMS entry as well as the alarm computer.
    - f. Report any alarm or alarm computer malfunction to the department administrative coordinator and the alarm contractor and request service as needed.
  - 2. Officers shall complete appropriate reports if necessary.

- D. Facilities and Service Enterprises is responsible for the maintenance and upkeep of the Simplex fire alarm system in University Buildings (Attachment B). The university owned buildings are: Administration, Business, Children's Center, Creative Arts/Fine Arts, Health and Human Services (HHS), Humanities, Library, Old Science, Gym, Burk Hall, Psychology, Facilities/Police Department, Thornton Hall, and Hensill Hall.
- E. Auxiliary units (Housing and Residential Services, Centennial Village, The Student Center) have entered into service contracts with Simplex. In the event of a malfunction or alarm system problem in the auxiliary units, the appropriate building maintenance personnel for those buildings will be contacted directly.
  - 1. If there is an alarm system malfunction to one of the auxiliary units during business hours, the appropriate building manager will be notified. If there is an alarm system malfunction after hours, the emergency notification will be made to the manager listed on the emergency list, and Simplex will be called to respond

V. APPENDIX: None

VI. ATTACHMENTS: None



# San Francisco State University Police Department

NUMBER: 3-30 APPROVED:

Reginded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: D-32 REVIEWED/REVISED:

SUBJECT: MISSING PERSONS CASES

Mar. 28, 2006, Nov. 4, 2004, Feb, 20, 2012 Feb. 7, 2013, Jan. 22, 2016 Dec. 20, 2019,

Feb. 28, 2020, Jul. 18, 2020

#### I. PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### II. DEFINITIONS

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

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

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

#### III. POLICY

The 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 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).

#### IV. REQUIRED FORMS AND DNA COLLECTION KITS

The Department should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing Person Investigation Checklist, providing investigation guidelines and resources available in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing Person School Notification Form
- Medical Records Release Form from the California Department of Justice
- California DOJ missing person forms as appropriate
- DNA Missing Persons Specimen Collection Kits

#### V. ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

#### VI. INITIAL INVESTIGATION

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

- 1. Respond to a dispatched call for service as soon as practicable.
- 2. Interview the reporting party and any witnesses to determine whether the person
- 3. qualifies as a missing person and, if so, whether the person may be at risk.
- 4. Notify a supervisor immediately if there is evidence that a missing person is either at
- 5. risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- 6. Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or
- 7. there is evidence that the missing person is at risk. The BOLO shall be broadcast without delay
- 8. within the Department's jurisdiction (Penal Code § 14211).
- 9. Ensure that entries are made into the appropriate missing person networks within two hours
- 10. of the time of the initial report.
- 11. Complete the appropriate report forms accurately and completely and initiate a search as
- 12. applicable under the facts.
- 13. Collect and/or review:
  - a. A photograph and a fingerprint card of the missing person, if available.

- b. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
- c. Any documents that may assist in the investigation, such as court orders regarding custody.
- d. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- 14. When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- 15. 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.

#### VII. REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### A. Supervisor Responsibilities

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

- 1. Reviewing and approving missing person reports upon receipt.
  - a) The reports should be promptly sent to the Records Division.
- 2. Ensuring resources are deployed as appropriate.
- 3. Initiating a command post as needed.
- 4. Ensuring applicable notifications and public alerts are made and documented.
- 5. Ensuring that records have been entered into the appropriate missing persons networks.
- 6. Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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

#### B. Records Division Responsibilities

The receiving member shall:

- 1. As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- 2. Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

- 3. Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.
- 4. Forward a copy of the report to the Investigations Division.
- 5. Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (42 USC § 5780).

#### VIII. INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- 1. Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - a) The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
  - b) The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- 2. Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- 3. Should consider contacting other agencies involved in the case to determine if any additional information is available.
- 4. Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (42 USC § 5780).
- 5. Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- 6. Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (42 USC § 5780).
- 7. Should make appropriate inquiry with the Coroner.
- 8. Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- 9. Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (42 USC § 5780).
- 10. Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- 11. In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the

U.S. Marshals Service (28 USC § 586).

#### IX. WHEN A MISSING PERSON IS FOUND

#### A. Missing Person Found

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Department shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- 1. Immediately notify the Attorney General's Office.
- 2. Notification shall be made to any other law enforcement agency that took the initial report within 24 hours.
- 3. In the event that a missing person is found alive or dead in less than 24 hours and the local police or sheriff's department has reason to believe that the person had been abducted, the Department shall submit a report to the National Crime Information Center in a format established by the Attorney General. In the event that a missing person has been found before he or she has been reported missing to the center, the information related to the incident shall be submitted to the center.
- 4. The missing person's school is notified.

#### B. Unidentified Persons

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- 1. Obtain a complete description of the person.
- 2. Enter the unidentified person's description into the NCIC Unidentified Person File.
- 3. Use available resources, such as those related to missing persons, to identify the person.

#### X. Case Closure

The Watch Commander may authorize the closure of a missing person case after considering the following:

- 1. Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- 2. If the missing person was a resident of the University or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- 3. If this department is not the lead agency, the case can be made inactivate if all

- investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
- 4. A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

#### XI. TRAINING

Subject to available resources, the Training Sergeant should ensure that members of This department whose duties include missing person investigations and reports receive regular training that includes:

- 1. The initial investigation:
  - a) Assessments and interviews
  - b) Use of current resources
  - c) Confirming missing status and custody status of minors
  - d) Evaluating the need for a heightened response
  - e) Identifying the zone of safety based on chronological age and developmental stage
- 2. Briefing of department members at the scene.
- 3. Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- 4. Verifying the accuracy of all descriptive information.
- 5. Initiating a neighborhood investigation.
- 6. Investigating any relevant recent family dynamics.
- 7. Addressing conflicting information.
- 8. Key investigative and coordination steps.
- 9. Managing a missing person case.
- 10. Additional resources and specialized services.
- 11. Update procedures for case information and descriptions.
- 12. Preserving scenes.
- 13. Internet and technology issues (e.g., Internet use, cell phone use).
- 14. Media relations.

#### XII. APPENDIX

- A. Systemwide Guideline 16 Missing Persons
- XIII. ATTACHMENT: None.



NUMBER: 3-31 APPROVED: Reynold Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

April 23, 2009, Jan. 5, 2016, Dec,

SUPERCEDES: C-2 REVIEWED/REVISED: 21, 2019

SUBJECT: DEALING WITH PERSONS SUFFERING FROM MENTAL ILLNESS

 PURPOSE: To provide operational procedures for dealing with mentally ill persons (including the reporting and transportation guidelines) that shall be adhered to by employees of the University Police Department.

- II. POLICY: It shall be the policy of this department to handle the mentally ill with as much care and sensitivity as possible under the individualized circumstances of each encounter. It is however, the responsibility of each employee to ensure that mentally ill persons do not harm themselves or others, and therefore, when direct police action is required, that action shall be taken with regard to the mental condition of the party.
- III. DEFINITIONS: None
- IV. PROCEDURES:
  - A. Responsibilities for Dealing with Persons Suffering from Mental Illness:
    - 1. Whenever possible, mentally ill persons shall be considered a medical, rather than a police problem. When and where possible, all resources of the University, including the Student Health Services and Counseling and Psychological Services shall be utilized in dealing with the mentally ill individual. Officers shall make themselves familiar with and be able to recognize the following ten warning signs of mental illness:
      - a. Marked personality change.
      - b. Inability to cope with problems and daily activities.
      - c. Strange or grandiose ideas
      - d. Excessive anxieties
      - e. Prolonged depression and apathy
      - f. Marked changes in eating or sleeping patterns
      - g. Thinking or talking about suicide
      - h. Extreme highs or lows
      - i. Abuse of alcohol or drugs

- j. Excessive anger, hostility or violent behavior
- 2. Officers should use the following guidelines for interacting with people with mental illnesses in crisis situations:
  - a. YOU SHOULD: Remember that a person with mental illness has the same rights to fair treatment as anyone else.
  - b. YOU SHOULD NOT: Arrest an individual for behavioral manifestation of mental illness that is not criminal in nature.
  - c. YOU SHOULD: Continually assess the situation for dangerousness.
  - d. YOU SHOULD NOT: Join into behavior related to the person' mental illness i.e. agreeing/disagreeing with delusions/hallucinations.
  - e. YOU SHOULD: Maintain adequate space between you and the subject.
  - f. YOU SHOULD NOT: Stare at the subject. This may be interpreted as a threat.
  - g. YOU SHOULD: Be calm.
  - h. YOU SHOULD NOT: Confuse the subject. One person should interact with the subject. If a direction or command is given, follow through.
  - i. YOU SHOULD: Be helpful. In most cases, people with mental illnesses will respond to questions concerning their basic needs (e.g. safety). Ask: "What would make you feel safer/calmer?"
  - j. YOU SHOULD NOT: Touch the subject. Although touching can be helpful to some people with mental illnesses, it may cause more fear and can lead to violence.
  - k. YOU SHOULD: Give firm, clear directions. The subject is probably already confused and may have trouble making even the simplest decision. If possible, only one person should talk to the subject.
  - I. YOU SHOULD NOT: Give them multiple choices. This increases the subject's confusion.
  - m. YOU SHOULD: Respond to apparent feelings, rather than content. –You look scared.
  - n. YOU SHOULD NOT: Whisper, joke, or laugh. This increases the subject's suspiciousness and increases the potential for violence.
  - o. YOU SHOULD: Respond to delusions and hallucinations by talking about the persons feelings rather than what he or she is saying. —"That sounds frightening. I can see why you are angry."
  - p. YOU SHOULD NOT: Deceive the subject. Being dishonest increases fear and suspicion; the subject will likely discover the dishonesty and remember it in any subsequent contacts.
- 3. Whenever possible, in response to a call of a mentally ill person, the responding Officer or the Department Dispatcher shall attempt to advise Counseling and Psychological Services for assistance.
- 4. At the direction of the Officers, the dispatcher should notify Counseling and Psychological Services and request a counselor respond to the location of the person with the mental illness. If it is after normal work hours, the Director of Counseling and Psychological Services or on duty counselor will be notified by phone of the incident.

- 5. If, upon arrival, the responding officer determines that the person is not a danger to themselves or others, but nevertheless requires medical attention, the following procedures shall apply:
  - a. Advise Student Health personnel of location and stand-by until final disposition of the matter. If these personnel are unable to respond to the location, but are available at their respective offices, the officer may transport the concerned individual to the Student Health Center.
  - b. If no on-campus medical assistance is currently available, the responding officer shall:
    - Call S.F. General Hospital Psychiatric Ward via dispatch at 22nd and Potrero to see if they will accept 5150 Detention. If so, transport the subject to their facility.
    - 2) If San Francisco General is not accepting 5150 Detention, call SFPD Communications and they will advise where 5150 Detention are being diverted. Ask for that facility's telephone number and call for verification prior to transporting the subject to the facility.

#### B. Police Action Directed at the Mentally III:

- 1. Officers shall abide by and adhere to the provision set forth in the Welfare and Institutions Code pertaining to the custody and detention of person described in Section 5150 of the Welfare and Institutions Code.
- 2. When the mentally ill individual appears to have been involved in criminal activity as a result of, or in response to, his or her disorder, the arresting officer shall document this criminal activity on the appropriate crime report and perform other police functions such as the collection and preservation of evidence, as required.
  - a. When responding to, or initiating investigations into criminal activity, officers will label the investigation as to the type of criminal activity involved regardless of whether the suspect appears to meet the requirements of Section 5150 W & I.
  - b. If the activity is of a serious and/or violent nature, the criminal booking process shall be completed at San Francisco General Hospital Jail Facility.
  - c. If the criminal activity is of a minor or nonviolent nature, the mentally ill individual may be transported and admitted directly into the medical care facility, and if the situation warrants a later filing made on the criminal charges.
  - d. If the suspect is in such an obvious mental state that the jail does not accept that person, then the suspect should be lodged at S.F. General Hospital Psychiatric Ward with criminal charges pending.
  - e. Reports carried as section 5150 W & I are non-criminal in nature.
- 3. If it is necessary to take an individual into custody under the provisions of Section 5150 of the Welfare and Institutions code, the following procedures shall apply:
  - a. First, and whenever possible a counselor from Counseling and Psychological Services shall be called to observe the person involved in an attempt to confirm

the opinion of the Officer that the person does indeed fall within the purview of Welfare and Institutions Code, Section 5150.

- 1) Statements of these observers and other witnesses present shall be obtained for inclusion in the officer's formal report.
- b. Persons taken into custody under Section 5150 W&I shall be searched prior to any transportation, and if contraband is discovered, it shall be booked into evidence for possible future use.
- c. Restraints shall not be utilized unless the individual is violent or potentially violent in the opinion of the arresting officer or medical officer present.
- d. Officers however, shall take whatever action is reasonably necessary to protect themselves or others from harm, and therefore, may use that force which is reasonably necessary to affect the required detention.
- e. Finally, the mentally ill person shall be transported to a Psychiatric Care Unit within the City and County of San Francisco, for evaluation and appropriate treatment.
  - 1) Upon arrival at a Psychiatric Care Unit, the arresting officer shall contact the reception office. At this time control of the mentally ill person shall pass to Hospital Security. The arresting officer shall then complete all required hospital paperwork, being sure to include in the body of the main report, details substantiating the allegation that the subject is, due to a mental disorder, a danger to themselves or others, or is disabled to such a degree that he/she is unable to provide for their basic personal needs (i.e., food, clothing, or shelter).
  - 2) The officer shall request that Psychiatric Care Unit personnel notify the University Police by telephone when the individual is released. The watch commander of the next scheduled shift shall call the Psychiatric Unit 12 hours after the initial detention to determine if the person is still being detained, and watch commanders on future shifts shall continue to call so it can be determined if the person is in-route back to campus. If the person is a resident, the on-duty Residence Director should be advised of the possible return. This precaution is necessary so appropriate campus personnel can assist if the person is suicidal.
  - 3) Call Psychological & Counseling Services if we have committed a student, staff or faculty member, under 5150. If after hours, call Counseling Staff listed on Emergency Call Guide, at home. If during business hours, call Counseling & Psych Services and speak with a counselor, prior to 5150.

### C. Reporting Incidents Concerning the Mentally III:

- 1. If the mentally ill person is merely referred and/or transported to on-campus medical assistance, the handling officer shall complete an Incident Report, detailing the circumstances surrounding the incident.
- 2. If the mentally ill person is transported and admitted to a Psychiatric Care Unit, the

- handling officer shall complete the appropriate crime report, if criminal activity has occurred, include in the body of this report the disposition of the individual. If no criminal activity has occurred, the Employees Report detailing the circumstances will suffice. In addition, the officer shall obtain a copy of all hospital forms completed and attach it to other reports completed.
- 3. Officers will complete the Welfare and Institutions Code Application for 72 Hour Detention for Evaluation and Treatment form (MH302 8/98) form when an individual is committed for treatment at any mental health facility. (Attachment A)

#### D. Training:

- 1. All entry level personnel shall receive documented training in mental illness issues.
- 2. All San Francisco State University Police Officers and civilian employees shall be required to remain current in all areas of dealing with mentally disturbed individuals. This shall include the viewing of any P.O.S.T. videos or attending any formal training available. Officers and uniformed civilian employees will attend or review refresher training biennially, or more frequently as the law requires. A record of attendance for training, or viewing of current videos pertaining to dealing with mentally disturbed individuals shall be maintained by the department training manager.

V. APPENDIX: None

#### VI. ATTACHMENT:

A. Welfare and Institutions Code Application for 72-Hour Detention for Evaluation and Treatment Form

## ATTACHMENT A

			Departmen	
APPLICATION FOR 72 HOUR DETENTION		DETA	INMENT ADVISE	MENT
FOR EVALUATION AND TREATMENT	My name	e is		
MH 302 (Rev. 08/04) Front  Confidential Client/Patient Information See California WIC Section 5328 and HIPAA Privacy Rule 45 C.F.R. § 164.508	You are for exam	not under	icer, etc.) with (Na criminal arrest, buy mental health pro	ut I am taking you
	You will	be told yo	our rights by the m	ental health staff.
Welfare and Institutions Code (WIC), Section 5157, requires that each when first detained for psychiatric evaluation be given certain specific in orally, and a record be kept of the advisement by the evaluating facility.	formation   If taken i person s	shall also	dy at his or her res be told the following	
Advisement Complete Advisement Incomp	will have	to appr	ove. You can n	s with you which I nake a phone call
Good Cause for Incomplete Advisement			ote to tell your fri een taken.	ends and/or family
Advisement Completed By	Position			ate
To	<b>,</b>		<b>-</b>	
Application is hereby made for the admission of				
			-	<del></del>
Residing at	appears to be / is	: (Circle	seq. (minor), o e one) Parent; l	_egal Guardian;
*****				
The above person's condition was called to my attention under the follow				
The following information has been established: (Please give sufficien for whom evaluation and treatment is sought is in fact a danger to others				
Based up on the above information it appears that there is probable disorder:	cause to believe th	nat said	person is, as a	result of mental
☐ A danger to himself/herself. ☐ A danger to others. ☐	Gravely disabled			
Signature, title and badge number of peace officer, member of attending staff of	f evaluation facility or	noroon	Data	isabled minor.
designated by county	i evaluation lacility of	person	Date	Phone
designated by county.	evaluation facility of	person	Time	
	ress of Law Enforceme		Time	Phone
	•		Time	Phone
	ress of Law Enforceme	ent Agency	Time / or Evaluation Faci	Phone
Name of Law Enforcement Agency or Evaluation Facility/Person  Add	ress of Law Enforceme	ent Agency	Time / or Evaluation Faci	Phone
Name of Law Enforcement Agency or Evaluation Facility/Person  Add  Weapon was confiscated and detained person notified of procedure for return	ress of Law Enforceme	ent Agency	Time y or Evaluation Faci	Phone
Name of Law Enforcement Agency or Evaluation Facility/Person  Weapon was confiscated and detained person notified of procedure for return (officer/unit & phone #)  NOTIFICATIONS TO BE PROVIDED TO LAD NOTIFICATION OF PERSON'S RELEASE FROM AN EVALUATION AND TREATM OFFICER BECAUSE:	ress of Law Enforcement of weapon pursuant AW ENFORCEMENT ENT FACILITY IS REC	to Section	Time  y or Evaluation Faci on 8102 WIC.  CY  BY THE REFERR	Phone lity/Person
Name of Law Enforcement Agency or Evaluation Facility/Person  Weapon was confiscated and detained person notified of procedure for return (officer/unit & phone #)  NOTIFICATIONS TO BE PROVIDED TO LAMOTIFICATION OF PERSON'S RELEASE FROM AN EVALUATION AND TREATM OFFICER BECAUSE:  Person has been referred under circumstances in which criminal charges might	ress of Law Enforcement of weapon pursuant  AW ENFORCEMENT ENT FACILITY IS REC	to Section T AGENO	Time  y or Evaluation Faci on 8102 WIC.  CY  BY THE REFERR s 5152.1 and 5152	Phone lity/Person
Name of Law Enforcement Agency or Evaluation Facility/Person  Weapon was confiscated and detained person notified of procedure for return (officer/unit & phone #)  NOTIFICATIONS TO BE PROVIDED TO LA NOTIFICATION OF PERSON'S RELEASE FROM AN EVALUATION AND TREATM OFFICER BECAUSE:  Person has been referred under circumstances in which criminal charges mig Notify (officer/unit & telephone #)	ress of Law Enforcement of weapon pursuant  AW ENFORCEMENT ENT FACILITY IS REC	to Section T AGENO	Time  y or Evaluation Faci on 8102 WIC.  CY  BY THE REFERR s 5152.1 and 5152	Phone lity/Person
Name of Law Enforcement Agency or Evaluation Facility/Person  Weapon was confiscated and detained person notified of procedure for return (officer/unit & phone #)  NOTIFICATIONS TO BE PROVIDED TO LAMBOURGE BECAUSE:  Person has been referred under circumstances in which criminal charges mig Notify (officer/unit & telephone #)  Weapon was confiscated pursuant to Section 8102 WIC.	ress of Law Enforcement of weapon pursuant AW ENFORCEMENTENT FACILITY IS RECEIPT to the filed pursuant to the	to Section	Time  or Evaluation Facion 8102 WIC.  CY  BY THE REFERR  s 5152.1 and 5152	Phone lity/Person
Name of Law Enforcement Agency or Evaluation Facility/Person  Weapon was confiscated and detained person notified of procedure for return (officer/unit & phone #)  NOTIFICATIONS TO BE PROVIDED TO LA NOTIFICATION OF PERSON'S RELEASE FROM AN EVALUATION AND TREATM OFFICER BECAUSE:  Person has been referred under circumstances in which criminal charges mig Notify (officer/unit & telephone #)	ress of Law Enforcement of weapon pursuant AW ENFORCEMENTENT FACILITY IS RECEIVED.	to Section	Time  or Evaluation Facion 8102 WIC.  CY  BY THE REFERR  s 5152.1 and 5152	Phone lity/Person



NUMBER: 3-33 APPROVED: Reguld Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Jan. 25, 2007, Sept. 11, 2007, Feb.

SUPERSEDES: D-13 REVIEWED/REVISED: 20, 2008, Aug. 20, 2008, Jan. 20,

2009, July 2, 2010, Jan. 25, 2016,

SUBJECT: USE OF FIREARMS Feb. 10, 2020

I. PURPOSE: To provide guidelines for the carrying and use of authorized weapons to sworn personnel.

II. POLICY: Only those weapons specifically authorized by this order will be carried or used in the manner specified.

#### III. DEFINITIONS:

A. Reportable Discharge of a Firearm: Any accidental or intentional discharge of a firearm, except at an approved range.

#### IV. PROCEDURES:

#### A. Firearms:

- 1. The provisions of the Use of Force policy, General Order 3-1, apply to the application of any deadly force and shall be followed as specified.
- 2. The provisions of this policy apply to any officer, off duty or on duty, acting under color of authority as described in California Penal Code Section 830.2.
- 3. Sworn personnel will carry a firearm at all times while on duty.
- Authorized personnel are to be armed at all times while on duty and shall only carry the department issued firearm, Glock 22, 40 Caliber. This includes plain clothes assignments. Sworn personnel assigned to special assignments may carry Glock 23, 40 Caliber.
  - -Department authorized personnel will be issued 40 caliber ammunition for qualification. For "back-up" firearms that are other than 40 caliber, the officer must furnish their own ammunition. The range master must approve any type of ammunition to be used in any handgun that may be used in police duties, either on or off duty.
- 4. An approved second firearm may be carried as a "back-up" firearm with written

authorization from the Chief of Police [Attachment B & D required].

- a. A "Request to Carry Personal Firearm, Holster, or Impact Weapon [Attachment B] must be submitted to the Chief of Police and approved prior to an officer carrying any personally owned weapon.
- b. For the purposes of this order, a back up firearm is one other than the primary department issue firearm, or authorized personal duty firearm, which is carried as a secondary weapon.
- c. Back-up firearm authorizations will be kept in the employee's Department Training File (Attachment B) with a copy maintained by the Department's Range Master.
- d. Employees carrying back-up firearms are subject to the same qualification requirements as duty firearms.
- e. Only Department approved duty ammunition will be carried in the back up/off duty firearm .
- f. The back up firearm shall be carried in such a manner that it is both secure, and not visible to the public.
- g. The back up firearm is optional safety equipment. As such, the cost of the firearm, holsters, speed loaders, etc., will not be reimbursed or supplied by the Department.
- h. Failure to meet the requirements set above, shall immediately suspend the officer's privilege to carry the back up firearm. This suspension shall remain in effect until the officer complies.
- 5. The back up firearm shall be used as a substitute for the primary duty firearm, only when the officer is unable to deploy his/her primary firearm, or he/she has experienced a malfunction with the primary weapon which cannot be cleared in a timely/lifesaving manner given the particular emergency. The use of the back up shall conform to the same standard as the primary duty firearm.
- 6. Department members assigned to special assignments, not limited to 'buy-bust' stings or undercover assignments, may at the discretion of the Chief of Police, or his/her designee be allowed to carry unconventional firearms not regularly carried or issued by the department. These firearms will be of no less caliber than .32 ACP and must be inspected by the Rangemaster and approved by the Chief of Police prior to its use. The officer must also qualify with this weapon using the "Unconventional pistol course" annually. These firearms are only to be used during specified authorized operations, and not intended to be carried on a regular basis for normal duties as assigned. These firearms are to be considered on a case by case basis.
- 7. The Department issued firearm will be carried on duty. Requests for permission to carry a personal firearm on duty will be submitted to the Chief of Police [Attachment B]. Exceptions may be granted on an individual basis. If the Chief of Police authorizes a personal firearm, a copy of the written authorization will be kept in the employee's Department Training File and the Range Master's file. Weapons approved as an exception must meet departmental specifications.
  - a. A current list of personal duty firearms, approved by the Chief of Police, is kept by the Range Master.
  - b. The caliber of personal duty firearms that may be authorized at the discretion of

the Chief of Police/Designee are:

- 1) .38 Special (As well as +P and +P+) (HP)
- 2) .380 (HP)
- 3 9mm Parabellum (HP)
- 4) .40 S&W (HP)
- 5) .45 ACP (HP)
- c. In absolutely no circumstances shall ball ammunition (otherwise known as full metal jacket) or reloaded ammunition, be used or carried on or off duty.
- d. Semi-automatic personal duty firearms shall fire the first round double action.
- e. Associated costs for leather or web gear etc., for personal duty firearms are the responsibility of the individual employee. All ammunition must be approved by the Range Master and the Chief of Police (approved list maintained by the Range Master). The department will supply ammunition for any and all firearms used on or off duty.
- f. Officers shall submit a memorandum to the Chief of Police via chain of command when purchasing an approved "law enforcement" model personal duty firearm.
- 8. A current list of ammunition types and specifications approved for use is kept by the Range Master.
- 9. Procedures for the review, inspection, and approval of all weapons intended for use by each employee in the performance of duty, prior to carrying, by a qualified weapons instructor, and a process to remove unsafe weapons are as follows:
  - a. Supervisors shall make unannounced inspections of department issued weapons, including firearms and ammunition.
  - b. Supervisors will review and inspect firearms and ammunition making certain they are department issued equipment, that no unauthorized modifications have been made, that the weapon is clean, properly lubricated and in a safe, serviceable condition. [Note: No employee shall modify, or cause to be modified, any department issued or authorized firearms or other weapons. Nor shall any repairs or maintenance beyond routine cleaning be made without authorization from the Range Master or the Chief of Police.]
  - c. All new weapons placed into inventory or assigned to personnel, shall be reviewed for safe operation by the Range Master.
  - d. All personal weapons approved for carry by an officer, on duty or off duty, shall be reviewed and inspected by the Range Master or designee for safe operation and conformance with department policies.
    - 1) The minimum qualifications for a designee should consist of in depth training on a particular firearms system either by:
      - a) Attending Rangemaster or Firearms instructor school or
      - b) Attending Armorer's course in a particular make of firearm
  - e. If a weapon malfunctions and/or becomes inoperable, a supervising officer shall

- be notified immediately. The weapon shall be taken out of service until the Range Master approves it for operational readiness.
- f. A documented annual safety inspection of all authorized weapons (department issued and approved secondary weapons only) will be conducted by a certified department range master or armorer.
- 10. Procedures for maintaining a record on each weapon approved by the department for official use includes the following:
  - a. The Range Master shall maintain an inventory of all approved weapons.
  - b. The inventory shall identify the type, model, description, serial number, and the officer it is assigned to.
  - c. A record of the department official approving, date approved, course(s) fired, and qualification scores shall also be maintained by the Range Master.
  - d. Prior to authorizing issuance of any department weapons, only department personnel who successfully complete a designated qualification course in the use of all agency-authorized weapons shall be approved to carry such weapons.

#### 11. QUALIFICATIONS

- a. All members, including on limited duty or sick leave who retain their service firearm, shall qualify with their service firearm and off duty/backup firearm once a year.
  - 1) Any officer failing to report for qualifications, shall upon due notice from range staff, have his/her authorization to carry any firearm suspended until properly qualified.
  - 2)Penalties for failure to report for training shall be administered as follows:
    - a) An officer's first instance of an unjustified lateness or no show for weapons training within a twelve (12) month period shall result in a recommendation to his/her commanding officer for corrective action.
    - b) An officer's instance of an unjustified lateness or no show for weapons training within a twelve (12) month period shall result in a recommendation to the commanding officer for corrective action by the issuance of a letter.
    - c) In determining the appropriate penalty for an officers violation, the investigation official shall consider the totality of the circumstance surrounding the violation, including but not limited to the following:
      - -The reason for the tardiness or failure to appear and,
      - -The number of previous instances of tardiness and failure to appear.

- 3) Shall an officer fail to qualify with the service firearms, he/she shall surrender their duty firearm to the range staff.
- 4) In the event that the officer has driven a marked vehicle to the range the range master shall contact the officer's supervisor and arrange to have the officer and the vehicle transported back to the department.
- 5) The officer that failed to qualify, shall make appropriate arrangements to receive remedial training and qualification.
- 6) Once the member has successfully completed retraining and has qualified, the Range Master shall notify the appropriate supervisor and the service weapon shall be returned.
- 7) The officer that is authorized to carry an off duty/back-up firearm who fails to qualify with their service firearm, or their off duty/backup firearms shall have their authority to wear an off duty/backup firearm canceled immediately.
- 8) Once the officer has qualified with his/her off duty weapon, the officer shall be authorized to carry their off duty/back-up firearm.
- 9) After a reasonable training, should a member fail to successfully complete retraining, the range master, shall direct the officer to the appropriate supervisor and notify the Chief.

-An officer's failure to successfully complete the reasonable amount for retraining and qualification, shall be directed to the Chief for further action.

#### 12. **REGULATIONS**

- a. Officers shall not:
- 1) handle the firearms in an unsafe manner by playing with their service weapon and or display their firearm unnecessarily.
- 2) disassemble of the Glock or preform any maintenance on the weapon except a field strip.
- 13. The only approved duty holsters for the San Francisco State University Police Department are the following:
  - a. Blackhawk Serpa Level II or III holster in black basketweave
  - b. Safariland SS III Holster in black basketweave
  - c. Safariland ALS with internal lock and hood in black basketweave
  - d. Plainclothes officers may use a belt or shoulder holster that is equipped with an external/internal security device (e.g. strap, push-button lock, internal trigger guard tension device) that is manually manipulated. These holsters must be approved by the department Rangemaster.
- 14. No employee shall carry any Department or personal firearm on duty or

- concealable off duty which has been modified or altered from its factory condition without the written approval of the Chief of Police or her designee. All approved modifications or alterations shall have been performed by the appropriate certified armorer. Certification of the weapons safety by the appropriate certified armorer may be required at the discretion of the Chief of Police. This certification will be at the requesting employee's expense. The Department's "Firearm Repair Request" [Attachment C] will be utilized for department owned firearms' modification requests.
- 15. Employees may personally replace the stocks on privately owned firearms with any stocks that allow total function of the firearm with no interference of any kind or designs that would present an unprofessional appearance (metal butt plates on revolvers are prohibited). The "Firearm Repair Request" is required.
- 16. Employees may replace or add aiming devices to their personal firearms, which enhance and/ or aid in sight acquisition and/or illumination under low light conditions with the written approval of the Chief of Police, provided the attachment of such devices does not alter or inhibit the mechanical function of the firearm. Examples are: Trijicon nightsights, other self-illuminating sights, etc. The "Firearm Repair Request" is required. Attachment of such device must be performed by an approved gunsmith/ armorer.
- 17. An officer shall not discharge a firearm in the performance of their duties except under the following circumstances:
  - a. Only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in the defense of any person in immediate danger of serious physical injury;
  - b. To destroy seriously injured or dangerous animals when another disposition is impractical; and/or
  - c. At an approved firearms range.
- 18. An officer generally should not discharge a firearm under the following circumstances:
  - a. At persons known to be or suspected of being juveniles (persons under 18 years of age) except:
    - 1) In necessary self-defense from death or serious bodily injury, or;
    - 2) In necessary defense of another person from death or serious bodily injury.
  - b. At a moving vehicle except:
    - 1) In necessary self-defense from death or serious bodily injury, or;
    - 2) In necessary defense of another person from death or serious bodily injury.
- 19. Officers shall not fire warning shots.
- 20. Officers will not surrender their firearms in a hostage situation.
- 21. Officers will not unnecessarily display their firearm. There are many situations in which officers may draw their firearm when making apprehensions and/or certain types of calls, even though the officer is not confronted with existing deadly force.

The situation must be judged in terms of the individual(s) to be apprehended and/or the circumstances of the call.

Whenever an officer displays a firearm the immediate presence of a citizen(s) or other than at an approved range, that officer must submit a "Use of Force Report" [Attachment B in G.O. 3-1] to the Chief of Police detailing the circumstances of the display.

- 22. The placement of one's finger on the trigger of any firearm greatly increases the potential for its discharge. Therefore, the following general rules governing that placement have been established:
  - a. When handling any firearm, whether on or off duty, employees of this Department generally should not place their finger on the trigger of the firearm in their possession except under the following circumstances:
    - 1) When the firearm is actually being fired or pointed directly at an identified target.
    - 2) During training exercises when all involved firearms have been examined and certified clear and safe by the training supervisor.
    - 3) During a Departmental firearm inspection when the firearm has been personally cleared prior to handling by the inspecting officer.
    - 4) During a personal inspection/function check at the Department's designated load barrel, or in the safest manner and place possible as determined by the circumstances at the time, when no other disposition is available and/or practical, and the inspection/function check is necessary.
  - b. Staging of the trigger of any authorized firearm, loaded or unloaded, is generally prohibited except under the circumstances as listed in "a, 2)" through "a, 4)" above.

#### 23. Care of Firearms:

- a. Whenever a firearm is unattended, it will be securely locked in a safe place.
- b. Department firearms, and personal duty firearms will be kept clean, and in good service prior to reporting for duty.
- c. Any malfunction of a department owned firearm will be immediately reported to a supervisor in writing on the department Firearm Repair Request form (Attachment C). A copy of the Firearm Repair Request form will be kept on file by the
  - department range master or armorer. The disposition of the repair request will be noted on the form (i.e.: firing pin replaced on 9-20-97).
- d. No unauthorized repairs or modifications will be made to any Department firearm or personal duty firearm.
- e. Use of a personal duty firearm is optional. The personal duty firearm shall be maintained in proper working order at all times. As such, the cost of all repairs and maintenance of personal firearms will not be reimbursed by the Department.

#### 24. Firearms Custody and Safety

- a. Each employee shall ensure that reasonable measures are taken to minimize the accessibility of firearms. Per 12035(b) P.C., felony charges can be filed against an employee if a minor gains access to, and discharges a firearm causing great bodily harm and/or death to himself/herself and/or another due to the employee's failure to use reasonable measures to secure the firearm. Reasonable measures as outlined in 12035(b) P.C. are:
  - 1) "The person who keeps a loaded firearm on any premises which is under his/ her custody or control keeps the firearm in a locked container or in a location which a reasonable person would believe to be secure."
  - 2) "The person who keeps a loaded firearm on any premises which is under his/ her custody or control has no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises."
  - 3) All department issued firearms will be stored in a secured storage facility under the supervision and control of the Special Operations Division Commander.
  - 4) A situation that requires special handling to maintain proper control over firearms occurs when an officer is in a public restroom. Do not place the firearm where it may fall and discharge or where it may be taken by another person.
- B. Special Firearms- Use shall be approved by the President:

### 1. Weapons

- a. Officers assigned to specialized units such as the CSU Critical Response Unit and/or the departments designated marksman program receive special training in the use of special firearms and may be required to deploy such weapons while in the performance of their duties. While using alternative/special firearms, those officers assigned to specialized units will fall under the policy and procedures for that unit applying to firearms. These firearms may include, but are not limited to:
  - 1) 37/40mm Shoulder Gas Gun
  - 2) L8-37mm Multi-Launcher
  - 3) 12 gauge (Less Lethal)

## C. Other Responsibilities:

- 1. The Commanding Officer of Special Operations/Range Master:
  - a. Arrange for all necessary training and qualification;
  - b. Maintain the Department firearms through the supervision of the Range Master.

#### 2. Police Officers:

a. Will attend all training and be familiar with these policies and procedures; and

- b. Complete a "Weapons Authorization" form (Attachment D), one for each weapon authorized and approved. If any changes are made in an officer's approved weapons inventory, new form(s) will be submitted. This form will be maintained in the officer's training file and a copy with the Range Master's file.
- 3. Reportable discharge of a firearm:
  - a. Any discharge of weapon, on or off-duty, accidental or in the line of duty, other than the exceptions found in this order and the "Use of Force" written directive shall be reported.
  - b. The officer(s) involved will make a verbal report to the Watch Commander/ Supervisor as soon as circumstances permit.
  - c. The Watch Commander/Supervisor will immediately notify the Chief, and the onduty/on-call Command Officer. Continuous attempts will be made until at least one of the two is notified.
  - d. Procedures in the "Use of Force" written directive shall be followed in all cases.
- 4. Training and with weapons. Refer to the orders on training and Use of Force for details of training and qualification standards.
- D. Officers traveling on commercial airlines on duty, and in the course of carrying out their duties, armed with their duty firearm shall do so only with a written approval from the Chief of Police:
  - 1. Officer's shall carry with them at all times the written approval signed by the Chief of Police.
  - 2. Officer's shall obey all State and Federal laws regarding traveling armed, as well as procedures and guidelines set forth by the commercial airline and departure and destination airport authorities.
- E. Only the Chief of Police, or person designated by the Chief of Police may issue a letter to purchase a firearm from a licensed firearms dealer and have it released prior to the 10-day waiting period.
  - Similarly, only the Chief of Police or person designated by the Chief of Police may authorize the purchase, by letter, of Special Weapons classified as Class 2 or Class 3 Firearms/ Destructive Devices as classified by the Bureau of Alcohol Tobacco and Firearms.
- F. Temporary Issuance of Firearms
  - 1. In the event that an officer is involved in an on-duty shooting, the Officer(s) will be required to relinquish their duty firearm(s) for evidentiary purposes.
  - 2. After the preliminary investigation is completed, and with the consent of the Chief of Police and the Investigations Commander, a temporary firearm will be issued to the officer(s) involved in the incident.
  - 3. The Investigations Commander or his/her designee, as appropriate, will issue the Officer a temporary service firearm from the departments armory and duly recorded

on the Temporary Firearm Issuance form, copies will be distributed to the Range Master and the Officer's personnel file.

- a. In the case of an officer using his/her personal weapon as a duty weapon, a department-issued weapon and ancillary equipment will be issued.
- 4. At the time of issuance, there should be no indications to the investigating officer/ supervisor of the investigation that the officer was involved in a negligent or criminal act that would otherwise deem the issuance of a firearm illegal or contrary to department interest.

#### V. APPENDIX: None

#### VI. ATTACHMENTS:

- A. Penal Code Sections 196, 197, and 198.
- B. Request to Carry Personal Firearm, Holster, and/or Impact Weapon
- C. Firearm Repair Request
- D. Weapons Authorization Form
- E. Temporary Firearm Issuance Form

#### ATTACHMENT A

#### **California Penal Code**

196. Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either--

- 1. In obedience to any judgment of a competent Court; or,
- 2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or,
- 3. When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

197. Homicide is also justifiable when committed by any person in any of the following cases:

- 1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
- 2. When committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
- 3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or,
- 4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.
- 198. A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of Section 197, to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under the influence of such fears alone.

## ATTACHMENT B



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



## REQUEST TO CARRY PERSONAL FIREARM, HOLSTER, AND/OR IMPACT WEAPON

TO: FROM:	Chief		
[Fill in	only those areas that apply, appr	oval in effect only if require	ed training is maintained.]
l respectfu	Illy request to carry the followin	g firearm for:	
[][	Outy, [ ] Concealment Duty F	irearm, [ ] Back-up:	
Make:	Model:	Caliber:	Serial #:
l have qual	lified with the above firearm at I	east two (2) times with th	ne following scores:
Score:	Rangemaster Signature:		Identification #
Score:	Rangemaster Signature:		Identification #
l request to	o carry the following ammunitio	n in the above weapon:	
Brand/Type	::	Grain/Weight:	
•	o carry the below listed impact on of the necessary training, and	-	
Brand/Type	e/Model:	Length/Weight:	
	sing the following holster(s) to coved by the Range Master, or des		hey have been inspected
Brand:	Model:	Approval:	
Brand:	Model:	Approval:	
I[]Appro	ove, [ ] Do Not Approve, the ab	oove listed request.	
Comments	s:		
Chief's Sig	nature:	Date:	
Original: ⊑	mnlovee Denartment Training File	Conv. Requesting	a Employee

## ATTACHMENT C



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

_	Firearm Repair Re	equest	
DATE		SERIAL#	
MP-5 PISTOL I	REVOLVER MANU	FACTURER:	
DESCRIBE MALFUNCTION OR DA	MAGE: MODEL:	CALIBER	R:
REPORTING OFFICER:		SUPERVISOR	
REPAIR LOCATION (NAME, ADDRESS, PHON	E): WEAPON	I DELIVERED TO REPAIR LOCATIO	N BY:
DISPOSITION OF REPAIR:			
	<del></del>	<del> </del>	<del> </del>
EMPLOYEE MAKING REPAIR:	SIGNATURE	:	DATE:
WEAPON PICKED UP BY:	DATE RETURNED TO P.D.:	SUPERVISOR APP	PROVAL:

## ATTACHMENT D



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# WEAPON AUTHORIZATION One Weapon Per Authorization Form

Officer :	<del></del>	
Department Issued / On-Duty:	Secondary / On-Duty:	Off-Duty: Specialized:
Weapon Identifiers		
Make: Model	l: Caliber:	Serial Number
Ammunition		
Make:	Caliber:	_ Specifications:
Statement of Understanding		
I have read and understand to Care, Use and Approval of W		l Orders 3-1, Use of Force; 3-33,
Signature of Officer		Date
Safety Inspection		
The above weapon has pass on the list approved for use becourse of fire with the weapon	by this Department and	The weapon and ammunition are the officer has passed a qualifying
Range Master		Date
Other Information, if applicable: _		
Approved [Chief of Police]	<del></del>	Date Approved

Original: Training File Copy: Range Master SFSU PD 11-06

#### ATTACHMENT E



Police Department · 1600 Holloway Ave · San Francisco, California 94132 · Tel 415/338-7200 · Fax 415/338-1926



## **Temporary Firearm Issuance**

Repla	ced Weapon Identifie	r:				
М	lake:	Model:		Caliber:	Serial Number:	
Temp	orary Weapon Issued	•				
_	lake:	Model:		Caliber:	Serial Number:	
Reaso	on for the Temporary \	Weapon Issuance	:			
Is ther	re a related Case:	Yes. □ No.	C	ase Number:		
Check	ked Out:					
<u>-</u> -	Issuing Office	er		Star	Date	
	Receiving Office	cer		Star	Date	
Returr	ned:					
	Issuing Office	er		Star	Date	
_	Receiving Offic	eer		Star	Date	



NUMBER: 3-34

APPROVED Reginal Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: Dec. 21, 2019 SUPERSEDES:

SUBJECT: COMMUNICABLE DISEASES/OUTBREAK

I. PURPOSE. To establish guidelines to be used as a resource for planning, communicating and managing an outbreak of a communicable disease on the campus of San Francisco State University, as well as to provide medical evaluation and treatment of department personnel exposed to potentially infected blood and fluids in the course of their duties.

II. POLICY: To provide a prompt and effective response in managing the outbreak of a communicable disease and dissemination of information to the public; also to provide prompt medical treatment for department personnel exposed to communicable diseases or potentially infected blood and fluids.

#### III. DEFINITIONS:

- A. CDC: Center for Disease Control and Prevention, Atlanta Georgia CDC website: www.cdc.gov B. A communicable disease (or infectious disease):
  - 1. Is an agent that invades a host, harms its tissues and then transmits itself to other individuals.
- C. Communicable Disease Transmission:
  - 1. Direct Contact:
    - a. Person to person (e.g. sexually transmitted diseases)
    - b. Animal to person (e.g., rabies, monkeypox)
    - c. Mother to unborn child (e.g. syphilis, AIDS)
  - 2. Indirect Contact:
    - a. Disease-causing organisms (e.g., intestinal viruses [Salmonella, e. coli], bloodborne pathogens, [HIV, Hepatitis B])
    - b. Droplets and airborne particles (e.g., Tuberculosis, SARS, influenza)
    - c. Bites and Stings (e.g., malaria or West Nile virus from mosquitoes)

General Order 3-34 Communicable Diseases/Outbreak

- d. Food contamination (e.g., e.coli from infected food handler)
- D. Isolation and Quarantine:
  - 1. Isolation: Separation of persons who have specific infectious illness from those who are healthy
  - 2. Quarantine: Separation and restriction of movement of persons who, while not ill, have been exposed to an infectious agent and may become infectious.
    - a. CDC list of communicable diseases requiring quarantine include: cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, and SARS.

#### IV. PROCEDURES:

- A. Outbreak/Activate established response plan:
  - 1. Once a communicable disease outbreak or infected person has been detected, The Student Health Center will activate its "Communicable Disease Outbreak protocol".
  - 2. The internal emergency notification process will be enabled, and key University Personnel and related Departments will be notified.
  - 3. The external notification process will commence, to include:
    - a. San Francisco Department of Public Health
    - b. San Francisco General Hospital
  - 4. If deemed necessary, Isolation and/ or Quarantine protocols are to be activated for cases of serious infectious communicable diseases.
- B. Direct Contact/ Bodily fluids, Department member:
  - 1. AIDS, AIDS-related conditions, HIV Virus, Hepatitis B Virus, Meningitis, and other communicable diseases pose a major threat to the public health and safety.
  - 2. Certain laws require that information which may be vital to the health and safety of the public, victims of sexual crimes, peace officers and others, may now be obtained in order that precautions can be taken to preserve the health of others or that such persons can be relieved from needless fear of infection.
  - 3. References: 199.95 199.99 Health & Safety Code 1524.1 (B) Penal Code
  - 4. The employee should, when possible, utilize safety equipment, i.e., disposable gloves, respirator, airway, when the potential for exposure exists.
  - 5. All skin, non-intact skin, mucus membrane, bites, scratches, and needle sticks that exposes a employee to blood or other bodily fluids that occur during the discharge of the employee's duties shall be reported immediately to the appropriate supervisor. The exposed employee shall be offered evaluation, treatment, or vaccination appropriate for potential Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV) and any other medically indicated infectious conditions.
  - 6. All blood and body fluids are considered potentially infectious for HBV and HIV.
  - 7. Blood and other body fluids with high potential for HBV and HIV infection include,

but are not limited to, visible blood, blood products, seminal and vaginal secretions, saliva, unfixed tissue or organ, cell or tissue cultures, and blood from experimental animals.

#### C. Procedure:

- 1. Employees who sustain an exposure to potentially contaminated blood and/or body fluids shall:
  - a. Wash and clean the effected exposure area.
  - b. Immediately report the incident exposure to their supervisor and EH & OS.
  - c. Complete a "Employee Injury" report detailing how the exposure occurred, providing names of persons involved, and names of witnesses to the incident.
  - d. Follow the established procedure for reporting on the job injuries as detailed in General Order 2-11 and complete post exposure to bloodborne path organs form if applicable.
- 2. Supervisors, upon notification of employee exposure shall:
  - a. Refer the exposed employee to an Emergency Treatment Facility.
  - b. Ensure that the employee completes or assists in the completion of the petition or search warrant form and the Report of Potential HIV Exposure to Law Enforcement Employees form, whichever is appropriate.
  - c. Complete all regular on the job injury reports and forms within the designated time limits.
  - d. All information received by employees pursuant to petitions or search warrants is confidential. Willful disclosure of this information to unauthorized persons is a misdemeanor (199.99 PC).
  - e. Notify EH & OS Immediately.
- 3. Petition for Court Orders/Search Warrants:
  - a. Employees exposed in the line of duty may petition the courts for a blood test for the AIDS Virus and other communicable diseases when the employee is interfered with by the accused biting, scratching, spitting or transferring blood or other body fluids on, or through the skin or membranes (199.97 HS).
  - b. A search warrant may be obtained when a defendant is charged with any crime, after determining that probable cause exists to believe that the defendant committed an offense that involved transmission of blood, semen, or any other body fluids identified in State Department of Health Services Regulations as capable of transmitting the AIDS Virus (1524.1 PC).

#### V. APPENDICES:

A. SFSU Practice Directive P005 Concerning HIV and AIDS

#### VI. ATTACHMENTS:

General Order 3-34 Communicable Diseases/Outbreak

Page 4 of 8

General Order 3-34 Communicable Diseases/Outbreak

Page 5 of 8

- A. Petition for Order to Test Accused's Blood (Health and Safety Code, Section 121060)
- B. Order to Test Accused's Blood (Sections 121050,121055,121060,121065 and 121070 H&S Code)
- C. Report of Potential HIV Exposure to Law Enforcement Employees Form (DHS 8479)

## ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



Superior Court City and County of San Francisco 850 Bryant Street San Francisco, California 94103

	People of the State of California vs.
	Case Number
	PETITION FOR ORDER TO TEST ACCUSED'S BLOOD (Health and Safety Code, Section 121060)
To th	e clerk of the court:
I decla	are under penalty of perjury that the following is accurate and true to the best of my knowledge.
1.	My name is and I am a peace officer for the San Francisco State University Police Department.
2.	On at approximately hours, I believe I was exposed to the HIV/AIDS and/or Hepatitis virus, by one of the below acts. This occurred during the commission of my duties as a peace officer.
3.	Briefly, the possible transfer of bodily fluids took place as a result of one or more of the following acts:  [ ] assault or battery [ ] resisting arrest [ ] biting and/or spitting saliva and/or blood during the course of the detention. [ ] needle/knife stick
4.	On the basis of these facts and pursuant to Health and Safety Code Section 199.97, I request that this court may grant my petition for an order to test the accused's blood for the HUMAN IMMUNODEFICIENCY VIRUS (HIV) and the HEPATITIS virus, and such other communicable diseases as the court deems appropriate.
Date:	Officer's Signature:

SFSU PD 11-06

General Order 3-34 Communicable Diseases/Outbreak Page 6 of 8 General Order 3-34 Communicable Diseases/Outbreak Page 7 of 8

## ATTACHMENT B



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City a 850 B	d County of San Francisco vant Street ancisco, California 94103	
	People of the State of California  Court Number  Case Number	
	ORDER TO TEST ACCUSED'S BLOOD (Sections 121050, 121055, 121060, 121065 and 121070 of Health and Safety Code)	
	e cause appearing that a possible transfer of blood, saliva, semen or other bodily fluid, or stick took place as alleged in this petition, this Court orders:	
1.	The defendant,, to provide two specimens of blood, pursuar Section 121060 of the Health and Safety Code, to test for the HUMAN IMMUNODEFICIEN (IRUS (HIV), various HEPATITIS virus (i.e., Hepatitis A, B, C) and other such communicabliseases as the court deems appropriate.	CY
2.	The blood to be transmitted to a licensed medical laboratory for such testing.	
3.	The results of that testing to be transmitted to:  a. the defendant or minor:  b. the petitioner:  c. the victim if the prosecutor is the petitioner:  d. the officer in charge of the facility and the Chief Medical Officer if the defendated detained:  e. The employing agency, officer (or entity if the petitioner is a public officer), i.e San Francisco Occupational Health Services (OHS) Clinic  SFGH c/o The Infectious Disease Program  2550 23rd Street Building #9  San Francisco, California 94110	
4.	the results of the test indicate infection with HIV and/or any of the communicable disease lescribed above (#1) the results shall me transmitted to the State Department of Health.	S
IT IS	O ORDERED	
Date:	<del></del>	
	Judge of the Superior Court	
	City and County of San Francisco	

SFSU PD 11-06

## ATTACHMENT C

			7	O LAW ENFORC	NTIAL HIV EXPOSU	EC	(STATE USE)
ICII	DENT INC	ODMATIC				Rep	port Number:
	ocation/add	_	ON .		City		
					City		
2. 0	County			ZIP code	Date of incident		Time (vec 04 based 13)
					Date of Incident		Time (use 24-hour clock)
		_			1	1	
3. T	ype of ager	ncy:					
	Correcti	onal [	Court	☐ Law Enforcement	Prosecutor	Othe	er:
4.	Agency gov	ernment le	vel:				
	☐ State		County	City	Other:		
5.*	What was t	he employe	e's assignme	nt when incident occurre	ed?		
3.*	Were any o	riminal law	s allegedly vio	plated by the subject?			
	Yes [	] No	If "yes," spe	cify section(s) violated:			
	What bodily	fluid was	synanad to an	anlayaa?			
7.*		THE THE P	exposed to en	ipioyee?			
7.*	Blood						
	Blood	☐ s		Other (specify):		Blood to	Blood Transfer
	Blood	☐ s	emen (	Other (specify): ployee: Need	dlestick al		Blood Transfer pecify):
8. 9.*	Blood Type of exp	oosure sus	emen ( tained by emp	Other (specify): ployee: Neec Sexu Skin Note: Do not use the	dlestick lal C Abrasion/Laceration	Other (sp	
8. 9.*	Blood Type of exp	oosure sus	emen (	Other (specify): ployee: Neec Sexu Skin Note: Do not use the	dlestick lal C Abrasion/Laceration	Other (sp	pecify):
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8. 9.*	Blood Type of exp Briefly desc (Attach ad	oosure sus	tained by empty soft exposure ges, if neces	Other (specify): ployee: Need Sexu Skin Note: Do not use the sarry.)	dlestick lal C Abrasion/Laceration	Other (sp	ne law enforcement employee
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9.* 9.*	Briefly desc (Attach ad  ATMENT Was emplo	posure suscribe details ditional particular	tained by employed by exposure ages, if necessary the incident inc	Other (specify): ployee: Need Sexu Skin  Note: Do not use the sarry.)  Teatment?  If "yes," specife  B?	dilestick lal Abrasion/Laceration  ne names of either the sure the sure lateral latera	Other (sp	ne law enforcement employee
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9.*	Briefly desc (Attach ad  ATMENT Was emplo Yes Was emplo Yes Check if th Sutures Did the em	posure suscribe details ditional particular	tained by employments of exposure ages, if necessary and the second of the patitis are quired:  Surgery awork time?	Other (specify):	y the type of treatment: s were: Positive	Other (spubject or the	pecify):

HIV TESTING: SUBJECT				
4. Was subject tested for HIV?				
Yes No Unknown	If "yes," results v	were: Positive	☐ Negative	Unknown
5. Was testing:	☐ Mandatory			
6.* Was HIV counseling provided?	☐ Yes ☐	No		
IV TESTING: EMPLOYEE				
7. Was employee tested for HIV?				
Yes No Unknown	If "yes," results v		☐ Negative	Unknown
<ol><li>How long after the incident was the er</li></ol>	mployee tested?			
Do you plan to retest?	☐ No			
9.* Was HIV counseling provided?	☐ Yes ☐	No		
). Has employee begun AZT treatments	?	No Unknown		
Name of person completing form (pleat	ase print first name, l	ast name)		
Signature of person completing form			Date	
				1
Business telephone     ( )	Repor	ting agency		
Address	City		County	ZIP code
otes:				
			1. 0.116	
The information on this form is being re- incident report to establish the extent of pe	eace officers' occupation	ection 7554 of the Penal Co nal exposure to HIV infection	ode. California law requi	res the completion of
Under no circumstances shall the identi enforcement agency or the chief medical of				smitted by the loca
This form shall be completed by the spenforcement agency including local law er	pecified agency repres	sentative or the chief medic longer than two days after the	cal officer of each correction incident.	ctional, custodial, o
When completing this form, if a typewriter	is not accessible, pleas	e print in a legible manner. I	Jpon completion, this form	shall be directed to:
State of California Department of Health Serv	ices	The second secon	20 11	

#### Instructions:

All other items are self-explanatory.

Office of AIDS AIDS Registry Section P.O. Box 942732

Sacramento, CA 94234-7320

- 5. Was the peace officer assigned to guard subject on patrol, to book suspect, to arrest subject, etc.?
- 6. Cite any law code violations subject allegedly violated which resulted in employee being in contact with subject (e.g., drug possession, driving under the influence, etc.).

For questions or reordering, please call (916) 449-5866

- Other "bodily fluids" include: fluids containing blood, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, peritoneal fluid, peritoneal fluid, amniotic fluid, human breast milk.
- 9. Please describe fully the events that resulted in the injury or exposure. Tell what happened and how it happened. Which bodily fluid(s) of subject such as blood or semen came in contact with the employee? For example: "Blood from arrestee contacted open cut on employee's hand."
- If employee received medical treatment, briefly describe treatment provided.
- 16., 19. "Counseling" means counseling by a licensed physician and surgeon, registered nurse, or other health professional as established by Department of Health Services guidelines.



NUMBER: 3-36 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: May, 2, 2016

SUPERSEDES: REVIEWED/REVISED: Mar. 5, 2019

SUBJECT: IMMIGRATION VIOLATIONS

I. PURPOSE: The purpose of this policy is to provide guidance and guidelines to San Francisco State University Police sworn and civilian officers when dealing with situations involving undocumented foreign nationals.

II. POLICY: The U.S. Immigration and Customs Enforcement (ICE) agency has primary jurisdiction for enforcement of federal immigration laws. SAN FRANCISCO STATE UNIVERSITY POLICE officers shall not contact, detain, question or arrest individuals solely on the basis of known or suspected immigration status.

SAN FRANCISCO STATE UNIVERSITY POLICE does not enter into agreements with local law enforcement, ICE, or any other federal agency for the enforcement of federal immigration law, except as consistent with California Government Code 7282 et seq. or as required by law.

III. DEFINITIONS: None

#### IV. PROCEDURES:

#### A. Concept

The trust that members of the community enjoy with the SAN FRANCISCO STATE UNIVERSITY POLICE DEPARTMENT is of paramount importance. It is incumbent upon all members of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of alien status.

B. SAN FRANCISCO STATE UNIVERSITY POLICE DEPARTMENT Compliance

The SAN FRANCISCO STATE UNIVERSITY POLICE will not honor ICE immigration hold requests, unless doing so is consistent with California Government Code 7282.5 or as required by law.

#### C. Arrest and Identification

- 1. Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer shall take the necessary steps to identify the person. This may include valid government issued identification or other reliable sources.
- 2. Persons taken into custody for a felony shall be booked into County Jail without consideration for the person's immigration status.
- 3. Persons taken into custody for a misdemeanor who would have otherwise been released on a written promise to appear, shall be given a reasonable opportunity to verify their true identity (e.g., telephone calls, etc.). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of the person's immigration status. If the person's identity is not established, the person shall be taken into custody for the misdemeanor and booked into the County Jail without consideration for the person's immigration status.
- 4. If an officer discovers an ICE hold request during any contact, the officer will assess the individual based on the criteria stated in Government Code 7282.5(a).
  - a. If the criteria set forth in Government Code 7282.5(a) are NOT met, the officer will release the individual from custody unless the continued detention or arrest is based on a separate violation of law.
  - b. If the criteria set forth in Government Code 7282.5(a) are met, the officer has discretion to honor the ICE hold request.
- 5. If members of the department arrest an individual who is unable to reasonably establish his or her true identity, the individual may be booked at the appropriate jail (refer to Vehicle Code § 40302a, and Penal Code § 853.6, if applicable).
- 6. If a person is detained pursuant to the authority of Vehicle Code § 40302a, for an infraction, that person may be detained for a reasonable period, not to exceed two hours, for the purpose of establishing his or her true identity. Regardless of the status of that person's identity at the expiration of two hours, he or she shall be released on his/her signature with a written promise to appear in court for the Vehicle Code infraction involved.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 3-37 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: C-3 REVIEWED/REVISED: May 17, 2010, Jan. 21, 2016,

Dec. 19, 2018, Dec. 21, 2019

SUBJECT: MEDICAL ASSISTS

I. PURPOSE: To establish a policy and procedure to inform all University Police Department personnel of their responsibilities when responding to injury, sickness and accident calls.

II. POLICY: It is the policy of this Department to render aid to the injured in the most expeditious manner possible.

III. DEFINITIONS: None

#### IV. PROCEDURES:

- A. University procedures for the reporting and treating of injuries and illnesses cover two distinct areas:
  - 1. Serious injury or illnesses that require immediate emergency treatment.
  - 2. Less than serious injuries or illnesses which do not require emergency treatment.
- B. On-Campus serious injury/illness medical assistance:
  - 1. The Dispatcher will ascertain the type of injury or illness and the exact location of the victim.
  - 2. If any of the following signs are reported, the dispatcher will immediately call the SF Fire Department Paramedics by telephone.
    - a. Chest Pains:
    - b. Serious Bleeding:
    - c. Lack of Consciousness;
    - d. Breathing Problems;
    - e. Any other conditions which suggest the need for immediate medical attention to prevent further injury or death.
  - 3. If the party calling requests medical assistance, but the medical condition is not one

- of the conditions listed above, or is not deemed serious, the responding officer will assess the party's condition prior to the dispatcher calling the SF Fire Department Paramedics.
- 4. The dispatcher will immediately send an officer to the scene and make an entry for the call into RIMS, which includes the dispatch, en route, and arrival times of the officer(s) and the SFFD.

#### C. The officer(s) dispatched to the scene will:

- 1. Make a preliminary assessment of the condition of the victim and render first aid as necessary until the arrival of paramedics.
- 2. Update the dispatcher on the condition of the victim so that the dispatcher can advise responding paramedic units.
- 3. Remain with the victim until relieved by competent medical personnel.
- 4. Advise dispatch which SFFD units responded to the scene by the Engine/Truck/ Medic number and the disposition of the victim (transported to the hospital, refused transport, treated and released, or left in the care of someone else).
- 5. Write an Incident Report.

#### D. On-Campus less than serious injury/illness medical assistance:

- 1. The dispatcher will ascertain the type of injury or illness and the exact location of the victim(s). If the injury does not meet the guidelines for a serious injury/illness then:
  - a. Immediately dispatch an officer to the scene.
  - b. Make entry into RIMS.
- 2. Wait for the officer to advise on the condition of the victim and any other action may need to be taken (i.e., advise Student Health Center, Fire Department Paramedics, etc.).
- 3. Officers may transport students to the Student Health Center under extenuating circumstances with approval from a supervisor.
- 4. The responding officer will:
  - a. Make a preliminary assessment and render first aid if necessary.
  - b. Determine if the victim requires the assistance of paramedics or can be transported to the Student Health Center.
  - c. Suggest to staff, faculty members or visitors, who are able to leave the scene without assistance, that they seek their own medical attention.
  - d. Not transport staff, faculty, or other non-students to the Student Health Center.
  - e. Not transport any subjects into the Student Health Center when the facility is closed, or without prior contact by Dispatch.
  - f. Write an incident report unless it is solely a transport to the Student Health Center and there were no injuries sustained On Campus.
- E. Off-campus serious injury illness: The dispatcher will ascertain type of injury or illness and the exact location of the victim.

- 1. If a serious injury or illness is reported, call the local Fire Department by telephone.
- 2. If an officer is not on the scene, have an officer respond if it is within our jurisdiction.
- 3. Write an incident report.
- F. Off-campus less than serious injury/illness: The dispatcher will ascertain type of injury/illness and victim's exact location. If the injury/illness does not meet the guidelines for an extreme injury/illness then:
  - 1. Advise them to call the Student Health Center:
  - 2. If it is closed, advise them to seek their own medical attention.
  - 3. Call the paramedics if they request such service and cannot call themselves. Dispatch an officer to standby if it is within our jurisdiction.
  - 4. Make entry into RIMS.
- G. If students call when the Student Health Center is closed and they have a question or need assistance:
  - 1. We cannot contact the Student Health Center personnel after hours;
  - 2. We cannot give medical advice or advice on insurance coverage.
  - 3. The caller is to be advised that the University is not financially responsible for any services rendered.
- H. Administrative Notification of Serious Injury:
  - 1. If a member of the Campus Community or a faculty, staff or student is seriously injured on or near Campus, the responding Officer will make immediate notification to the appropriate Division Commander and/or Chief of Police.
  - 2. If appropriate, the Division Commander and/or Chief of Police will direct that an attempt to locate emergency contact information for that party via SIMS or other directories be made.
    - a. Appropriate notifications will be made to the victim's work location, if on Campus, and department/school, if they are a student.
  - 3. The Chief of Police will, as soon as reasonably possible and when applicable, notify the appropriate University Administrators and Chancellor's Officer Personnel (President, Vice President, Director of Public Affairs and Risk Manager).
- I. Medical Aid to Student Athletes:
  - 1. When a student athlete is injured while an athletic trainer is on duty, the responding officer shall ensure that there is an athletic trainer on duty by inspecting the National Athletic Trainers Association (NATA) card that identifies that individual.
    - a. The Department of Athletics will furnish the University Police Department, every two years, a listing of athletic trainers.

- 2. When satisfied there is an athletic trainer on duty, the responding officer is to allow treatment of the injured student to remain with the athletic trainer, and to assist, if requested in anyway possible.
  - a. The athletic trainer is responsible for making the appropriate determination as to first aid necessity, mode of transportation, and/or treatment site.
- 3. When an ambulance is requested by the athletic trainer, the responding officer shall ensure that the appropriate escort is available for the ambulance.
  - a. The athletic trainer, when calling UPD and requesting an ambulance, is to advise the dispatcher of the age of the injured party, type of injury, and whether they are conscious and/or breathing.
- 4. The UPD Dispatchers shall be the primary requestors for the SFFD.
- 5. The responding officer shall complete an Incident Report as outlined above which contains the following:
  - a. Observations concerning potential involvement of alcohol or drugs.
    - 1) These should be labeled Medical Assist Alcohol or Medical Assist Drugs, as appropriate.
  - b. The existence of relevant conditions at the scene; for example: slippery floors, lack of proper supervision, hazardous conditions, etc.
  - c. Whether or not the injured party was wearing appropriate protective gear/clothing, if applicable. If the injured party was not required to wear protective clothing, it should be noted in the report the condition of their clothing/footwear, as it may have been a contributing factor in the incident.
  - d. Document the violation of any code or any deficiencies involved in equipment involved in the incident.
  - e. Note all injuries and document visible alleged injuries, DO NOT DIAGNOSE.
  - f. Do not discuss liability with anyone at the scene or admit fault, e.g. "That's always been a dangerous area."

V. APPENDIX: None



NUMBER: 3-38 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Nov. 21, 2005, March 25, 2008,

SUPERSEDES: REVIEWED/REVISED: Dec. 16, 2011, May 3, 2013, Jan.

19, 2016

SUBJECT: C.A.R.E. ESCORT PROGRAM

I. PURPOSE: To establish procedures for providing an efficient escort service, during the hours of darkness, seven days a week, to students, staff and faculty to ensure personal safety. The Campus Alliance for Risk-Free Environment (C.A.R.E.) Program will have the primary responsibility for providing escorts for community members who are traveling to and from campus while on university related functions. If a C.A.R.E. Escort is unavailable, Police Officers will be assigned.

II. POLICY: It is the policy of the University Police Department to ensure a safe environment for Students, Faculty, Staff, and visitors to the Campus when traveling from the interior of the Campus to the parking lots and adjacent streets. Furthermore, this department and its' officers shall promote a sense of self-awareness on the part of the individual utilizing the escort service that can increase their safety at times when the service is not being utilized.

Information on the C.A.R.E. Program is provided to the campus community via the C.A.R.E. Program brochure (which is available in the UPD lobby). Information on the C.A.R.E. Program and the brochure are also available electronically via the University Police Department website. Information on the C.A.R.E. Program is also provided to the campus community through the Crime Prevention Program at informational tabling events and crime prevention presentations made by University Police Department personnel to community members.

### **III. DEFINITIONS:**

A. C.A.R.E.: Campus Alliance for a Risk-Free Environment

### IV. PROCEDURES:

A. Student C.A.R.E. Escort Job Description:

1. The student C.A.R.E. Escort program is a student security team employed, trained, and supervised by the Parking & Transportation Manager with the

support of the University Police Department. In the absence of the Parking & Transportation Manager (i.e. off-duty or evening hours), the Student C.A.R.E Escorts will be supervised by the on-duty University Police Department Patrol Sergeant (Supervisor). C.A.R.E. team member's primary responsibility is to provide personal escorts for faculty, staff, students and people with disabilities, to and from classrooms, offices, cars and campus housing; and provide additional security during evening hours and other duties as assigned. Escorts are provided by walking or by a service cart.

- 2. The Parking & Transportation Manager advertises vacant Escort positions on the San Francisco State University Career Center website in the Gatorjobs section. Escorts are interviewed and hired by the Parking & Transportation Manager. Before Escorts are hired a background check must be completed, which includes:
  - a. A completed background packet turned in by the potential escort and processed through the University Police Department
  - b. Fingerprints taken and processed
  - c. Verification of three personal references
- 3. The Parking & Transportation Manager and the Watch II (nightshift) Patrol Sergeant provides Escorts training with the C.A.R.E Escort Manual and other resource materials. Escorts are trained on University Police Department rules & regulations, radio procedures and response protocol, and General Etiquette for Interacting with People with Disabilities. They also must complete the Defensive Driving Course and two hours of cart driving instruction.
- 4. When available pepper spray and Red Cross First Aid training is provided by the University Police Department to those C.A.R.E Escorts who wish to sign up.
- 5. The Parking & Transportation Manager will document the completion of the Escort's training via memo that will be placed in their employee file.

# B. Dispatcher Responsibilities:

- 1. The Parking & Transportation Manager will complete the Daily Escort Assignment Sheet and provide it to the Dispatcher. The Daily Escort Assignment Sheet is a log of requested escorts. If a person calls the UPD to request an escort, the Dispatcher shall:
  - a. Ask the requesting party where they would like to meet the Escort. The dispatcher will record the information on the Daily Escort Assignment Sheet. In the event that the requesting party cannot suggest a suitable location, the Dispatcher shall suggest a place that may be safe for them to wait.
  - b. Provide the requesting party an estimated time of the Escort's arrival.
  - c. Assign, and radio an Escort to the party's location. If a C.A.R.E. Escort is not available, the call shall be assigned to a Police Officer.
  - d. In CAD, Officers will record the starting and ending time, as well as the starting and ending mileage of the squad car.
  - e. If exigent circumstances apply to the requesting party, such as a restraining order, or other threat of violence, a police officer shall be assigned to the call.

# C. Escort Equipment:

- 1. Escorts are assigned:
  - a. Red C.A.R.E. heavy jacket.
  - b. Two red C.A.R.E. polo shirts.
- 2. Escorts checkout a flashlight, utility cart (if available) and police two-way radio each shift.

## V. APPENDIX:

A. C.A.R.E. Escort Manual



NUMBER: 3-39 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: March 3, 2006, Jan. 19, 2016, Dec. 17,

2019

SUBJECT: CRITICAL RESPONSE UNIT

I. PURPOSE: The purpose of this order is to establish a procedure for the activation, deployment, and coordination of the Systemwide Critical Response Unit [CRU]. The written directive establishes criteria for the selection of officers assigned to CRU and delineates special equipment issued by this department to CRU officers.

II. POLICY: It is the policy of this department to activate CRU in order to supplement department personnel, when needed. Once it has been determined by the Chief of Police that assistance is needed to insure the safety of the campus community and to protect University property, the CRU may be activated.

### III. DEFINITIONS:

- A. Civil Disturbances: Riots, disorders, and violence arising from dissident gatherings and marches, rock concerts, political conventions, and labor disputes.
- B. Critical Response Unit: A group of police officers from several different California State University campuses who have been trained together as a team to supplement campus police departments for prevention and mitigation of the effects of natural disasters, executive protection and civil disorder.
- C. CRU Commander: A sworn MPP employee assigned to the CRU team who is responsible for executing the logistics and deployment of a team for training or an actual callout.
- D. CRU Coordinator: A Chief of Police who is responsible for overseeing the logistics, support and supply of the CRU team, as well as ensuring the proper training of members and records keeping of the team.
- E. Emergency Situation: An actual or potential condition that poses an immediate threat to life or property. In context of mutual aid, it means a situation that exceeds the capability of a local agency to counteract successfully.
- F. Home Campus: Any campus providing mutual aid assistance.
- G. Host Campus: Any campus receiving mutual aid assistance.
- H. Mutual Aid: An exchange of services, personnel, and/or equipment between law enforcement agencies during times of emergency.
- I. Northern CRU Campuses: Chico, Fresno, Hayward, Humboldt, Monterey Bay, Sacramento, San Francisco, San Jose, San Luis Obispo, Sonoma, Stanislaus and Fresno

- J. Southern CRU Campuses: Bakersfield, Channel Islands, Dominguez Hills, Fullerton, Long Beach, Los Angeles, Northridge, Pomona, San Bernardino, San Diego, and San Marcos.
- K. Unusual Occurrences: Occurrences that connote situations, generally of an emergency nature, that result from natural, man-made, and/or civil disturbances.
- L. VIP: A "very important person," dignitary, famous personality, notorious person, or any other person in need of special security.

### IV. PROCEDURES:

A. Deployment of CRU tactical team to supplement other campus operational components and efforts.

### 1. Activation

- a. To activate CRU, the Chief at the campus needing assistance will contact the CRU team Coordinator, and provide information as to the type of response needed.
- b. The requesting Chief must complete a Mutual Aid Request Form and fax copies to the CRU Coordinator and the Systemwide Coordinator.

# 2. Notifications required

- a. The CRU Chief will notify the CRU Commander of the call out and determine the level or response to include personnel and equipment needs.
- b. The CRU Chief will also notify other area Chiefs, the Systemwide Coordinator and the Chancellor's office of the request and the level of response.
- B. Coordination and cooperation between tactical teams and other operational components.

### 1. Chain of Command

- a. The CRU operates with its own chain of command.
- b. The CRU Commander reports to the Chief of the respective campus to which it is responding.
- c. If CRU members are deployed as a unit, they will be supervised by the CRU Commander and be under command of the Chief of Police. If they are deployed individually, CRU officers will be supervised through the chain of command of the host campus.
- 2. Coordination and cooperation between CRU and the operational components of the host campus will be accomplished by ensuring that command and control of all operations remains with the Chief of Police for the host/requesting campus.

### C. Selection of CRU Officers:

- 1. Selection to CRU is a specialized assignment.
- 2. Selection of CRU Team members shall be in compliance with the California State

University Police Critical Response Unit Policy Manual, Chapter 6 and Chapter 10.

# D. Specialized Equipment:

- 1. Equipment to be issued to CRU Members is detailed in the CSU Systemwide C.R.U. Manual.
- 2. The C.R.U. Commander maintains a complete inventory of the equipment.

V. APPENDIX: None



NUMBER: 3-40 APPROVED: Reynold Par

Reginald Parson, Chief of Police

EFFECTIVE: February 24, 2010

SUPERSEDES: REVIEWED/REVISED: Jan, 22, 2016, Dec, 20, 2019

SUBJECT: ROBBERY APPREHENSION- ELECTRONIC TRACKING SYSTEM, SFPD RAT UNIT/ ETS

- I. PURPOSE: The purpose of this policy is to set forth operational procedures for sworn officers assigned to the use of the Robbery Apprehension Electronic Tracking System commonly referred as "RAT" for SFPD and "ETS" for police agencies in San Mateo County.
- II. POLICY: It shall be the policy of the Department to utilize the tracking system to apprehend bank robbery suspects and other felony suspects during undercover sting operations. The Department will work in cooperation with other law enforcement agencies in the successful capture of suspects in these crimes.

### **III. DEFINITIONS:**

- A. RAT Unit: A marked or unmarked police vehicle equipped with an Electronic Tracking System and emergency response equipment.
- B. RAT Trained: A sworn officer trained to use the Electronic Tracking System including the hand held unit.

### IV. PROCEDURES:

- A. Statement of Objectives of the RAT/ETS Unit:
  - 1. The Electronic Tracking System uses Radio Frequency (RF) technology to locate a signal emitted from an electronic tag concealed in a stack of currency stolen during a robbery. This is commonly referred as the "Rat Pack". When the "Rat Pack" is removed from the magnetic drawer it immediately activates and goes "hot". At this time, the signal is transmitted to the nearest tower and any robbery tracking police vehicle in the area. The tracking device has a meter to attempt to locate the electronic tag and suspect(s).
  - 2. The nearest ETS towers in our area are located at the Stonestown Shopping Center, which will send a signal to Headquarters (SFPD Dispatch) and Seton Medical Center, which will send a signal to San Mateo County Communications and

- transmit on their "Green" channel (County Wide Mutual Aid) to all San Mateo County Units and Stations.
- 3. The tracking system, electronic tags, and beacons may be used in other covert sting operations such as electronic device (laptop computers, iPod) robberies, vehicle theft, etc. at the direction of the appropriate Field Operations Division Captain.

### B. Authorization for Use:

1. Only officers trained in the use of the device by the San Francisco Police Department Robbery Apprehension Team shall operate the device for safety reasons.

# C. Response and Deployment:

- 1. When SFPD broadcasts a Signal 200 in our geographical patrol area, officers trained and equipped with the tracking device will check their ETS device for activation and respond as authorized by the patrol supervisor. If an officer receives a signal before the tower goes "hot", he/she will immediately advise SFPD via A8 (or other SFPD channel depending on his/her location) of his/her location and the number of bars. Any other officers trained and equipped with a tracking unit will assist as necessary. Whenever an officer is actively receiving signals on his/her tracking device, he/she shall revert to the appropriate SFPD channel during the duration of the call.
- 2. If an officer receives a Signal 200 in his/her vehicle while in Daly City, he/she will immediately revert to SFPD A8 and advise Headquarters so they may coordinate with Daly City PD and the appropriate SFPD RAT Unit can respond. The only exception is if the unit is equipped to communicate directly with Daly City PD on their primary channel (UHF T-Band 488.9375).
- 3. If Officers need to leave the geographical patrol area while actively tracking a signal, he/she shall notify the on-duty Command Officer for authorization.
- 4. Officers shall exercise due caution and appropriate crimes in progress response protocols on all calls relating to the tracking unit.

### D. Maintenance:

- 1. The Hand held unit and the magnetic plate to deactivate the tag shall be stored in the vehicle with the tracking device.
- 2. The maintenance including inspections will be conducted by Electronic Tracking Systems. If an officer needs immediate assistance due to equipment malfunction he/she can contact members of the SFPD Robbery Apprehension Team.

V. APPENDIX: None



NUMBER: 3-42 APPROVED: Reynold Ram

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: B-15 REVIEWED/REVISED: Jan. 20, 2016

SUBJECT: EVIDENTIARY/INVOLUNTARY DRAWING OF BLOOD

I. PURPOSE: The purpose of this order is to establish policy and procedures in conducting evidentiary blood draw in arrests involving D.U.I. (Driving Under the Influence Sections 23140, 23152 and 23153 of the California Vehicle Code) and drug violations (Section 11550 of the California Health and Safety Code).

II. POLICY: It shall be the policy of the San Francisco State University Police Department to professionally conduct evidentiary blood draw from suspected DUI drivers or drug offenders according to current law while at the same time treating the subject with respect. The primary objective of this order is to lawfully collect and protect evidence necessary in supporting an arrest without compromising the safety of the subject, officers and other personnel involved.

### III. DEFINITIONS:

- A. Hemophiliacs: Person(s) with a hereditary blood-coagulation disorders in which the blood fails to clot normally because of a deficiency or abnormality of one of the clotting factors
- B. Anticoagulant: A substance that delays or prevents the clotting of blood
- C. Phlebotomist: A person who is trained in drawing blood for analysis
- D. Nonconsensual Chemical Testing: A lawful process where blood is drawn from a nonconsenting or uncooperative subject for DUI related or drug violation cases.
- E. Arcadia: Is an on-call privately contracted phlebotomists contracted by local jurisdictions for blood draw evidence gathering for DUI and drug violation cases.

### IV. PROCEDURES:

- A. The procedures set forth in this order allows this Department to operate within the guidelines necessary for the San Francisco Police Department to abide by their contract with Arcadia and the agreement with the San Francisco Sheriff 's Department.
  - 1. Legal Considerations:
    - a. Section 23612(a)(1)(A) of the California Vehicle Code states that any person who

- drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood or breath, if lawfully arrested for any offense allegedly committed in violation of Sections 23140, 23152 or 23153.
- b. If the person is lawfully arrested for driving under the influence, the person has the choice of whether the test shall be of his or her blood or breath and the officer shall advise the person that he or she has that choice (California Vehicle Code Section 2612(a)(2(A)).
- c. Officers of this Department should reasonably accommodate an arrestee's change of mind about which test to take before resorting to forceful means of extraction if it complies with Section 23612 of the California Vehicle Code.
- d. Blood samples shall not be taken from persons who are hemophiliacs, or who have a heart condition and are using a prescribed anticoagulant (Section 23612(b) of the California Vehicle Code). A statement by the arrestee should be obtained to qualify the subject for exemption. This determination should be made early in the arrest procedure in order to effectively assess options for chemical tests.
- B. The Watch Commander on duty must be notified before blood is drawn. The Watch Commander shall ensure all established policies and procedures are followed.
- C. The involuntary drawing of blood should be accomplished in the following manner:
  - A medically qualified person must draw the blood sample in a reasonable and medically approved manner as required by Section 23158 of the California Vehicle Code.
  - 2. The suspect will be asked to submit.
  - 3. The suspect will be advised that restraints will be used if necessary.
- D. Blood draw determination: Once an officer makes a determination that blood will be drawn after the subject is arrested for DUI, the officer shall request for dispatch to contact Arcadia. Arcadia can also be contacted via SFPD Operations Center (415-553-1071). An Arcadia phlebotomist will respond within forty-five (45) minutes to the location the arresting officer specified. The phlebotomist will bring a blood sample kit and the "Blood Test Request by Peace Officer" and "Phlebotomist Checklist."
- E. Location: The location where to meet the phlebotomist depends weather the suspect requires medical treatment and/or whether the suspect is cooperative. The following is the criteria to determine which location to meet the Arcadia phlebotomist:
  - 1. Cooperative suspects who do not require medical treatment:
    - a. Request for the phlebotomist to respond to CJ #1. The phlebotomist shall enter CJ #1 at 425 7th Street and the Sheriff Department personnel will escort him or her to the sally port area next to CJ #1.
    - b. The arresting officer(s) shall meet the phlebotomist in the sally port area with the subject prior to entering CJ #1. Officers shall not enter CJ #1 before the

- phlebotomist arrives.
- c. The draw can be done in the jail medical screening room or another location within the jail.
- d. Upon completion of the blood draw, the arresting officer shall book the subject at CJ #1 and book the blood sample according to current Department procedures.
- e. If at any time the arrested subject withdraws his or her consent or shows signs of noncompliance, resistance, or combative behavior, the arresting officer(s) shall terminate the blood draw and obtain a search warrant (Missouri vs. McNeely) for the blood draw by contacting the Duty Judge at 866-319-5433. Once the warrant obtained, the officer can continue with the draw at CJ #1, provided the suspect is not combative or confrontational.
- f. If the suspect is combative or confrontational, the suspect must be transported to Mission Station (see below).
- 2. Uncooperative suspects who do not require medical treatment and are combative or confrontational:
  - a. Request the phlebotomist to respond to Mission Station at 630 Valencia Street.
  - b. Officers shall arrange for their supervisor to respond. If no supervisor is available, a call out shall be initiated for a sergeant/corporal to oversee the blood draw. Mission Station supervisors will not oversee non-consensual blood draws unless it is a Mission Station arrest.
  - c. Officers should also advise dispatch to contact Mission Station to advise the Station Keeper that an officer from this Department will be using their restraint chair for evidentiary blood draw.
  - d. Officers shall enter Mission Station through the door located next to the south parking lot.
  - e. In compliance with the Board of Corrections Regulations, officers shall not enter through the sally port area into the holding cell of booking counter areas with their DUI custody. The DUI custody shall not be held in the booking area or in a holding cell while waiting for the Arcadia phlebotomist to arrive.
  - f. Once inside the station, officer(s) shall advise the Station Keeper of their presence and reason for being in the station. Officers shall then accompany the suspect to the assembly room where the blood draw will take place.
  - g. The restraint chair kept is the assembly room. Officers shall wait for the phlebotomist to arrive before placing the subject in the restraint chair. Officers shall close the assembly room door during the blood draw to ensure the privacy of the suspect being tested. Officers shall remove the subject from the chair immediately after the blood draw is completed.
  - h. Officers from this Department shall read the instructions and manufacturer's warning prior to using the restraint chair. Supervisors shall ensure the compliance with this directive.
  - i. If any level of force is used in order to obtain a blood sample at Mission Station, the supervisor must notify the Platoon Commander at Mission Station immediately.
  - j. After the blood draw is completed, the subject will be booked at CJ #1. The subject shall not be booked at Mission Station. The Station Keeper and Platoon

Commander at Mission Station must approve any exceptions.

- 3. Cooperative suspects who require medical treatment:
  - a. Request the phlebotomist to respond to SFGH.
  - b. The arresting officer(s) shall ensure that the blood draw is performed with a minimal amount of disruption to the hospital staff and any medical treatment being provided to the suspect.
- 4. Uncooperative suspects who require medical treatment:
  - a. Request the phlebotomist to respond to SFGH.
  - b. Officers shall arrange for their supervisor to respond. If no supervisor is available, a call out shall be initiated for a sergeant/corporal to oversee the blood draw.
  - c. If the suspect must be restrained for medical treatment and it does not interfere with the medical treatment, the phlebotomist can draw blood. Medical care always takes priority over evidentiary blood draw.
  - d. If the suspect has not been restrained for medical treatment, but restraint is needed in order for the phlebotomist to perform the blood draw, the supervisor shall determine the number of officers needed to restrain the suspect.
  - e. The supervisor should request for additional officers from this Department, if available, or SFPD/SFSD, if there are no other officers are available from this Department.
  - f. The supervisor shall consult with the Charge Nurse to determine whether the suspect has any injuries or medical conditions preventing the suspect from being restrained.
  - g. Officers shall hold the suspect down on a gurney so that the phlebotomist can draw blood.
  - h. The supervisor shall ensure that blood draws are conducted in a manner that causes minimal disruption to hospital staff.

### 5. Juveniles:

- a. All juvenile blood draws shall be done by an Arcadia phlebotomist at SFGH.
- b. Except in cases of felonies, persons under 18 years of age will not be subject to non-consensual chemical testing.

### F. Use of Force:

- 1. An arrestee's refusal and resistance to the drawing of blood does not in and of itself constitute a resisting or delaying offense.
- 2. Department policy prohibits any unreasonable use of force to extract blood. Examples of unreasonable force include but are not limited to:
  - a. Excessive bending, twisting, and hyperextension of arms (i.e. no more physical force may be used than is necessary to accomplish the task)
  - b. Use of any weapon

- c. Striking blows
- d. Neck restraint (e.g. carotid, etc.)
- e. The seriousness of the offense is not to be considered in the decision to use force or the degree of force exerted.
- 3. The force used to obtain the blood sample must be limited to the level of restraint or force necessary to obtain the blood sample.
- 4. Supervisors shall immediately stop attempts to draw blood if it appears that the degree of restraint necessary could cause injury to the suspect or officers.
- 5. Any time that force is used to obtain a blood sample, that action shall be documented on the appropriate Department report form. Administrative personnel will review the "Use of Force" policy to insure compliance with established procedures.

### G. Forms:

- 1. The arresting officer shall complete the Blood Test Request by Peace Officer form.
  - a. The arresting officer, phlebotomist, and the person being tested shall sign the form.
  - b. If the suspect refuses to sign, the arresting officer shall write, "refused" in the space provided for the suspect signature.
  - c. The phlebotomist retains the white copy and the arresting officer shall attach the pink copy to the arrest report.
- 2. The phlebotomist and the arresting officer shall initial the Phlebotomy Checklist in the appropriate spaces and sign the form upon completion of the test.
  - a. The phlebotomist retains the white copy and places the pink copy inside the envelope with the blood samples.
  - b. The arresting officer retains the yellow copy and attaches it to the arrest report.
  - c. The phlebotomist will give the blood samples to the arresting officer and the officer shall book the samples according to current Department procedures.
- H. Arcadia will conduct blood draws for cases other than DUI's, such as felonies. However, this shall be arranged through the Investigations Unit.

### V. APPENDICES: None

### VI. ATTACHMENTS:

- A. DMV 367A Form
- B. Arcadia Blood Test Request By Peace Officer
- C. Arcadia Phlebotomy Checklist
- D. Non-consensual Chemical Test (DUI)-Missouri v. McNeely (Update)

## ATTACHMENT A



# SUPPLEMENT TO OFFICER'S STATEMENT BLOOD/URINE TEST RESULTS

LAW ENFORCEMENT AGENCY	CASE NUMBER
DRIVER LICENSE NUMBER	STATE
CLASS OF LICENSE	

	CHEMICAL TE	The bank of the bank of a bank of the bank	
DRIVER'S NAME (LAST, FIRST, M.I.)			
DATE OF BIRTH		DRIVER LICENSE NUMBER	
DATE OF ARREST	TIME TEST SAMPLE TAKEN AM/PM	☐ Section 23152 VC	☐ Section 23153 VC
TEST REQUESTED: URIN	E TEST  BLOOD TEST		
OFFICER'S SIGNATURE			
OFFICER'S NAME (PLEASE PRINT)		TITLE	BADGE/ID NUMBER
AGENCY		AREA	TELEPHONE NUMBER
LABORATORY NAME	CHEMICAL TE LABORATOR		LAB. RECEIPT NUMBER
DATE ANALYZED	ANALYZED BY (PLEASE PRINT)		
during the regular course of m I further certify that I am a lice qualified to perform these ana	% BAC BLOOD TEST  Ty, under the laws of the State of Cony duties, and is a true and correctnosed forensic alcohol superallyses pursuant to Title 17 of the proper working order at the times.	ct copy thereof. rvisor □ forensic alcohol ar California Code of Regulations	nalyst s, and that the equipment used
SIGNATURE X		TITLE	AGENCY

DEPARTMENT OF MOTOR VEHICLES TELEPHONE NUMBER (916) 657-0214

White-DMV Copy

Canary-Agency Copy

Pink-File Copy

## ATTACHMENT B

# **ARCADIA**

# **BLOOD TEST REQUEST BY PEACE OFFICER**

SUBJECT'S I	NAME						,							
REQUESTED	BY	L		<del></del>	<del>, , ,</del>			1000	BAD	GE #	<del></del>			
AGENCY								AGE	NCY#	-	<del></del>			
CHARGES	-	<u></u>		<del></del>		·····-	LOCA	TION						
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Officer's Initial	Mark th	e app	propriate	boxes.										
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	him/her in administe	capa red v	ble of re hether	efusal ar or not th	nd is de ne pers	eemed on is to	not to hold that h	ave with nis/her fa	drawn h illure to	is/her co submit t	onsent. o, or th	. (A test, ne non-c	ndition reno or tests, rompletion tor vehicle	nay b
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□		Atto											cording to Cal. Atty.G	
	The abov below.	e listo	ed perso	on from t	whom	the blo	od samp	ole is to b	oe obtai	ned refu	ses to	sign the	consent f	orm
Date	***		Time	e a.m./p	m.,	•	-	a ignature	of Pea	ice Offic	er			
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Date:							nek	Signature	e of Per	son Beir	ng Test	ted		
Time of Blood	Draw:			·····			Ę	Signature	e of Phle	ebotomi	st	<del>-</del>		

# ATTACHMENT C

# ARCADIA PHLEBOTOMY CHECK LIST

Phlebotomist's	Initial				•		Officer's Initia	
1.	San Fra	lebotomist opens the sealed Evidence ancisco Office of the Chief Medical E Blood test tubes.	e Env camin	velope supplie er and verifie	ed by the s expiratio	n dates		
2.	a. One b Evidor c. Thr bloc d. One	idence Envelope contains all of the fo e vacutainer needle holder dence security tape ree tamper-proof seals for od test tubes e sterile gauze e sealed sterile needle	f. g.	Two non-ald One band a Three gray t	id top vacuta			
3.	The phi	ebotomist provides a tourniquet.					e	
4.	The phic	ebotomist fills out all three test tube to be, date, time and the Phlebotomist's	mpe initia	r-proof seals ls.	with the a	rrestee's	***************************************	
5.	morma	ebotomist gives the tamper-proof sea ation before the Phlebotomist affixes t ting and Witnessing Officer should in	hem	onto the test t	tithes Roll	h the		
6.	The phl	lebotomist places his/her signature on the Evidence Envelope and fills ne indicating chemical used on arm.						
7.	The Offi	Officer completes the remainder of the information on the Evidence Envelope.						
8.	The Phi non-alco	ebotomist applies the tourniquet and ohol antiseptic swab.	prepa	ares the venip	uncture si	te with the		
9,	The Philopole	ebotomist makes the venipuncture in the absence of a pulse.	the le	eft/right		after checking		
10.	the need	ebotomist fills all tubes with blood, readle from the vein, and removes the to ely filled.	nove urniqi	s the final tub uet before the	e before w final tube	rithdrawing is		
11.	The Phle	ebotomist applies pressure to the ver	ipund	ture site with	the sterile	gauze.		
12.		ebotomist places a band-aid on the v				g		
13.	The Phie	abotomist inverts the tubes to mix the	pres	ervative and a	anticoagula	ant,		
14.		ebotomist affixes the tamper proof se			_		Zie *	
15.	The Phie	ebotomist immediately puts the labele e and seals the Envelope using the E	d bio viden	od test tubes ice security ta	into the Ev	vidence		
16.	The Phle	ebotomist transfers custody of the evi	dence	to the Peace		ifter annotating	<u> </u>	
17.	The Pea	ce Officer receives the Evidence Env date and time of receipt.			es the cha	in of evidence	<del> </del>	
Arrestee's Name					Date		a-5.5	
Agency/Report N	umber	\ 2			Time	37 .		
Phlebotomist Sign	nature				1			
Peace Officer Sig	nature							

### ATTACHMENT D



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



### Nonconsensual Chemical Test (DUI)- Missouri v. McNeely (Update)

In the case of Missouri v. McNeely (April 2013), the United States Supreme Court ruled officers must generally obtain a warrant before conducting a nonconsensual chemical test. Specifically, the court found, "the natural dissipation of alcohol in the blood stream does not constitute an exigency in every case sufficient to justify conducting a chemical test without a warrant." The court concluded the reasonableness of a warrantless blood test must be determined case by case, based on the totality of the circumstances.

Effective immediately, members <u>shall not</u> obtain a forced blood draw/or nonconsensual chemical test without a search warrant. In all cases, members should document detailed observations of driving/interaction, FST performance, witness statements, and other physical evidence. Members may still book a subject based on probable cause.

### All DUI Cases:

- A search warrant should be obtained if a subject refuses to submit to a chemical test.
- When an exigent circumstance exists, beyond the mere dissipation of the suspect's blood alcohol content (BAC), the lack of a search warrant shall be approved and articulated in the report.

An exigent circumstance may include the lack of an available judge to review the warrant or other special circumstances. An exigent circumstance that prevents a member from getting a search warrant must be approved by a Commissioned Police Officer.

As of September 20th, SB717 was passed to amend PC 1524(a) to allow a search warrant for misdemeanor DUI cases also; prior to SB 717 a warrant could be obtained for a felony case only.

A NEW DUI SEARCH WARRANT FORM (see sample attachment & procedures) has been approved for use. Follow the steps outlined, obtain a telephonic warrant (similar to an EPO), then arrange for the judge to sign the warrant at a later time. Members can locate the DUI Search Warrant Forms in the SFSU Forms folder, under Search Warrants. For any questions see your supervisor.

Reginald Parson Chief of Police

# **SEARCH WARRANT**

SEARCH W	ARRANT		Incident No
COUNTY OF SAN	FRANCISCO	Warrant No.	
COUNTY. Sufficient proof ha below incorporated of	THE STATE OF CALIFORNIA TO ving been provided orally under affidavit that there is probable named and described belowed viting. The vehicle Code section[s] □ Pomptly, at any time of the day of night ications, pursuant to Penal Code sourt in Missouri v. McNeely (2013) ting, in a medically-approved manuted by you for laboratory analysis and the vinite of the section of the vicing of the vicin	oath to me on this da cause for believing the w, will furnish evidence enal Code section[s] and to preclude dissipation section 1533 and the gui [2013 WL 1628934], to ner by someone trained	ay and as contained in the nat a sample of the blood e of the commission of a you are therefore of alcohol and/or drugs and delines issued by the United make search of the person to withdraw blood, a blood
me on this da	t, Affidavit and Statement of Probab ay of at irch Warrant and do issue it.	ly Cause were sworn to a _A.M./P.M. Wherefore I f	as true and subscribed before find probable cause for the
Printed name:		Signature:	
Judge of the Supreme	Court of California, County of San Fran	ncisco, Superior Court Dept	
2. I have been empl and/or assisted in apthe influence of alco 3. On at approofficer, i made the following arriving driving under the		t years and during ations involving suspicion ons. sco County, while working me to conduct an investic at the following hicle was □ speeding □	that period I have conducted s that the driver was under in my capacity as a peace gatory traffic stop: location weaving across the lanes
The following addi	tional observations led me and/or	my fellow officer	to conduct the traffic stop:
influence exhibited be eyes ☐ watery eyes drinking ☐ admitted perform field sobriet (PAS) ☐ refused PA	ehicle  contactedand noticed by him/her:  tumbling with docume dilated pupils odor of alcohol of taking drugs signs of drug use y tests as directed BAC measure.  So refused to submit to breath or by relevent observations:	nts □ slurred speech □ r or drug about the person ☐ admitted taking perscrip d% on prelim	apid speech ☐ reddened ☐ unsteady ☐ admitted tion medications ☐ did not inary alcohol screening test
operated a vel I arrested him/her. 6 is a 7. Unless a blood sa	ning and my experience of years in the influence of alcoholic while under the influence of alcoholic mow detained at ample is obtained promptly, at any time in the interest of the interest o	cohol and/or drugs and/or me of the day or night, dis	prescription medications and ssipation of alcohol and/or
I declare under pena	alty of perjury that the foregoing is tr	ue and correct.	
Dated:	, in San Francisco County, (	California, Signed:	

# STATE OF CALIFORNIA - COUNTY OF SAN FRANCISCO RETURN TO SEARCH WARRANT

warrant:  Search Warrant/Case number:
Issuing Magistrate:
Magistrates's Court: Superior Court#, County of San Francisco.
Date of Issuance: Date of Service:
And searched the following items:
I further swear that this is true and detailed account of all the property taken by me pursuant to the search warrant and that pursuant to Penal Code 1528 and 1536.
Be advised that pursuant to California Penal Code Sections 1539 and 1540, you may file a written motion in the court of the above-named magistrate who issued the search warrant.
(Signature of Affiant)
Sworn to and subscribed before me this day of
(Signature of Magistrate)  Judge of the Superior Court

Judge of the Superior Court County of San Francisco State of California

### TELEPHONIC SEARCH WARRANT PROCEDURES

- 1. The Law Enforcement Officer (LEO) should fill out the search warrant and **make a copy**. The copy is known as the **duplicate copy to the original search warrant**. The Judge's Signature area on the original search warrant shall be kept blank for the Judge to sign at a later time.
- 2. Contact the Duty Judge (Phone # 1-866-319-5433) via the answering service. When Prompted by the recording, press #1 for DUI blood draw search warrant. This activates the recording of the conversation. This recording/conversation should be conducted away from the detained subject. You do not need to consult with a District Attorney for this warrant.
- 3. The Duty Judge administers an oath to the LEO.
- 4. The LEO then reads the statement of probable cause, the terms of the search warrant and provides any additional information required to the Duty Judge.
- 5. If the Duty Judge finds probable cause, he/she will authorize the Officer to sign the Judge's name to the duplicate original search warrant. In paragraph 1 (one) of the duplicate original warrant, you write in the Judge's name where it says "Printed Name." Next to it in the Signature line you write, "Officer\_\_\_\_\_\_ for Judge\_\_\_\_\_\_ " and put your initials next to it. The duplicate copy warrant becomes (at least temporarily) the search warrant."
- 6. The Officer will also note the date and time the Judge commanded issuance.
- 7. When the warrant is served, the officer must then note the date and time of service on the duplicate copy of the warrant. Write it on the bottom of the copy of the warrant "Service, date, time." Give the arrestee a copy (make a copy after service) of the served warrant.
- 8. Once the warrant is served and blood obtained, the affiant officer shall complete the SF County **RETURN TO SEARCH WARRANT** form. The form is a one page form which is located in the SFSU Forms folder.
- 9. The Officer will deliver the **duplicate copy of the search warrant** obtained telephonically along with the **unsigned original warrant and search warrant return for signature** to the issuing Duty Judge no later than the next business day. Ideally, the Officer who requested the warrant should deliver these documents, but any police officer can deliver these documents. The Duty Judge will tell you best time/location to have the warrant signed.
- 10. The Officer will deliver **the duplicate search warrant**, the "signed search warrant", **and** the search warrant return form to the staff at room 101 at the Hall of Justice (Business Hours). Get a copy of the final "search warrant" and book it as evidence. A copy of both the signed and the duplicate search warrant should be attached to the police report.
- 11. If the original reporting officer is unable to get a signature from the issuing judge during his/her shift, he/she should notify the on-duty Watch Commander. The Watch Commander will confirm the time/location to get the warrant signed and assign it to another officer. If the officer filing the warrant is not the officer who obtained the warrant, a **supplemental police report must be generated**. The supplemental report should also indicate whether the warrant was booked into evidence.



NUMBER: 3-44 APPROVED: Reynold Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: D-25 REVIEWED/REVISED: Feb. 18, 2010, July 11, 2011, Jan.

19, 2016, Dec. 16, 2019

SUBJECT: ELDER ABUSE

I. PURPOSE: The purpose of the following guideline is to provide direction to the members of the department in order to prevent and intervene in incidents of domestic elder abuse.

II. POLICY: It is the policy of this department to prevent situations of domestic elder abuse against members of the community, and intervene in those circumstances when applicable.

III. DEFINITIONS: None

IV. PROCEDURES:

### A. Introduction:

- 1. Abuse of older persons by their friends, family members, caregivers or other trusted person is not a new phenomenon. Nor is it a new expectation of the public that police officers will sometimes respond to and handle these complaints. More recently it has been recognized that domestic elder abuse is a very complex problem, requiring multi-disciplinary response tailored to specific circumstances and the individual needs of the elderly victim.
- 2. The SFSU Police Department recognizes that elder abuse is often the result of problems that officers alone cannot address. In order for law enforcement officers to play an effective part in any comprehensive strategy to prevent, identify, detect and react to instances of elder abuse, they must fully understand their role and be trained to act in concert with other protective, investigative, regulatory, enforcement and social services agencies.

### B. Guideline:

1. The SFSU Police Department recognizes its role in assisting, identifying, detecting, reacting to, and when possible, preventing domestic elder abuse. The prevalence of abuse and the effect it has on elderly victims demands that the police establish clear and thorough directives to guide call-takers, dispatchers, officers, supervisors and investigators through the complex tasks for which they are responsible. Police are in

- the unique position of being responsible for the criminal investigation of such cases while working jointly with Adult Protective Services (APS) and other social service organizations to ensure the provision of a network of services.
- 2. The SFSU Police Department shall treat reports of violence against elderly persons as high priority criminal activity, which is to be fully investigated regardless of the relationship between the victim and the suspect(s). The SFSU Police Department shall identify and assume law enforcement's role in preventing, identifying, detecting and reacting to the incidence of elder abuse, neglect and exploitation and to ensure that call-takers, dispatchers, responding officers, investigators and supervisory personnel understand their individual roles, duties and responsibilities.
- 3. San Francisco State Universities' commitment to respond to reports of suspected elder abuse will include the following:
  - a. Recognition of the signs, symptoms and indications of violence, other abuse, neglect or exploitation perpetrated against elderly persons.
  - b. Participation in a multi-disciplinary response and coordinated investigation with APS and a network of other agencies aimed at breaking down barriers older persons face when seeking to report and eliminate abuse.
  - c. Expedient and full reporting to appropriate agencies on any case of confirmed or suspected abuse, neglect or exploitation against an elderly person, including cases of non-criminal neglect.
  - d. Implementation of solutions that do not result in increased risk to the older person and do not exacerbate the situation.
  - e. Commitment to treat all persons with dignity and respect.
  - f. Recognition and respect for the older person's right to self-determination, that is, a competent person's right to make his or her own decisions, including the right to privacy and to refuse well-intended intervention.
  - g. Rapid access to information about and referral to support systems or agencies, including translators, that provide services useful to victims of elder abuse.
  - h. Promotion of education and periodic retraining of personnel as to specific roles, duties, responsibilities and how each individual's contribution can lead to an effective solution.
- 4. San Francisco State University complies with UCR requirements on a monthly basis to the Department of Justice:
  - a. The UCR report is printed from the RIMS records program.
  - b. The Hate crimes report is printed from the RIMS records program.
  - c. The Domestic Violence report form is printed from the RIMS records program.
  - d. The Violent Crimes Committed Against Seniors report form is printed from the RIMS records program.
  - e. The Anti-Reproductive Rights Crimes report form is filled out by hand using statistics from the case log book (BCIA 8370 form.) If this form is used, the ARRC Data Collection Worksheet should be completed (BCIA 8371).
  - f. The Law Enforcement Officers Killed or Assaulted report form is printed from the RIMS records program.
  - g. The Monthly Arrest and Citation register is printed from the RIMS records

program.

h. After all forms are completed and faxed to the Department of Justice Criminal Justice Statistics Center.

V. APPENDIX: None



NUMBER: 3-46 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: D-37 REVIEWED/REVISED: Jan. 21, 2016, Dec. 16, 2019

SUBJECT: AUTO-EXTERNAL DEFIBRILLATOR USE AND MAINTENANCE

I. PURPOSE: To establish guidelines for the use and maintenance of the departmental Auto-External Defibrillators (AED).

II. POLICY: The University Police Department will typically be the first responders to all medical calls occurring on Campus, and some of those adjacent to Campus. All University Police Officers will be trained in the use of the AED. AED- trained University Police Officers will bring the AED to any medical call where they have been advised that the injured party complains of chest pain or is unconscious. An AED-trained University Police Officer may also respond at the request of a member of the Student Health Center Staff with the AED. Only those individuals currently certified in First Aid/CPR and AED are authorized to use the AED.

III. DEFINITIONS: None

### IV. PROCEDURES:

### A. Rules:

- 1. The altering, exchange, removal or remodeling of the AED or parts thereof (except that which occurs through normal use) from the way it was issued is prohibited, unless approved and ordered by the Operations Commander.
- 2. Employees shall not use the department-owned AED or supplies for their personal use.
- The department-owned AED must be available for inspection by the Watch Supervisor or EMT Coordinator at all reasonable times. It may not be taken home or left in an employee's locker.
- 4. Any use of the AED other than for which it was intended is strictly forbidden.

### B. AED Usage:

1. Training Requirements - To apply the Department AED's, San Francisco State University Police Officers must satisfy the following training requirements:

- a. First Aid/CPR training
- b. AED training
- 2. Storage and Inspection:
  - a. The AED's will be stored in the trunk of each patrol vehicle;
  - b. The Shift Supervisor should ensure that the AED units are placed in service during the shift unless there is a malfunction, or no one on the shift is trained to utilize it.
- 3. The AED unit should be inspected at the beginning of each shift to ensure that all required equipment and supplies are included with the unit. Any problems are to be reported to the EMT coordinator via the Shift Supervisor.
  - a. If the problem cannot be corrected, then the officer shall take the unit out of service, tag the unit as such, and place it in the Armory. The Shift Supervisor shall notify the EMT Coordinator and the Watch Commander of the status of the unit.
- 4. When the outside temperature is greater than 100 degrees (F) or less than 0 degrees (F), the defibrillators will be stored inside the vehicle and not in the trunk.
- 5. The defibrillator shall accompany the responding Officer on all medical assist calls having a high probability for its application such as chest pain, or unconscious subjects.
- 6. The AED should be applied to persons found in cardiac arrest (no respirations and no pulse). If CPR is indicated, the defibrillator should be applied and utilized consistent with training.
- 7. The AED shall not be applied to:
  - a. Children under 90 pounds
  - b. Patients that have a valid DNR (Do Not Resuscitate) order
  - c. Patients who are obviously dead rigor mortis, lividity, mortal injuries, etc.
  - d. Any individual found with a pulse
- 8. The AED will not be operated in or around:
  - a. Water
  - b. bathtubs
  - c. pools
  - d. flammable liquids or gases
- 9. The AED should not be used to determine if a patient has or does not have a pulse.
- 10. The officer will provide the responding SFFD personnel with the data card from the AED device if requested.
  - a. If the data card is removed, the AED unit will be taken out of service as outlined above
- 11. Once an Officer treats a patient with an AED they will continue treatment and

# monitoring until relieved by either:

- a. another trained Officer that will continue treatment with the original AED
- b. a Paramedic Unit (SFFD or other responding agency)
- c. a certified medical doctor
- 12. Once an Officer treats a patient with an AED they will leave the AED unit on the patient until they are received by a Paramedic unit, which applies their own monitoring equipment.
- 13. A Medical Assist report will be completed before the responding officer goes off duty.

### C. Maintenance:

- 1. The AED's case, display, crevices and accessories should be cleaned when necessary with only a damp sponge or cloth containing either rubbing alcohol (isopropyl) or hydrogen peroxide solutions.
- 2. The AED performs automatic tests at 0300 hours and maintains a test log. If the AED detects a problem during an automatic test that requires immediate service, such as low battery, it activates an intermittent audible alarm.
- 3. The service indicator message (a red X) will appear in the LED square in the upper right-hand corner if the AED detects a problem that requires service.
- 4. Any problems are to be reported to the EMT Coordinator via the Watch Supervisor.
- 5. The non-rechargeable battery typically has a shelf life of 5 years or a minimum of 240 shocks. The battery has a standby life of approximately one year, not counting any use or testing.

V. APPENDIX: None



NUMBER: 3-47 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: January 3, 2005

SUPERSEDES: REVIEWED/REVISED: Feb. 20, 2008, Jan. 21. 2016, Dec. 21,

2019

SUBJECT: CAMPUS ALCOHOL PERMITS

I. PURPOSE: To establish a policy to approve campus alcohol permits and comply with the Department of Alcohol and Beverage Permit application process.

II. POLICY: It shall be the policy of the University Police to comply with the Campus Alcohol Policy, State Alcohol Beverage Control laws and educate applicants as to the appropriate application procedures.

### III. DEFINITIONS:

- A. Campus Alcohol Permits: Refer to procedures section A for definition.
- B. ABC Permit Application: Refer to procedures section B for definition.

#### IV. PROCEDURES:

- A. Campus Alcohol Permits: The Chief of Police has approval authority under Campus Policy UED 89-12 Alcohol and Drug Policy, for approval of the San Francisco State University Alcohol Clearance Form submitted by the Director of Special Events.
  - 1. Approval forms shall be posted in the Squad Room and discussed at briefing on the day alcohol is being served.
- B. Alcohol Beverage Control Applications:
  - 1. An application on ABC Form 221 must be completed by an applicant who wishes to serve alcohol while other sales are taking place or who wish to sell alcoholic drinks.
    - a. A "sale" is deemed to occur when alcohol beverages are sold or if there is an admittance fee to get into the event. If any consideration is exchanged, a sale is deemed to have taken place or will take place on a temporary ABC license is required.
  - 2. Applications will only be approved for charitable organizations who can display:

- a. Articles of Incorporation and
- b. Federal Tax Identification
- 3. First time applicants must show who the officers of the Corporation are on their letterhead.
- 4. ABC information and forms can be accessed at www.abc.ca.gov. The legal authority is California Business and Professions Code Sections 23022, 24040 and 59.5 et seq.
- 5. Applications will not be approved and ABC will not issue a temporary license to the University or a University Department.
- 6. The Captain or Lieutenant may approve the temporary application in the absence of the Chief of Police.
  - a. Such approved application shall be posted on the alcohol usage clipboard and discussed at briefing for patrol purposes.
- 7. In the absence of the Chief of Police and the Captain or Lieutenant, command staff may approve the temporary application
- 8. Organizations having private parties, not open to the public and in a venue where alcohol is not normally sold, will not need an ABC Temporary License if the event complies with California Business and Professions Code Section 23399 et seq. as follows:
  - (a) An on-sale general license authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold. Any licensee under an on-sale general license, a club license, or a veterans' club license may apply to the department for a caterer's permit. A caterer's permit under an on-sale general license shall authorize the sale of beer, wine, and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events held any place in the state approved by the department. A caterer's permit under a club license or a veterans' club license shall authorize sales at these events only upon the licensed club premises.
  - (b) Any licensee under an on-sale general license or an on-sale beer and wine license may apply to the department for an event permit. An event permit under an on-sale general license or an on-sale beer and wine license shall authorize, at events held no more frequently than one day in any single calendar quarter, the sale of beer, wine, and distilled spirits only under an on-sale general license or beer and wine only under an on-sale beer and wine license for consumption on property adjacent to the licensed premises and owned or under the control of the licensee. This property shall be secured and controlled by the licensee and not visible to the general public. For purposes of this subdivision, "calendar quarter" means January 1 to March 31, inclusive, April 1 to June 30, inclusive, July 1 to September 30, inclusive, or October 1 to December 31, inclusive, of any calendar year.
  - (c) This section shall in no way limit the power of the department to issue special licenses under the provisions of Section 24045 or to issue daily on-sale general licenses under the provisions of Section 24045.1. Consent for sales at each

- event shall be first obtained from the department in the form of a catering or event authorization issued pursuant to rules prescribed by it. Any event authorization shall be subject to approval by the appropriate local law enforcement agency. Each catering or event authorization shall be issued at a fee not to exceed ten dollars (\$10) and this fee shall be deposited in the Alcohol Beverage Control Fund as provided in Section 25761.
- (d) At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the act pertaining to the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises.
- (e) The fee for a caterer's permit for a licensee under an on-sale general license or an event permit for a licensee under an on-sale general license or an on-sale beer and wine license shall be one hundred four dollars (\$104) for permits issued during the 2002 calendar year, one hundred seven dollars (\$107) for permits issued during the 2003 calendar year, one hundred ten dollars (\$110) for permits issued during the 2004 calendar year, and for permits issued during the years thereafter, the annual fee shall be calculated pursuant to subdivisions (b) and (c) of Section 23320, and the fee for a caterer's permit for a licensee under a club license or a veterans' club license shall be as specified in Section 23320, and the permit may be renewable annually at the same time as the licensee's license. A caterer's or event permit shall be transferable as a part of the license.

### V. APPENDIX:

- A. ABC Information For Special Daily Licenses (ABC-532(2/07))
- B. ABC Daily License Application (ABC-221 (11/10))
- C. University Executive Directive #89-12 Alcohol and Drug Policy



NUMBER: 3-48 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: January 3, 2005

SUPERSEDES: REVIEWED/REVISED: Jan. 22, 2016, Dec. 18, 2019

SUBJECT: SAN FRANCISCO POLICE DEPARTMENT BACKUP

I. PURPOSE: To establish guidelines to be used to summon the assistance of the San Francisco Police Department when situations arise that necessitates the aid of San Francisco Police Department uniformed personnel.

II. POLICY: To provide a clear policy on summoning assistance from the San Francisco Police Department when such aid is requested from the San Francisco State University Police Department.

### III. DEFINITIONS:

- A. SFPD: San Francisco Police Department
- B. SFSUPD: San Francisco State University Police Department
- C. Backup: Additional police assistance requested or directed to aid other Police Officers on calls for service, usually during crisis.

### IV. PROCEDURES:

- A. SFSUPD personnel may summon assistance from the SFPD, generally in several manners:
  - 1. Officer(s) in field requests SFPD backup via SFSUPD Dispatch. This is the most desirable manner in summoning assistance.
  - 2. Dispatch anticipates need for backup assistance on critical calls and summons SFPD assistance from SFPD Dispatch.
  - 3. Officer summons SFPD backup directly on Channel A8 due to unforeseen difficulty in accordance with General Order 5-3 IV, C.
- B. Officer shall keep in mind:
  - 1. The number of officers needed to respond.
  - 2. The response needed, i.e. Code 1, Code 3.
  - 3. If assistance is no longer necessary and the response needs to be cancelled.
  - 4. How to communicate on-campus locations, especially building interiors, to

responding backup units.
5. How to allow SFPD access into buildings during closures.

V. APPENDIX: None



NUMBER: 3-49 APPROVI

APPROVED: Reginald Parson, Chief of Police

EFFECTIVE: December 8, 2005

SUPERSEDES: REVIEWED/REVISED: Oct. 27, 2010, Jan. 19, 2016, Dec, 21,

2019

SUBJECT: PARKING CONTROL OFFICERS

I. PURPOSE: To establish procedures for Parking Control Officers (PCO). The PCO's primary responsibility is to enforce the University's parking rules and regulations and to support the campus community and general public.

II. POLICY: It is the policy of the University Police Department to ensure a safe environment for students, staff, faculty and visitors to the campus when parking. Pursuant to this, PCO's enforce parking related rules and regulations to increase parking availability to all valid semester and daily permit holders.

### III. DEFINITIONS:

Parking Control Officers: Non-sworn personnel responsible for enforcing parking rules and regulations, coin collections, barricade details and assistance to the campus community and general public.

### IV. PROCEDURES:

- A. Parking Control Officer Job Description:
  - 1. Parking Control Officers are a non-sworn personnel employed, trained, and supervised by the University Police Department and supervised by the Captain of the Operations Division. The Parking Control Officers primary responsibilities are patrolling campus parking lots, enforcing established rules and regulations, coin collection, barricade assignments and performing community service functions relating to parking. This description applies to both staff Parking Control Officers and Student Parking Control Officers.
- B. Parking Control Officer Training:
  - 1. The Parking Control Officer Supervisor (PCOS) trains the Parking Control Officers on usage of the AutoCITE equipment, coin collection, coin drop, parking lot patrol, barricade duty and all other duties assigned.

- 2. Parking Control Officers are given copies of the Parking Control Officer Manual, parking violation codes, radio call signs, University Police policies, and the Parking and Transportation Department's rules and regulations. They are also required to go through the University's Defensive Driving Training.
- 3. A Parking Control Officer will not work alone until a two week training period is completed and it is established by the LPCO that the PCO is ready to perform required duties without the assistance from other PCO's.

# C. Parking Control Officer Responsibilities:

- 1. Parking Control Officers are responsible for patrolling the parking lots to:
  - a) Enforce parking rules and regulations. Enforcement procedures are in General Order 7-6.
  - b) Identify problems regarding signage, maintenance of lots and parking patterns and report them to the Parking and Transportation Coordinators.
  - c) Provide service to the campus community.
  - d) Provide directions to the campus for the general public.
- 2. Parking Control Officers are responsible for patrolling building entrances and campus handrails to:
  - a) Bike placement rules and regulations. Enforcement procedures are in General Order 7-6.
  - b) Identify problems regarding placement and maintenance of University bike racks.
- 3. Parking Control Officers are responsible for the coin collection.
  - a) Procedures for the coin collection are outlined in General Order 7-4.
- 4. Parking Control Officers are responsible for battery-jumps and lock out assists.
  - a) The parking vehicles have a portable battery pack for battery-jumps and lock slipping devices for the lock out assists.
  - b) A release of liability form must be completed before assistance (See Attachment A).
  - c) Parking Control Officer will request the Dispatcher to notify a tow truck, at the owner's expense, if they are unsuccessful with the vehicle.
  - d) The Parking Control Officer will remain with stranded motorist who are in hazardous locations until assistance arrives or they are moved to a safer location.
  - e) Parking Control Officers who are transporting a member of the general public should notify dispatch and log the time and location of both the starting point and destination.
- 5. Parking Control Officers will escort emergency personnel as needed.

- 6. Parking Control Officers are responsible for the upkeep, routine malfunctions and light maintenance of the parking dispenser machines.
- 7. Parking Control Officers are assigned barricade details for special event parking.
- 8. Parking Control Officers will assist Police Officers with traffic control during special events.
- D. Parking Control Officers Equipment:
  - 1. Parking Control Officers are assigned:
    - a) Badge
    - b) Black Leather Belt
    - c) Flashlight
    - d) Flashlight Holder
    - e) University Identification Card
    - f) Name Tags
    - g) Radio
    - h) Radio Holder
    - i) Police Department Identification Card
    - j) University Access Card Key
    - k) Key Holder
    - I) Police Department Patches
    - m) Police Department Keys
    - n) Parking and Transportation Key
    - o) Camera
    - p) Camera Case
  - 2. PCO's have the option of being issued and carrying pepper spray; upon completing a training course in the proper use and University procedures regarding pepper spray:
    - a) Pepper spray/O.C.
    - b) O.C. Holder
  - 3. Rules and regulations regarding camera usage are in General Order 7-6
  - 4. Parking Control Officers must complete an Equipment Check-Out List Form. Refer to General Order 2-9.
  - 5. Parking Control Officers must follow the established policy and procedure for uniforms and personal appearance. The policy on uniforms and personal appearance is outlined in General Order 2-9.
  - 6. Parking Control Officers should request supplies that they need from the Fiscal Services Manager via their direct supervisor.
  - 7. Parking Control Officers are assigned a parking vehicle and are responsible for the cleanliness and the reporting of mechanical problems to the LPCO and the Police Vehicle Maintenance Officer.
- E. Student Parking Control Officers:

### 1. Student PCO Training:

- a. The LPCO oversees the training of the student PCO on usage of the AutoCITE equipment, coin collection, parking lot patrol, barricade duty and all other duties assigned.
- b. Student PCO's are given copies of the Student Employee Handbook, the Parking Control Officer Manual, parking violation codes, radio call signs, University Police policies and the Parking and Transportation Department's rules and regulations.
- c. A Student PCO will not work alone until a two week training period is completed and it is established by the LPCO that the Student PCO is ready to perform required duties without the assistance from other PCO's.

### 2. Parking Control Officer Responsibilities:

- a. Student PCO's are responsible for patrolling the parking lots in accordance with Section C-1 of this General Order (3-49).
- b. Student Parking Control Officers may assist full-time PCO's with the coin collection.
  - 1) Procedures for the coin collection are outlined in General Order 7-4
  - 2) Student PCO's will not be left alone with the coin collection at any time.
- Student Parking Control Officers may assist with assigned barricade details for special event parking.
- d. Student Parking Control Officers may assist Police Officers with traffic control during special events.

# 3. Student Parking Control Officers Equipment:

- a. Student Parking Control Officers are assigned:
  - 1) Badge
  - 2) Black Leather Belt
  - 3) Flashlight
  - 4) Flashlight Holder
  - 5) Name Tags
  - 6) Radio
  - 7) Student Department Identification Card
  - 8) Key Holder
  - 9) Police Department Patches
  - 10) One (1) Light Blue Short Sleeve Shirt
  - 11) One (1) Light Blue Long Sleeve Shirt
  - 12) Two (2) Dark Blue Trousers
  - 13) One (1) Jacket
- b. Student Parking Control Officers must complete an Equipment Check-Out List Form. Refer to General Order 2-9

c. Student Parking Control Officers must follow the established policy and procedure for uniforms and personal appearance. The policy on uniforms and personal appearance is outlined in General Order 2-9.

V. APPENDIX: None

VI. ATTACHMENT:

A. Release of Liability Form

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# RELEASE OF LIABILITY

	e of allowing a Univer tempt to open my loc	•	icer, Parking	Officer, or Community S	ervice
(Name)					
(Address)	(City)	(State)	(Zip)	(Telephone)	
San Francisco sall claims and comay have, or cl	State University, each auses of action that I	n and every off may have in that any of the abo	icer, agent, a ne future, or t ve institutions	rnia State Universities a nd employee of each, fro hat any person claiming s, or persons, should dan e.	om any and through me
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	that a University Pea my vehicle of my ow	•	rking Officer,	or Community Service S	Specialist,
I am at least 18	years of age.				
LICENSE PLAT	E NUMBER	_	SIG	GNATURE	
WITNESS		_	DA	ΛΤΕ	



# San Francisco State University Police Department

NUMBER: 3-50 APPROVED:

Reginded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 5, 2006

Oct. 29, 2008, Jan. 19, 2016, Dec. 17,

SUPERSEDES: REVIEWED/REVISED: 2019, Feb. 18, 2020, Jul. 29, 2020

# SUBJECT: FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES

#### I. PURPOSE AND SCOPE

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

#### II. POLICY

The Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

#### III. CLAIMS OF IMMUNITY

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

- 1. Notify a supervisor.
- 2. Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- 3. Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- 4. Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

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

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

### IV. ENFORCMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- 1. Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- 2. All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- 3. An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - a. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- 4. The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - a. Diplomatic-level staff of missions to international organizations and recognized family members
  - b. Diplomatic agents and recognized family members
  - c. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - d. Career consular officers, unless the person is the subject of a felony warrant
- 5. The following persons may generally be detained and arrested:
  - a. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - b. Support staff of missions to international organizations
  - c. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - d. Honorary consular officers
  - e. Whenever an officer arrests and incarcerates, or detains for investigation for

over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

# V. DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

# VI. DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts. Yes otherwise	No for official acts. Yes otherwise	No immunity or inviolability

Consulate	Yes	Yes	Yes	No for	No for	No immunity
Employees	(note (a))			official acts.	official acts.	or
				Yes	Yes	inviolability
				otherwise	Otherwise	(note (a))
					(note (a))	
Int'l Org	Yes	Yes	Yes	Yes	No for	No immunity
Staff	(note (c))	(note (c))		(note (c))	official acts.	or
(note (b))					Yes	inviolability
					otherwise	
					(note (c))	
Diplomatic-	No	No	Yes	No	No	Same as
Level Staff	(note (b))					sponsor (full
of Missions						immunity &
to Int'l Org						inviolability)
Support	Yes	Yes	Yes	Yes	No for	No immunity
Staff of					official acts.	or
Missions to					Yes	inviolability
Int'l Orgs					otherwise	

# Notes for diplomatic immunity table:

- a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts
- c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

VII. APPENDIX: None.

VIII. ATTACHMENT: None.



# San Francisco State University Police Department

NUMBER: 3-52

APPROVED:

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Reginald Parson, Chief of Police

EFFECTIVE: February 12, 2016

SUPERSEDES: REVIEWED/REVISED:

Apr. 16, 2018, Dec. 17, 2019, Mar. 4, 2020, Jul. 29,

2020

SUBJECT: CONDUCTED ENERGY DEVICE (CED)

#### I. PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of CEDs.

# II. POLICY

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

#### III. ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and carry the CED.

The CED shall be worn by all full-time sworn field deployed personnel while in uniform. The CED will not be worn as part of the Class A uniform.

CEDs are issued to all full-time sworn personnel for use during a member's current assignment and remain the property of the Department. Personnel may be required to return the device to the department upon the request of the Watch Commander or Chief of Police.

Officers shall only use the CED and cartridges that have been issued by the Department. No modifications to the CED or holster are allowed without the prior approval of the Chief of Police. Uniformed officers who have been issued the CED shall wear the device in an approved holster on their person. Non-uniformed officers may secure the CED in the driver's compartment of their vehicle as long as it is concealed from plain view.

Members carrying the CED should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the CED on the side opposite of the duty weapon.

- 1. All CEDs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- 2. Whenever practicable, officers should carry two or more cartridges on their person when carrying the CED.
- 3. Officers shall be responsible for ensuring that their issued CED is properly maintained and in good working order.
- 4. Officers should not hold both a firearm and the CED at the same time.

#### IV. VERBAL AND VISUAL WARNINGS

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

- 1. Provide the individual with a reasonable opportunity to voluntarily comply.
- 2. Provide other officers and individuals with a warning that the CED may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc, or the laser in a further attempt to gain compliance prior to the application of the CED. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

#### V. USE OF THE CED

#### A. Considerations:

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

# B. Application of the CED:

The CED 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:

- 1. The subject is violent or is actively resisting.
- 2. The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and presents an immediate threat to harm officers, him/herself or others.

Mere flight from a pursuing officer is not good cause for the use of the CED to apprehend an individual without other known circumstances or factors, such as the knowledge or reasonable belief that the person is armed with a weapon

# C. Special Deployment Considerations:

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

- 1. Individuals who are known to be pregnant.
- 2. Elderly individuals or obvious juveniles.
- 3. Individuals with obviously low body mass.
- 4. Individuals who are handcuffed or otherwise restrained.
- 5. 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.
- 6. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

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

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

# D. 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 CED 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.

# E. Multiple Applications of the CED:

Officers should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED 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 CED appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CED, including:

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

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

# F. Actions Following the Deployments:

Officers shall notify a supervisor of all CED discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

# G. Dangerous Animals:

The CED 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.

# H. Off-Duty Considerations:

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

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

#### VI. DOCUMENTATION

# A. Documentation Required:

Officers shall document all CED discharges in the related arrest/crime report and the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges which occur during law enforcement action, pointing the device at a person, laser activation and arcing the device will also be documented on the police report and CED report form.

Unintentional discharges which occur during a non-law enforcement action shall be documented in a memo to the employee's supervisor.

#### B. CED Form:

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

- 1. The type and brand of CED and cartridge and cartridge serial number.
- 2. Date, time and location of the incident.
- 3. Whether any display, laser or arc deterred a subject and gained compliance.

- 4. The number of CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- 5. The range at which the CED was used.
- 6. The type of mode used (probe or drive-stun).
- 7. Location of any probe impact.
- 8. Location of contact in drive-stun mode.
- 9. Description of where missed probes went.
- 10. Whether medical care was provided to the subject.
- 11. Whether the subject sustained any injuries.
- 12. Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile CED report forms with recorded activations.

# C. Reports:

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

- 1. Identification of all personnel firing CEDs
- 2. Identification of all witnesses
- 3. Medical care provided to the subject
- 4. Observations of the subject's physical and physiological actions
- 5. Any known or suspected drug use, intoxication or other medical problems

#### VII. MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CED probes from a person's body. Used CED 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 CED 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 qualified medical personnel:

- 1. The person is suspected of being under the influence of controlled substances and/ or alcohol.
- 2. The person may be pregnant.
- 3. The person reasonably appears to be in need of medical attention.
- 4. The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- 5. The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by

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

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

#### VIII. SUPERVISOR RESPONSIBILITIES

A supervisor should respond to all incidents where the CED was activated.

A supervisor should review each incident where a person has been exposed to an activation of the CED. The device's onboard memory should be downloaded through the data port by authorized personnel and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

#### IX. TRAINING

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

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of Officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for CEDs will be documented in the officer's training file.

Command staff and part-time officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The employee responsible for training is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training.

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

The Training Sergeant should ensure that all training includes:

- 1. A review of this policy.
- 2. A review of the Use of Force Policy.
- 3. Performing non-gun-side draws to reduce the possibility of accidentally drawing and firing a firearm.
- 4. Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.
- 5. Handcuffing a subject during the application of the CED and transitioning to other force options.

- 6. De-escalation techniques.
- 7. Restraint techniques that do not impair respiration following the application of the CED.

#### X. MAINTENANCE AND INVENTORY

The Department shall ensure annual maintenance and inventory of the CED is conducted. Only personnel trained to inspect and maintain the CED shall be designated to do so. At the designated interval, the designee shall complete a memorandum to the Watch Commander in charge of the CED program stating the condition and inventory status of the CED's.

- XI. APPENDIX: None
- XII. ATTACHMENT: None



# San Francisco State University Police Department

NUMBER: 3-53 APPROVED:

Reginald Parson, Chief of Police

EFFECTIVE: July 1, 2018

SUPERSEDES: REVIEWED/REVISED:

June 1, 2018, Feb. 4, 2020, Mar. 11, 2020

SUBJECT: BODY WORN CAMERA (BWC)

#### I. PURPOSE

A. The purpose of this policy is to establish guidelines for the use of Body Worn Cameras (BWC) by officers working for San Francisco State University Police Departments (UPD) while on-duty and during work-related contacts with the public in accordance with the law.

# II. OBJECTIVES

- A. UPD has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
  - 1. Collect evidence for use in criminal investigations and prosecutions;
  - 2. Deterring criminal activity and uncooperative behavior during the police-public interaction;
  - 3. Assist officers with completing reports and providing testimony in court;
  - 4. Promote accountability;
  - 5. Assist in resolving complaints against officers including false allegations by members of the public; and
  - 6. Provide additional information for officer evaluations, training, and continuous improvement.
- B. BWC recordings provide additional information regarding investigative or enforcement contact with a member of the public. BWC recordings, however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analysis and documentary evidence, when evaluating the appropriateness of the officer's actions.

#### III. POLICY

# A. Usage of BWC

- 1. The BWC, is an audio and video capturing system that is attached to the outside, the upper body of an officer's uniform, facing forward to make video and audio recording. It shall be used to document incidents that occur in official duties of peace officers. The following shall be the policy when using the BWC:
  - a. On-duty uniformed officers responding to calls for service or taking enforcement action shall make every effort to activate the BWC to record contact with citizens in the performance of their official duties.
  - b. Peace officers shall make every effort to immediately activate their body camera upon being dispatched Code-3 or any call perceived as a critical incident (Part 1 crime). The BWC shall remain activated until the contact, incident or event is completed to ensure the integrity of the recording. Except in situations that meet section III.B.4.
  - c. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the officer shall document why the recording was not made, was interrupted or was terminated for reasons other than described in section III.B.4, via a memo to the Field Operations Division Commander.
  - d. Officers shall document in police reports whether a BWC was utilized. (e.g., "My Dept. issued BWC was activated during the contact, detention, arrest, etc.)
  - e. For this policy, it is presumed that any individual contacted by a uniformed officer wearing a conspicuously mounted body camera will have knowledge that such contact is being recorded. A uniformed officer shall give an affirmative answer if asked by a citizen if they are being recorded during official contact.
  - f. BWC equipment will be issued to all peace officers at the rank of sergeant and below. Uniformed officers who are assigned BWC equipment must use the equipment unless otherwise authorized by Command Staff. Officers shall use the only BWC issued or approved by their Department.
  - g. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of SF State UPD.
  - h. Police personnel who are assigned BWC shall complete a training program to ensure proper use and operations of the equipment before deployment in field operations. Future training may be periodically required to ensure the continued effective use and operation of the equipment, proper calibration, performance, and to incorporate changes, updates, or other revisions in policy and equipment.
  - Before going into service, uniformed officers shall confirm that the BWC is working and recording properly. If the BWC is not working or malfunctions at any time, the officer shall promptly notify their supervisor and obtain a functioning BWC.
  - j. On-duty uniformed officers shall not be held financially responsible for damaged, broken or inoperable BWC equipment unless abuse or negligence of the equipment is found to be the cause. Any equipment malfunctions shall be

- brought to the attention of the officer's on-duty supervisor via a memorandum to the Field Operations Division Commander outlining the circumstances that led to the affected BWC so a replacement unit may be procured.
- k. Officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWC recordings without prior written authorization and approval from the Chief of Police or designee.
- Requests for deletions of recordings or any portion thereof must be submitted in writing and approved by the Chief of Police or designee by CSU record retention policy.
- m. The Axon Body 2 Camera System is configured with a 30-second pre-event video buffer recording. When the BWC is activated, the preceding 30 seconds of video (no audio) will be captured and become part of the event recording. The audio recording will begin at the time the BWC is activated.
- n. Officers are encouraged to provide an on-going monologue, where appropriate and safe to do so, regarding the incident while recording.
- o. It is recommended that officers record for a short period after the event to demonstrate clearly to a subsequent viewer that the incident has concluded.
- p. Officers should not rely on the BWC for note taking or formal statements. BWC recordings do not take the place of a formal written statement from a victim or witness. Formal written statements must still be completed.

# B. Restricted Uses of Body Worn Cameras:

- 1. At no time should an officer jeopardize their safety to activate a BWC, recorder or change the recording functions.
- 2. No member of this Department may surreptitiously record a conversation of any other member of this Department with the BWC or any other recording device when a reasonable expectation of privacy exists and without the expressed written knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation under Government Code 3303 (g).
- 3. There may be times when the officers should be sensitive to a situation and use discretion in their decision to record contacts while handling certain calls for service. Some examples include but are not limited to: Interviewing of sexual assault victims, recording in Hospitals when other patients not related to a Police incident could be recorded or at the request of Hospital staff members.
- 4. In certain situations, where police tactics or confidentiality may jeopardize officer safety or case sensitive information, activations of the BWC may not be warranted. These situations include but are not limited to Detective Bureau investigations, Gang Intelligence operations, tactical operations, undercover operations and interviews with criminal/confidential informants. The reason as to why a recording was paused or not made at all is to be documented in the police report.
- 5. An officer, who is investigating a possible explosive device and is nearby to the device, shall turn off their camera.
- 6. Officers are prohibited from utilizing department issued BWC and recording media for personal use. Any unauthorized use of the BWC by department personnel may result in disciplinary action.

# C. Storage and Review of Media File:

- 1. All files should be securely downloaded periodically and no later than the end of each patrol shift. If an officer is unable to download at the end of their shift, the officer shall ask their on-duty supervisor if it is acceptable to download the files at the beginning of the officer's next shift. Each file shall contain information related to the date, BWC identifier, and assigned officer.
- Files should be securely stored in accordance with CSU Records and Retention Policy. The files should be stored no longer than useful for training or use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice system.
- 3. Officers shall have the right to review their recordings and use the recordings as a resource for preparing to write police reports, to participate in an internal affairs interview and to provide a statement regarding a critical incident. This section does not apply to a public safety statement regarding a critical incident. Officers should not use the fact that a recording was made as a reason to write a less detailed report.
- 4. All images and sounds recorded by the BWC are the exclusive property of the Department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited and may result in disciplinary action.
- 5. Command staff retains the authority to audit the storage system at random to ensure authorized users are accessing the data for legitimate and authorized purposes.
- 6. Command staff retains the authority to view officer recordings for validity testing randomly. The Field Operations Division Commander will conduct the random viewing. The method of random selection will be agreed upon by the SUPA Representative and Chief of Police. One recording per officer may be selected each month and reviewed. Any system deficiencies will be documented and remedied. Any performance issue will be discussed with the officer. Violations of policy will be reviewed using the campus' procedures for conducting Internal Affairs Investigations.
- 7. Specific and targeted audits for cause are not allowed unless well-founded suspicion has been documented specifically naming an officer or officers who are allegedly violating policy or performance standards. Command Staff shall be notified, and the procedures for conducting Internal Affairs Investigations will guide the review.
- 8. Video and audio recordings may be played for training with written approval from the Chief of Police or their designee. If an involved officer objects to the playing of an audio/ video recording, their objection will be submitted to the Chief of Police or their designee to determine if the training value outweighs the officer's objection to have others review the audio/video file.
- 9. In no event shall any recording be used or reviewed for officer ridicule or embarrassing an employee.
- 10. In compliance with public records act request and approved by the Chief of Police, no outside member of the department may review stored footage without the consent of the Chief of Police and after a reasonable attempt to notify the officer has been made.

- 11. Upon Command Staff approval, recorded files may be reviewed by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- 12. Under the lawful process, recorded files may be reviewed or provided to court personnel who are authorized to review evidence in a related case.
- 13. Media personnel with permission of the Chief of Police or the authorized designee and in coordination with SF University Communications may review or be provided recorded files.
- 14. A member of the Command Staff will review all recordings before public release. Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless law or order of the court requires disclosure. Every effort to protect the identities of involved parties in the video will be conducted to the extent allowed by law.

# IV. PROCEDURES

# A. Issuance and Wearing of BWC:

- 1. The use of a BWC issued to another officer without prior authorization by the Command Staff is prohibited.
- 2. The use of non-Department issued BWC while on-duty is prohibited.
- 3. Uniformed officers issued the BWC shall wear the device mounted on the outside, the upper body of the officer's uniform, facing forward.
  - a. Approved BWC: Axon Body 2
  - b. Approved Mount: Axon Rapidlock Mounts
- 4. A personal mobile device may be used while on duty with AXON View App for the immediate viewing by the pairing of the app and the issued BWC to confirm the proper line of site and positioning of the BWC, before going on shift.
- 5. If an officer discovers that the officer's assigned BWC is lost or stolen, the officer shall promptly report the problem to their Shift Supervisor, via memorandum, outlining the circumstances that led to the affected BWC.
  - a. All memorandums regarding damaged, malfunctioning, lost or stolen BWC are to be forwarded to the Field Operations Division Commander responsible for the BWC Program.
- 6. Officers shall not alter or modify their assigned BWC in any way.
- 7. Off-Duty Considerations
  - a. Officers are not authorized to carry department BWC while off duty.
  - b. When feasible, officers should dock BWC in the department's interior armory when off-duty.
  - c. Otherwise, officers shall ensure that the BWC is secured while in their home, vehicle or any other area under their control, in a manner that will keep the

device inaccessible to others. This also applies to the officer's locker, desk or office. if secured at the station.

#### B. Notification and Consent:

- 1. Officers are not required to obtain consent from members of the public before the recording when the officer is lawfully in the area where the recording takes place.
- 2. Officers shall not play back a BWC recording to allow members of the public to review the video footage. Citizens requesting to review BWC footage should be referred to the Field Operations Division Commander.

# C. Discretionary Use of the BWC:

- At such locations, at the officer's discretion and based on the circumstances, BWC may be turned off. Officers must state the reason they are turning off the camera before doing so.
- 2. In the event, officers are within a residence, and a citizen with standing has requested the officer to stop recording, the officer may use discretion to stop recording if the recording is not under an investigation, arrest, lawful search, or the circumstances dictate that continued recording is necessary. As a general rule, if an officer must legally ask permission to enter a premise, the officer should also ask the resident withstanding if they will allow recording.
- 3. Officers, where appropriate, may also divert the BWC away from any subjects and record only audio, if appropriate.

### D. Termination or Interruption of Recordings:

1. When an officer arrives at any detention facility and just before entering the facility, the officer will deactivate the BWC. Officers should not activate their BWC inside any detention facility. If circumstances arise where an officer needs to activate the BWC to record exchange between the officer and the prisoner, the officer will contact the detention facility supervisor who will provide a secure room or location where the officer can activate the BWC. BWC will not be used to record exchanges between detention facility personnel and prisoners.

#### E. Restricted Uses of BWC:

- 1. The BWC will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms unless the recording is supported by an exigent circumstance and the location has been cleared of any privacy concerns.
- 2. Any unauthorized use of the BWC by department personnel may result in disciplinary action.

# F. Storage of BWC Recording:

- 1. All files shall be downloaded periodically and no later than the end of the officer's shift unless instructed to do so sooner by a supervisor.
- 2. If the officer is (1) the subject of the investigation in an officer-involved shooting or in-custody death, or (2) the subject of a criminal matter, the senior ranking on-scene supervisor shall take immediate physical custody of the camera and take responsibility for downloading the data.
- 3. When uploading recordings to the computer server, officers shall identify each BWC recording with the incident report number or CAD number and the appropriate incident category title to ensure the recording is accurately retained and to comply with local, state and federal laws.
- 4. Files should be securely stored in accordance with CSU Records and Retention Policy. The files should be stored no longer than useful for training or use in an investigation and prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice system.

# G. Supervisory Duties:

- 1. Ensure BWC officers utilize the cameras in accordance with this policy.
- 2. Monitor BWC officers to ensure recordings are being downloaded promptly on a daily basis or obtain approval from the Field Operations Division Commander or On-Duty Commander postponing the downloading until the following shift.
- 3. If an officer is (1) the subject of the investigation in an officer-involved shooting or incustody death, or (2) the subject of a criminal matter, the senior ranking on-scene supervisor shall take immediate physical custody of the camera and take responsibility for downloading the data.
- 4. Damaged or Malfunctioning BWC: Ensure any malfunction or damage to a BWC is documented by the officer via a memorandum and forwarded to the Field Operations Division Commander. The BWC, if non-functional, is to be removed from service and a replacement BWC issued to the officer by the Field Operations Division Commander.
- Lost or Stolen BWC: Ensure any lost or stolen BWC is documented by the officer via a memorandum and forwarded to the Field Operations Division Commander. A replacement BWC will be issued to the officer by the Field Operations Division Commander.

# H. Security of BWC Recordings:

- 1. The Field Operations Division Commander is responsible for the storage and security of the BWC recording files.
- 2. Any images, video, and audio generated by any department BWC are the sole property of the SF State UPD. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited and may result in disciplinary action.
- 3. Employees are prohibited from tampering with BWC recordings or accessing BWC recordings for personal use without written approval from the Chief of Police.
- 4. Employees shall not use, edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWC recordings or files without prior written authorization and approval from the Chief of Police.

- Employees shall not download, copy, or record BWC recordings from Evidence.com onto any computer, device, CD/DVD, or any other format without the express written consent from the Chief of Police or their designee. Only trained UPD personnel shall operate the BWC.
- 6. Employees shall not remove, dismantle, or tamper with any hardware/software component or part of the BWC. Employees shall not attempt to erase or alter, in any manner, BWC recordings files.
- 7. Evidence.com shall only be assessed from UPD authorized computers. Access to Evidence.com from a home or personal computer is prohibited. Officers may view their videos via personal mobile devices, while on duty, for law enforcement purposes only, such as investigations or report writing, via the Axon View app. All activity within the files, including viewings, are logged and trackable in the audit files via Evidence.com.
- 8. Employees shall not publish or display BWC recordings to the internet or social media sites, without prior written authorization from the Chief of Police or their designee.
- 9. Command staff retains the authority to audit the storage system at random to ensure authorized users are accessing the data for legitimate and authorized purposes.

#### I. Documentation:

- 1. Officers submitting an incident report or completing a written statement shall indicate whether the BWC was activated (for example, "My department issued BWC was activated during the contact, detention, arrest, etc.") and whether it captured footage related to the incident.
- 2. If an officer deactivates a BWC recording before the conclusion of an event, the officer shall document the reason(s) for terminating the recording in CAD, a police report, or a memorandum.
- 3. If the higher ranking sworn personnel orders a subordinate officer to deactivate the BWC, the higher ranking officer shall document the reason(s) for the order in CAD, a police report, or a memorandum.
- 4. If an officer reactivates the BWC after turning the equipment off, the member shall document the reason(s) for restarting the recording in CAD, a police report, or a memorandum.
- 5. If an officer determines that officer or public safety would be compromised if a BWC were activated during an incident requiring its use, the officer shall document in CAD, a police report, or a memorandum the reason(s) for not using the BWC.
- 6. If an officer fails to activate the BWC, fails to record the entire contact, or interrupts the recording for reasons other than by this policy, the officer shall document why the recording was not made, was interrupted, or was terminated, via a memorandum to the Field Operations Division Commander.
- 7. This section shall apply to both ending the recording and muting the recording before the termination of the incident.

# J. Viewing of BWC Recordings:

- 1. Officers may view their BWC recordings on a mobile data terminal in patrol vehicles, or on department computer workstations.
- K. Retention/Decision-making Guide:

The UPD adheres to "best practices" and recommended retention guidelines established under California Penal Code Section (PC) 832.18. These guidelines direct that the retention time for BWC recordings be determined by the evidentiary nature of the recordings.

- 1. Determine the nature of the recording:

  Is the recording evidentiary in nature or non-evidentiary public record?
  - a. Penal Code 832.18 defines recordings as evidentiary in nature when they:
    - refer to data of an incident or encounter, and could prove useful for investigative purposes, including, but not limited to, a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public.
  - b. Penal Code defines "non-evidentiary data" as BWC recordings that do not "...necessarily have value to aid in an investigation or prosecution, such as data of an incident or encounter that does not lead to an arrest or citation, or data of general activities the officer might perform while on duty."
- 2. Determine appropriate Retention Period based on the nature of the recording: Once the nature of the recording has been established, the Penal Code recommends the following minimum retention periods:
  - a. Evidentiary data should be retained for a minimum of "two years" under three circumstances.
    - 1. Use of Force/Officer Involved Shooting
    - 2. Incident leading to detention or arrest
    - 3. Formal or informal complaint against officer
- 3. All other evidentiary data should be retained "...for any time...and in the same manner as is required by law for other evidence that may be relevant in a criminal prosecution."
- 4. The retention period for evidentiary data are subject to state evidentiary laws.
- 5. Non-evidentiary data (public record) must be retained for a minimum of 60 days or as otherwise specifically mandated.
- 6. Current Records Retention Schedules can be found at: https://www2.calstate.edu/csu-system/records-retention-disposition

#### **Special Circumstances**

- 1. Any recording that has direct relevance to a Clery related matter, either evidentiary or non-evidentiary in nature, shall be retained for a minimum of 7 years.
- 2. Any recording that has direct relevance to a citizen complaint (sustained or not) or any form of officer misconduct (sustained or not) shall be retained for a minimum of 5 years.
- 3. Any recording that is de minimis in nature and is solely made for the purpose of testing equipment functionality may be deleted at any time with the permission of a police supervisor. That supervisor shall submit a written report of the event to his/her chain of command.

#### **Matters of CSU Potential Liability or Administrative Matters**

The CSU has no obligation to preserve recordings for potential civil litigation regarding non-CSU matters unless a "Letter to Preserve Evidence" has been received regarding a specific recording. These recordings should be discussed with CSU Campus or General Counsel prior to disposition.

In the event a recording is likely to have value to the CSU as evidence in civil litigation or in an administrative matter, this recording should be retained as evidence and retained until CSU Campus or General Counsel directs its disposition.

# L. Public Records Release Policy:

- 1. BWC recordings are considered public records, subject to the California Public Records Act and the CSU Records and Retention Policy.
- The department shall only release BWC recordings in accordance with the California Public Records Act and the CSU Records and Retention Policy. Before release, the recordings will be redacted where appropriate and required by law and policy.
- In compliance with a Public Records Act request and approved by the Chief of Police, no outside member of the department may review stored footage without the consent of the Chief of Police and after a reasonable attempt to notify the officer has been made.
- 4. All recordings will be reviewed by the Chief of Police before public release. 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.

- Every effort to protect the identities and privacy of involved parties in the video will be conducted to the extent allowed by law.
- 5. Media personnel with permission of the Chief of Police and in coordination with SF University Communications may review or be provided recorded files.
- 6. Per Government Code 6254.4.5:
  - a. This chapter does not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording. An agency shall justify withholding such a video or audio recording by demonstrating, pursuant to Section 6255, that on the facts of the particular case, the public interest served in not disclosing the recording clearly outweighs the public interest served by disclosure of the recording.
  - b. When balancing the public interests as required by this section, an agency shall consider both of the following:
    - (1) The constitutional right to privacy of the person or persons depicted in the recording.
    - (2) Whether the potential harm to the victim caused by disclosing the recording may be mitigated by redacting the recording to obscure images showing intimate body parts and personally identifying characteristics of the victim or by distorting portions of the recording containing the victim's voice, provided that the redaction does not prevent a viewer from being able to fully and accurately perceive the events captured on the recording. The recording shall not otherwise be edited or altered.
  - c. A victim of a crime described in subdivision (a) who is a subject of a recording, the parent or legal guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee, shall be permitted to inspect the recording and to obtain a copy of the recording. Disclosure under this subdivision does not require that the record be made available to the public pursuant to Section 6254.5.

# M. Accidental or Unintentional Recordings:

- If a BWC accidentally or inadvertently captures an unintended recording, the officer shall submit a memorandum through the chain of command specifying the date, time, location and summary of the unintentionally recorded event. This memorandum shall be forwarded to the Chief of Police for evaluation and appropriate action
- N. Discovery of Potential Misconduct during Authorized Review:
  - 1. Officers reviewing recordings should remain focused on the incident captured in the BWC and should review only those recordings relevant to the investigative scope. If an officer discovers potential misconduct during any review of the BWC, the officer shall report the potential misconduct via chain of command to the Chief of Police. Nothing in this procedure prohibits addressing Department policy violations.
- V. APPENDIX: None
- VI. ATTACHMENT: None



# **CHAPTER 4 Investigations**

<u>Number</u>	<u>Title</u>
4-1	Investigations Unit
4-2	Preliminary Follow-up Investigations
4-3	Evidence Control Procedures
4-4	Collection and Preservation of Evidence
4-5	Crime Prevention and Community Involvement
4-6	Investigation of Vice, Drugs, Organized Crime and Criminal Intelligence
4-7	Victim and Witness Assistance
4-8	Hate Crimes
4-9	Sexual Assault Investigation
4-10	Child Abuse Investigation
4-11	Computer Crimes Investigations
4-12	Implementation of Megan's Law and Sexual Offender Registration
4-13	Handling Lost, Found and Unclaimed Property
4-14	Identity Theft
4-15	Photo Lineup Investigation, Cold Show Identi ication and Composite Sketches
4-16	Gun Violence Restraining Orders



NUMBER: 4-1 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Oct. 11, 2005, Jan. 8, 2006, Nov.

SUPERSEDES: REVIEWED/REVISED:

4, 2006, July 31, 2007, Apr. 21, 2011, July 11, 2011, Apr. 7, 2015,

SUBJECT: INVESTIGATIONS UNIT Oct. 29, 2015, Dec. 20, 2019

I. PURPOSE: This directive provides the following procedural guidelines: an outline of the duties and responsibilities of officers assigned to the Investigations Unit; a system of case screening and assignment; and an overview of procedures related to specialized investigative techniques.

II. POLICY: It shall be the policy of this department to conduct thorough follow-up investigations on all crimes against person and major property offenses, in an attempt to successfully identify and prosecute violators.

#### III. DEFINITIONS:

- A. Crime Scene: The location where the crime occurred or where the indication of the crime exists.
- B. Crime Scene Processing: The specific actions taken at a crime or accident scene, consisting of the taking of photographs, preparing the crime or accident sketch, and the collecting and preserving of physical evidence.
- C. Defendant Informant: An informant who is subject to arrest and prosecution for a State or Federal offense, or a defendant in a pending case who expects compensation for his assistance in either the form of judicial or prosecutive consideration of another form.
- D. Follow-up Investigation: An extension of the preliminary investigation. The purpose is to provide additional investigation in order to close a case, arrest an offender, and/or recover stolen property. The investigation may include the following activities:
  - 1. identifying and apprehending the offender;
  - 2. collecting, preserving, analyzing, and evaluating evidence;
  - 3. recovering stolen property;
  - 4. interviewing victims and witnesses;
  - 5. questioning suspects;
  - 6. determining in detail the exact circumstances of the offense;
  - 7. determining if other crimes may have been committed by the suspect:
  - 8. reporting information obtained; and
  - 9. preparing case for court presentation.

- E. Informant: Any person who, under the direction of a specific officer and with or without expectation of compensation, furnishes or performs a lawful service for the department in its investigations and operations.
- F. Instrument of Detection of Deception: An apparatus designed for the detection of deception by measuring and recording changes in a person's voice characteristics or respiration and heart activity.
- G. Physical Evidence: Any substance or material found or recovered in connection with a criminal investigation.
- H. Preliminary Investigation: Generally, the activity that begins when officers arrive at the scene of an incident. The activity should continue until such time as a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation. The investigation usually includes the following tasks:
  - 1. providing aid to the injured;
  - 2. protecting the crime scene to ensure that evidence is not lost or contaminated;
  - 3. determining is an offense has actually been committed and, if so, the exact nature of the offense:
  - 4. determining the identity of the suspect or suspects and affecting an arrest if it can be accomplished either at the scene or immediate pursuit;
  - 5. furnishing other field units, through the communications system, descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles;
  - 6. obtain complete information on all witnesses;
  - 7. determining what information is known by the victim and witnesses;
  - 8. arranging for the collection of evidence:
  - 9. determining in detail the exact circumstances of the offense;
  - 10. obtaining written statements from victims, witnesses, and if legally possible, from the suspect; and
  - 11. accurately and completely recording all pertinent information on the prescribed report forms.
- Reasonable Belief: The facts and circumstances the officer knows, or should know, are such to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- J. Restricted Use Informant: Any person who meets any of the following criteria shall be considered a restrictive use informant, subject to use as authorized below:
  - 1. Person less than 18 years of age May only be utilized after obtaining the written consent of the juvenile's parent or guardian.
  - 2. Person on probation or parole (Federal or State) Only with the consent of the agency supervising the person.
- K. Witness: A person who has information or evidence relevant to the investigation of a specified crime.

#### IV. PROCEDURES:

# A. 24-hour Management and Investigations Unit Coverage:

- The Investigations Unit shall normally consist of a Commanding Officer and a minimum of two investigators (three when staffing allows), who may hold the rank of Detective (Officer), Detective Corporal or Detective Sergeant.
- 2. The Investigation Unit, referred to as David, i.e. 1S62David, shall report directly to the Commanding Officer of Investigations. In his/her absence, the Detective Sergeant will be in charge.
- 3. When fully staffed with three personnel and unless special circumstances dictate:
  - a. Investigators may work either a 4/10 or 5/8 work schedule as arraigned by the Commanding Officer of Investigations. Needs of the unit and department shall be taken into consideration prior to implementing an investigators work schedule.
- 4. 24-hour coverage and Investigators response.
  - a. The patrol supervisor on duty shall request an Investigator's response to a crime scene for any suspicious deaths and major felonies.
  - b. The procedure for notifying an Investigator will be:
    - 1) The patrol supervisor will request that the dispatcher contact the Commanding Officer of Investigations and advise him/her of the incident. The Commanding Officer of Investigations shall act as the sole on-call Investigator for the unit.
    - 2) The Commanding Officer of Investigations will determine if one or more Investigators should respond to the scene. Investigator(s) who respond will be compensated per the Unit 8 bargaining agreement. The Commanding Officer will document the information on the investigator call out approval roster.
    - 3) All Investigators are provided with Department cellular telephone capabilities.
    - 4) Should any of the Investigators or the Commanding Officer of Investigations not be available to take a call during a given time period, they will notify the onduty Dispatcher who will note this circumstance for other Dispatchers. The onduty patrol Lieutenant will also be notified in this instance.
    - 5) If one of the Investigators cannot be located when needed, the Commanding Officer of Investigations will be notified. When directed, one of the members of patrol with past investigative experience will be utilized.
    - 6) Should an incident of significant interest occur on a patrol Lieutenants shift while the Lieutenant is off duty, it shall be the responsibility of that Lieutenant to respond to campus if additional patrol assets are needed.
    - 7) It is the responsibility of the patrol Lieutenant to cover any out of town management absence he or she may have with one of the other patrol Lieutenants.
  - c. Incidents where the Commanding Officer of Investigations should be notified and requested to respond include:
    - 1) All shootings;

- 2) Incidents involving serious injuries or suspicious death;
- 3) Incidents involving extensive evidence or where an immediate follow-up is needed and the Patrol Officers do not have the resources to conduct the follow-up;
- 4) Armed robberies;
- 5) Explosions;
- 6) Arson with extensive damage or evidence to be collected;
- 7) All sexual assaults and child molestation cases; and,
- 8) All abductions
- 9) Major felonies if significant interest to public attention.
- d. Investigators should be notified about the following types of cases, for consultation and a determination whether response is necessary:
  - 1) Domestic violence;
  - 2) Stalking;
  - 3) Felony computer crimes.
- e. If an Investigator is requested to respond to the scene of an incident, the scene will remain secured by the Patrol Officer(s) until the Investigator arrives, unless otherwise directed by a supervisor or the responding Investigator. When an Investigator arrives on the scene, they will assume the responsibility for the crime scene and investigation unless relieved by a higher authority. Should any supervisor find a need to relieve an investigator of responsibility for the crime scene and subsequent investigation, that supervisor must prepare and forward a detailed memorandum to the Chief of Police, via the Chain of Command, detailing the circumstances surrounding the relief. In absence of any emergency situations, this relief will not occur unless the Commanding Officer of Investigations, or onduty patrol Lieutenant is first consulted regarding the request.
- f. The Commanding Officer of Investigations shall assume responsibility and command of any arrests or serious criminal matters while on duty. In his/her absence, the Sergeant of investigations will assume command.
- B. Case Screening System: criteria for continuing and/or suspending investigative effort:
  - 1. The supervisor of the Investigations Unit (Commanding Officer) will review all criminal reports to determine which cases are to be assigned for follow-up by Investigative personnel.
  - 2. The following solvability factors will be used to aid in determining which cases are likely to be cleared with a reasonable investigative effort.
    - a. Was there a witness?
    - b. Can a suspect be named?
    - c. Can a suspect be located?
    - d. Can a suspect be described?
    - e. Can a suspect be identified?

- f. Can a suspect vehicle be identified?
- g. Is the stolen property traceable?
- h. Is there a significant M.O.?
- i. Is significant physical evidence present?
- j. Is there reason to believe that the crime may be solved with reasonable investigative effort?
- 3. Specialized cases will be assigned to Investigators based on individual skill and expertise in a particular area.
  - a. This will apply to such crimes as stalking, computer crimes, hate crimes, etc.
  - b. In most instances, crimes against person and other high profile cases will be assigned to the senior Investigator, or in some instances, the Commanding Officer of Investigations.
  - c. In major cases, the Commanding Officer of Investigations will act as the lead investigator.
- 4. The Commanding Officer of Investigations will insure that crucial cases are assigned and appropriate follow-up conducted until closed.
- C. System for case file management for the Investigations Unit:
  - Case Status and Control System. The Commanding Officer of Investigations, or his
    or her designee, unit will track assignment and status of all cases using the case
    tracking summary. This record will include:
    - a. Case Number
    - b. Type of Offense
    - c. Date of Incident
    - d. Name of Investigator
    - e. Date Assigned to Investigator
    - f. Disposition classification
    - g. Date of Disposition
  - 2. The Commanding Officer of Investigations unit will periodically review the cases assigned to Investigators. During this review, the Commanding Officer of Investigations will be updated on the progress on the case and will offer advice or additional resources, if necessary.
  - 3. Types of Records to Maintain. Case files will be maintained on all cases in which investigative activity is ongoing, to provide an immediate information resource to investigators. Case files will contain the following information:
    - a. Copy of the preliminary investigative reports. (Originals will be maintained in Records.)
    - b. Records of statements.
    - c. Records of activity on the case.

- d. Results of examinations of physical evidence.
- e. Copies of photographs and information on suspects.
- f. Student discipline referrals

NOTE: No evidence may be maintained in case files.

- 4. Case Status Designations / Administrative Designators for each case. If a case is to be cleared, the Investigator will use one of the following codes:
  - a. Closed by arrest The suspect has been arrested for the offense associated with the particular case, or criminal charges have been issued.
  - b. Closed by Exception The case may be cleared exceptionally if any of the following apply:
    - The investigation definitely establishes the identity of the offender and there is enough information to support an arrest charge and to turn the case over for prosecution;
    - 2) The exact location of the offender is known so the subject could be taken into custody.
    - 3) There is some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender. Reasons may include:
      - a) The victim chooses not to, or is unwilling to proceed with prosecution of the case.
      - b) The suspect cannot be prosecuted because of death or serious illness.
  - c. Suspended There are no further leads and the identity of the suspect cannot be determined. Suspended cases may be reopened if additional information or leads develop.
  - d. Unfounded An incident is considered to be unfounded when, upon investigation, it is determined that the crime or incident did not occur.
  - e. Referred The case is referred to another agency outside of the department that has jurisdiction and will conduct the follow-up investigation. When using this classification the Investigator must note which agency will complete the investigation.
  - f. Case Disposition Authority:
    - 1) The Investigator will have the authority to assign case status disposition to any cases that are assigned to him/her.
    - 2) The Commanding Officer of Investigations unit will have the ultimate authority to review and change that initial disposition based on the nature and status of the case.
- 5. Accessibility to files.
  - a. Investigators must insure the confidentiality of all of their case files and maintain

- them in a secure location with restricted access.
- b. Case files will be accessible only to those with a legitimate right and need to know what is contained in them.
- c. The supervisor of Investigations shall have access to all investigative files at all times.
- 6. Procedures for purging files.
  - a. Each Investigator is responsible for the maintenance of their assigned cases and documentation of activity on those cases.
  - b. All supplemental reports must be forwarded to Records for inclusion with the original report and to ensure the publication of dispositions through the Department's records management system.
  - c. When a case becomes closed, all records and reports, to include investigative notes, will be consolidated in the Records Unit files. For notable cases which may later be referenced or used for training, a listing of applicable case numbers, and subject of the investigation can be maintained by each investigator.
- D. Procedures to be used in criminal investigations.
  - 1. Information development
    - a. Involves the collection and recording of facts surrounding the offense.
    - b. Involves facts about persons, things, actions, times, places and methods and means of operation.
    - c. May be obtained through:
      - 1) Review of preliminary reports;
      - 2) Background Investigations (records checks);
      - 3) Review of University records;
      - 4) Review of applicable statutes;
      - 5) Contact with informants;
      - 6) Examination of evidence; and
      - 7) Interviews with witnesses, victims, and suspects.
  - 2. Interviews and interrogation.
    - a. Interviews of victims and witnesses and interrogation of suspects, are conducted to obtain information relevant to the offense and subsequent prosecution.
    - b. Formal interviews and interrogations are to be recorded.
    - c. The following guidelines will assist in the interview and interrogation process:
      - 1) Review all reports, statements and supporting documents prior to the interview:

- 2) Review all of the elements of the offense;
- 3) Plan the time, place, content and order of the interviews; and
- 4) Prepare, if necessary, questions or factors to use as guide related to critical information.
- 3. Collection, preservation, and use of physical evidence.
  - a. The collection and preservation of evidence is done with the intent of identifying and prosecuting the perpetrator.
  - b. Specific procedures on crime scene processing can be found in General Order 4-4: Collection and Preservation of Evidence.
  - c. The following guidelines should be followed when handling a crime scene:
    - 1) Approach the scene carefully;
    - 2) Secure and protect the scene;
    - 3) Conduct a preliminary scene survey for potential evidence locations;
    - 4) Take detailed notes and document those in your reports;
    - 5) Photograph scenes prior to removing any evidence, or processing for fingerprints;
    - 6) Note locations where each item of evidence was located;
    - 7) Package each item of evidence as noted in G.O. 4-3, Evidence Control Procedures; and
    - 8) Maintain chain of custody on all items of evidence.
- 4. Execution of investigations on subjects;
  - a. Background investigations can establish relevant information about a suspect for use during the investigation of an offense.
  - b. Officers who complete background investigations must follow and comply with CLETS/NCIC User Agreements to protect the confidentiality of Computerized Criminal Record Data. Any information obtained is restricted to a criminal investigation.
  - c. There are several sources that can be utilized for obtaining information when conducting background investigations. These include:
    - 1) Hometown, neighboring law enforcement agencies;
    - 2) DOJ;
    - 3) CLETS/NCIC, CORI, FBI and other federal agencies;
    - 4) Relatives, friends, acquaintances, and neighbors;
    - 5) Educational institutions;
    - 6) Business associates;
    - 7) Present and past employers, and fellow employees; and
    - 8) Division of Motor Vehicles.
- 5. Information Gathering/Investigation

- a. Information Gathering/Investigation is defined as the observation of a person, who is suspected of committing an offense or a place, which is likely to be the location of a criminal offense.
- b. Information Gathering can either be accomplished in person or through the use of covert camera equipment.
- c. Investigations can be performed in a vehicle or on foot.
- d. Involved supervisors and investigators will discuss and decide on the best method of information gathering. In all cases where special investigations, information gathering, or other special inquiry programs are planned, the SARA Model, along with the completion of an operations plan will be completed and approved by the Commanding Officer of Investigations, prior to conducting the operation.
- e. An after-action report will be forwarded to the Chief of Police no later than ten working days after the completion of any special investigation, information gathering, or special inquiry investigation.
- f. Communications procedures will be discussed and coordinated with involved personnel and communications personnel.
- g. Notifications to watch personnel will be made and to any outside agency that may be affected or involved.
- h. The watch commander may authorize the use of unmarked vehicles for use in investigative activities by patrol personnel.
- i. Information gathering through the use of covert camera equipment will be in accordance with applicable Federal and State laws.
- j. The Commanding Officer of Investigations must authorize the use of covert camera equipment.
- k. Covert camera equipment will not be utilized where a reasonable expectation of privacy exists without obtaining a court order.

# 6. Administrative Investigation

- a. Administrative Investigation are non-criminal investigations that may be conducted by Investigations division personnel at the request of the Chief of Police to gather information for the University Administration
- b. Upon establishing the goal of the investigation, assigned Investigations Division personnel will review/analyze records, documentation and related materials.
- c. Additional information gathering will be completed as needed via interviews and other investigative means.
- d. The assigned investigator will organize and prepare an investigative report on the findings for review by the appropriate administrative authorities; including consulting with the District Attorney's office if criminal activity is discovered during the non-criminal Administrative Investigation.

# 7. Plain Clothes Requests

a. Plainclothes requests shall be coordinated by the Commanding Officer of Investigations.

- b. Detectives shall not be assigned to sit in classrooms but can facilitate short-term standbys.
- E. Checklists to aid in criminal investigations.
  - 1. Investigative checklists are intended as guidelines to an investigation.
  - 2. The Department's Investigative checklists are derived from those used by the San Francisco Police Departments Bureau of Inspectors. They contain satisfactory checklists for most investigations to insure that proper information is obtained in each case.
- F. Sworn positions in the Investigations Unit shall be the same as those used in the Patrol function.
  - 1. Rank and titles shall include lieutenant, sergeant, corporal, and/or officer.
  - 2. Salary schedule shall be as determined by SUPA contract, which is the same as Patrol.
- G. Attendance of Investigators at Patrol shift briefings.
  - 1. The periodic attendance of Investigations personnel to patrol shift briefings is designed around the exchange of crucial information and the enhancement of relationships between the two entities.
  - 2. Investigations personnel shall:
    - a. Update Patrol on all requirements and changes instituted by the District Attorney's Office:
    - b. conduct periodic training on new laws, court decisions, investigative and interview procedures; and
    - c. review evidence gathering techniques and other appropriate investigative or crime prevention information.
  - In addition, Investigations personnel shall provide information related to crimes and incidents occurring on campus or in the area that could have an impact on patrol strategies.
- H. The use of technical aids for the detection of deception [polygraph or voice stress analyzer].
  - 1. No officers or employees are presently certified to use (as the operator) instruments designed for the detection of deception.
  - 2. If another agency provides such services in connection with an investigation, the requesting department official shall ensure the operator is properly certified.
  - 3. Instruments used for the detection of deception:
    - a. are only to be utilized to supplement a thorough investigation, and will not be utilized as a substitute for investigative work;
    - b. can be used anytime there is an issue of credibility of victims (except sex crime

- victims), witnesses and suspects; and
- c. participation of the subject must be voluntary and consent shall be obtained by a signed and witnessed waiver.
- I. Policies and procedures to be followed when using informants.
  - 1. As a general rule, all informants will be turned over to the Prosecuting Attorney's Office. Should the department choose to utilize the services of an informant, the Investigations Unit is responsible for the coordination, maintenance, tracking, and security of the related data.
- J. SFSU Judicial Affairs Coordinator:
  - 1. The Commanding Officer of Investigations will coordinate the referral and meeting process with the Judicial Affairs Officer and will facilitate the following:
    - a. Preparation of student discipline letter for the Chief's signature.
    - b. Liaison with the Judicial Affairs Hearing Officer and offer case support.
    - c. Coordinate Officers to testify at hearings.
    - d. Provide safety for Judicial Affairs Officer.
    - e. Coordinate appeal hearings for automatic suspensions and appeals to 626.4 P.C. with Judicial Affairs Officer.
    - f. Coordinate 626.4 P.C. process and prepare a memorandum for the Office of the Vice President of Student Affairs & Enrollment Management.
      - 1) The memorandum must contain:
        - a) Name, address, telephone number of the person admonished.
        - b) Space for the President's confirmation or denial of the admonishment.
        - c) A brief synopsis of the incident that led to the withdrawal of consent to remain on campus.
      - 2) The completed memorandum:

Must be hand delivered or emailed to the Vice President of Student Affairs & Enrollment Management within 18 hours of the time of the admonishment, with a copy being forwarded to the Chief of Police.

g. Liaison to the Vice President for Student Affairs & Enrollment Management in meetings dealing with disruptive students.

# K. Dignitary Protection:

a. Dignitary Protection is the responsibility of the Commanding Officer of Investigations as outlined in General Order 3-4.

- L. Anonymous Tip Line (415) 338-3030, is the responsibility of the Commanding Officer of Investigations.
  - 1. The voice mail can be checked by dialing 338-6000. The pass word is kept by investigations division personnel.
  - 2. The information shall be checked at a minimum of once weekly by the Investigations assistant, but may be checked more frequently by the investigations division detectives during ongoing investigations.
  - 3. The form in Attachment B will be utilized to record information from the tip line.
    - a. A digital recording should be made of any relevant tips and booked into evidence.
  - 4. Follow-up of tips should be assigned by the Commanding Officer of Investigations.
- M. Sources of Information: The title Informant as well as informant requirements does not apply to sources of information. A source of information is a person or organization, not under the direction of a specific officer who provides information without becoming a party to the investigation itself, such as a concerned citizen who witnesses an event of interest.
  - 1. Should a person who would otherwise be considered a source of information seek financial compensation, or become a continuing active part of the investigative process, his status will be shifted to that of an informant.
  - 2. Generally a person or organization fitting within this definition can be identified by name in investigative reports.

#### N. Informant Criteria:

- 1. There are three criteria that must be met to establish a person as a department informant.
  - a. The person must be in a position to measurably assist the department in a present or future investigation.
  - b. To the extent prudent judgment can be made, the person will not compromise the department's interests and activities.
  - c. The person will accept the measure of discretion necessary to effectively utilize his/her services.

#### 2. Master Informant File

- a. The Investigations supervisor shall establish and maintain an Informant Master File.
- b. The content of the informant file shall include:
  - 1) biographical and background information;
  - 2) criminal history record, if any,
  - 3) a code name or number for each informant;

- 4) The type and validity of information obtained; and
- 5) The informant's involvement in the investigation
- c. The maintenance and security of the informant file shall be the sole responsibility of the Investigations supervisor. Access to the information and related codes shall be limited to the Investigations supervisor only.
- 3. The department shall not pay informants or enter into any obligation to manage the payment of informants through the Prosecutor's Office or another agency.
  - a. This department has no confidential informant fund.
  - b. Compensation to informants, if any, shall be coordinated through and by the prosecuting attorney's office.
- 4. Methods utilized to protect identity and precautions to be taken with informants.
  - a. The following requirements shall apply to the development of defendant informants:
    - 1) The approval of the appropriate prosecutor (that is Federal, State or local) will be obtained prior to seeking the cooperation of a defendant.
    - 2) A defendant may be advised that his cooperation will be brought to the attention of the appropriate prosecutor. No further representations of assurances may be given without approval. The prosecuting attorney shall have the sole authority to decide whether or not to prosecute a case against a defendant/informant.
    - 3) The appropriate prosecutor shall be advised of the nature and scope of the defendant's cooperation throughout the period of his/her use. The prosecutor shall set the procedures and frequency of this reporting.
  - b. General procedures/precautions for informant use by Patrol officers and Investigations personnel.
    - Each informant must be registered. Because of the difficulties involved with the use of an informant by an officer, the perspective informant is likely to be managed more effectively by an investigator who is not required to provide concurrent patrol duties.
    - 2) Officers are not precluded from using informants in compliance with this written directive.
    - 3) If an officer or investigator encounters an individual who they believe will make a potential informant, the officer will discuss the merits and liabilities relevant to that person with their supervisor and commander as soon as practicable.
    - 4) The officer or investigator will provide background and criminal history on the prospective informant as well as potential information to be provided. This information will then be forwarded to the Prosecuting Attorney by the Investigations supervisor to determine the feasibility of utilizing the informant.

- 5) An informant (or source of information) shall be advised at the onset that:
  - He/she shall not violate criminal law in furtherance of gathering of information or providing services to the police department and that any evidence of such a violation will be reported to the appropriate law enforcement agency.
  - He/she has no official status, implied or otherwise, as an agent or employee of the police department.
  - The information he/she provides may be used in a criminal proceeding and that although the department will use all lawful means to protect the informant's confidentiality, this cannot be guaranteed.
- 6) The case officer must control the direction of the operation and the informant. Informants should not be present at briefings.
- 7) Officer/informant contacts will be of a strictly professional nature. Extrinsic social or business contacts are expressly prohibited.
- 8) Contacts with an informant will be such that his knowledge of the department's facilities, operations, activities, and personnel is kept to the minimum necessary to his successful utilization.
- 9) At least two officers should be capable of contacting an informant. Whenever practical, two officers will be present at all contacts with the informant.
- 10) All significant contacts with the informant, and all information obtained at these contacts will be documented in writing.
- c. Where an informant is to participate in an undercover purchase in which he may come in contact with official funds, controlled drugs, or anything else of potential evidentiary value, he/she will be thoroughly searched both before and after the undercover encounter, and where possible, kept under continuous observation in between.
- d. Informant confidentiality: Case law allows the identity of a confidential informant to remain secret when previous reliability as an informant can be shown. The investigator/officer will safeguard the informant's identity.
  - 1) The true identity of the informant will be made known only to individuals who have a clear need to know.
  - 2) Absolute and unrealistic promises regarding anonymity will not be made.
  - 3) Investigators/officers will structure investigations as much as possible to prevent the informant from becoming a material witness to a crime and therefore requiring his identity to be disclosed.
  - 4) The investigator/officer will advise the informant that circumstances may require him/her to testify in court.

#### V. APPENDIX:

A. Department of Justice Criminal Intelligence Systems: A California Perspective

#### VI. ATTACHMENT:

A. Tip Line Evidence Form

## ATTACHMENT A

## **TIP LINE EVIDENCE FORM**

Case#	
RECEIVED ON DAY: M T W TH F S DATE: / /	S (circle one)
TIME: : AM / PM (cire	cle one)
CALLER SEX:	MALE / FEMALE /UNK (circle one)
NAME:	/ UNK
HOME ADDRESS:	/ UNK
CAMPUS ADDRESS:	/ UNK
PHONE NUMBER:	/ UNK
CELL NUMBER:	/ UNK
EMAIL ADDRESS:	/ UNK
SFSU STUDENT:	YES / NO / UNK (circle one)
SFSU EMPLOYEE:	YES / NO / UNK (circle one)
COMPLAINT / REASON FO	OR TIP LINE CALL
1 2	
3	
4 5	
6	
7 8.	<del>-</del>
5 9.	<del></del>
10	
11 12.	
13.	
14	

SUSPECT #1  NAME: HOME ADDRESS: PHONE NUMBER: CELL NUMBER:		/UNK /UNK /UNK /UNK
EMAIL ADDRESS:  PHYSICAL DESCRIPTION:		/UNK
SEX: HAIR:	MALE / FEMALE / UNK (circle one)	
EYES: HT: WT:		
CLOTHING / OTHER DESCRIPTION	:	
NAME: HOME ADDRESS: PHONE NUMBER:		/UNK /UNK /UNK
CELL NUMBER:  EMAIL ADDRESS:		/UNK _/UNK
PHYSICAL DESCRIPTION: SEX: HAIR: EYES: HT: WT: CLOTHING / OTHER DESCRIPTION	MALE / FEMALE / UNK (circle one)	
VEHICLE:		
CAR / VAN / TRUCK / SUV / MOTOR	CYCLE (circle one)	
COLOR:		/UNK
2 DOOR		
4 DOOR		
5 DOOR:		

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STANDARD:	 	 
COMMERCIAL:	 	 ····
PERSONAL:		



NUMBER: 4-2 APPROVED: Reguld Par

Reinald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Feb. 28, 2006, Sept. 21, 2006,

SUPERSEDES: REVIEWED/REVISED: Nov. 14, 2014, Jan. 22, 201, Dec.

16, 2019

SUBJECT: PRELIMINARY AND FOLLOW-UP INVESTIGATIONS

I. PURPOSE: The purpose of this policy is to establish responsibilities and procedures for the preliminary investigation of cases and any subsequent follow-up investigation activities.

II. POLICY: It shall be the policy of this department to conduct thorough preliminary and follow-up investigations of all offenses reported. Patrol officers, who take preliminary reports and conduct the preliminary investigation, must obtain as much information as possible to aid in the eventual apprehension of any suspects.

#### III. DEFINITIONS:

- A. Crime Scene: The location where the crime occurred or where the indication of the crime exists.
- B. Follow-up Investigation: An extension of the preliminary investigation. The purpose is to provide additional investigation in order to close a case, arrest an offender, and/or recover stolen property. The investigation may include the following activities including tasks listed in section 4-2 IV, D, 2, a-p.
- C. Habitual Offender: For this policy, a habitual offender is a person who has been arrested three or more times for the same offense, or who has been convicted of three or more felony convictions.
- D. Physical Evidence: Any substance or material found or recovered in connection with a criminal investigation.
- E. Preliminary Investigation: Generally, the activity that begins when officers arrive at the scene of an incident. The activity should continue until such time as a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation. The investigation usually includes tasks listed in section 4-2 IV, A,1-9.
- F. Serious Offender: This is a person who has been identified as a suspect in a crime against a person, where the victim has sustained death, serious physical injury, or extreme physical and/ or mental duress.
- G. Witness: A person who has information or evidence relevant to the investigation of a specified crime.

#### IV. PROCEDURES:

A. Patrol officers will be responsible for conducting thorough, accurate and complete preliminary investigations and are encouraged to continue with the investigation and follow-up as needed, in an effort to bring the case to a satisfactory conclusion.

Steps to be followed in conducting preliminary investigations include:

- 1. Taking steps to ensure the safety of victims, suspects and witnesses. Render aid for injured subjects and request appropriate medical attention, if necessary.
- 2. Maintain the integrity and security of the crime scene by requesting necessary resources, and arrange for the collection of evidence.
- 3. Observe and document all conditions, events and remarks.
- 4. Determine whether an offense has been committed or attempted and the nature of the offense.
- 5. Locate and obtain complete identities of complainants, witnesses and other involved parties.
- 6. Identify suspects and affect an arrest, if possible.
- 7. Relay to other officers all relevant information concerning wanted suspects and/or vehicles, including direction of travel.
- 8. Interview and obtain statements from witnesses, victims, complainants, and suspects and any other relevant parties. If an investigator is to respond to the scene, the supervisor should coordinate all interviews with the investigator.
- 9. Reporting the incident fully and accurately. Prepare the preliminary crime/incident report.
- B. Investigators who "on-view" a case will prepare the initial crime/incident report and conduct the preliminary investigation on all felony and serious misdemeanor cases that are reported directly to them. Investigations Unit personnel will follow up on all criminal cases of general content generated by Patrol that do not require any specialized training, e.g. Traffic Collisions, Sexual Assaults etc. (see below)
- C. Assignment of Follow-up Investigations:
  - The Commanding Officer of Investigations will review all crime reports written by patrol personnel assigned and make a determination if the case requires additional patrol follow-up.
  - 2. If the Commanding Officer of Investigations determines that a follow-up is appropriate, he/she will either assign the case back to patrol or to an investigator via RIMS.
  - 3. The following serious Part I and Part II Offenses will automatically be assigned to Investigations unless the Commanding Officer of Investigations deems otherwise:
    - a. All shootings;
    - b. Incidents involving serious injuries or death;
    - c. Incidents involving extensive evidence or where an immediate follow-up is needed

and the Patrol Officers do not have the resources to conduct the follow-up and the Commanding Officer of Investigation approves;

- d. Armed robberies:
- e. All abductions;
- f. Explosions & explosives;
- g. Arson with extensive damage or evidence to be collected;
- h. All sexual assaults and child molestation cases;
- i. Domestic violence [when additional follow-up is required];
- j. Stalking [where a suspect is still outstanding]; and
- k. Felony computer crimes.
- 4. All cases where there are workable leads and/or recovered physical evidence will take priority.
- 5. Any cases that require the officer to perform follow-up activities off the campus will be assigned to detectives when possible.

## D. Follow-up Investigation Procedures

- 1. Maintaining contact with principals in any investigation is valuable for building public confidence in the department as well as indicating that the investigating officer is genuinely concerned about the welfare of the victim and other citizens associated with the case.
  - a. In all cases the individual assigned to the follow-up investigation will recontact the complainant/victim within 5 days of the report of the offense.
  - b. In serious offenses, the victim should be recontacted no later than 2 days after the report of the offense.
  - c. All cases will be finalized within the year reported.
- 2. The follow-up investigation will include the following:
  - a. Reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records involving similar cases, and results from laboratory examinations, if applicable.
  - b. Conducting additional interviews of witnesses, complainants/victims and interrogations of possible suspects.
  - c. Seeking additional information from uniformed officers, informants, etc.
  - d. Revisiting the crime scene and planning, organizing, and conducting searches, and collecting additional physical evidence. Maintaining chain of custody on evidence and submitting it for laboratory examination.
  - e. Attempting to identify and apprehend the suspect, through the use of photo lineups. etc.
  - f. Determining the suspect's method of operation and attempting to link the suspect to other unsolved crimes.
  - g. Checking the suspects' criminal histories.
  - h. Preparing cases for court presentation and/or administrative referral to campus judicial systems

- i. Performing additional follow-up at the request of the prosecuting attorney.
- j. Recovering stolen property
- k. Locating and identifying witness
- I. Questioning suspect(s)
- m. Deterring in detail the exact circumstances of the offense
- n. Documenting information obtained
- o. Analyzing electronic access logs and electronic media
- p. Reviewing publicly accessible information on social media sites
- 3. The Commanding Officer of Investigations shall ensure that all criminal cases are assigned for follow-up and a disposition granted. Some cases will be closed and noted in the MO file. The Commanding Officer shall track cases assigned by patrol and reassign to Investigators as appropriate and timely.
- E. Cases Involving Habitual or Serious Offenders:
  - 1. Specifications of criteria designating certain individuals as habitual/serious offenders.
    - a. The arresting officer or Investigator will attempt to determine the criminal history of any subject arrested, and determine whether the offender would be defined as a habitual or serious offender.
    - b. A habitual offender for this policy is defined as a person who has been arrested three or more times for the same offense, or who has been convicted of three or more felony convictions.
    - c. A serious offender for this policy is defined as a person who has been identified as a suspect in a crime against a person, where the victim has sustained death, serious physical injury, or extreme physical and/or mental duress.
  - 2. Identification of all cases in which a designated habitual/serious offender is a party.
    - a. The above specification information will be included in the arrest report and forwarded to the prosecutor in a timely manner.
    - b. Cases involving habitual and serious offenders will be assigned to Investigations for follow-up. These cases will be designated as "Habitual/Serious Offender" when filed with Records at the completion of all investigative activities.
  - 3. CA Penal Code Sec. 13885.4 defines sexual habitual offenders.

#### 13885.4

- (a) Convicted of two or more violent offenses against a person involving force or violence, which include at least one sex offense.
- (b) Convicted of an offense listed in Section 290 and also meet one of the following criteria:
  - (1) Have three or more felony arrests for sex offenses specified in Section

- 290 on their criminal record.
- (2) Have five or more felony arrests for any type of offense on their criminal record.
- (3) Have 10 or more arrests, either felony or misdemeanor, any type of offense on their criminal record.
- (4) Have five or more arrest, either felony or misdemeanor, for any type of offense, including either of the following:
  - (A) At least one conviction for multiple sex offenses which shall mean a conviction arising from the commission of two or more offenses listed in subdivision (a) of Section 290 in one transaction.
  - (B) At least two arrests for a single sex offense listed in subdivision (a) of Section 290.

#### F. Cold Cases

- 1. Cold cases in this section are defined as violent "crime against persons" cases, new or old, that have not been solved.
- 2. The evaluation criteria of re- investigating a cold case generally includes the following; but is not limited to:
  - a. Legal considerations, such as the application or expansion of statutes of limitation;
  - b. Technological considerations, such as the nature and condition of the evidence and the advancement of new technology techniques in solving a crime;
  - c. Practical considerations, such as the availability of witnesses in the event DNA profile testing would identify a suspect and lead to an arrest and trial;
  - d. Resource considerations, such as time, money and personnel available for investigation and forensic analysis.
- 3. The actions and activities of the cold case investigation generally includes; but are not limited to:
  - a. Identifying potential unsolved cases according to solvability factors;
  - b. Reviewing case files, evidence logs, laboratory reports and autopsy reports;
  - c. Evaluating the case evidence for potential probative DNA sources;
  - d. Consulting with the State forensic laboratory and states attorney's office in submitting appropriate evidence to the laboratory for testing;
  - e. Continuing investigative protocol by obtaining reference samples from suspects and other identified subject;
  - f. Identifying witnesses who are willing to proceed in prosecution;
  - g. If a DNA profile does not match suspect's DNA profile, submitting the evidence profile to CODIS;
  - h. Submitting investigative intelligence to State and Federal profiling repositories for information such as: VICAP (FBI's Violent Criminal Apprehension Program).

## G. Specialized Investigations

- 1. Sexual Assaults: The preliminary report will be taken by the assigned Patrol Officer.
  - a. Only Officers who have completed the specialized P.O.S.T. sexual assault investigations training in this area should conduct the follow up investigation, specifically interviewing the victim.
  - b. If no officer with this type of investigative training is available, then the Investigations Bureau will conduct the necessary follow up.
  - c. Refer to G.O. 4-9 for Sexual Assault Investigation.
- Traffic Collisions/Vehicle Code Crimes: The preliminary investigation should be conducted preferably by an officer who has attended the P.O.S.T. Traffic Collision Investigation course.
  - a. If no officer with this type of training is available then an officer designated by the On Duty Patrol Sergeant will conduct the investigation,
  - b. When probable, (time constraints permitted) the complete investigation (including follow ups) will be conducted by the initially assigned officer.
  - c. When not probable, follow ups will be assigned to patrol staff (Officer, Corporal or Sergeant), who have attended the P.O.S.T. Traffic Collision Investigation course.
  - d. Only Corporals or Sergeants who have attended and completed the P.O.S.T. Traffic Collision Investigation course can approve completed reports/investigations.
  - e. Refer to G.O. 3-18 for Traffic Collision Investigation.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 4-3 APPROVED: Reynold Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

May 16, 2006, Oct. 9, 2006,

SUPERSEDES: E-2 REVIEWED/REVISED:

Nov. 14, 2008, Feb. 13, 2009, Jul. 6, 2015, Dec. 16,

2019

SUBJECT: EVIDENCE CONTROL PROCEDURES

I. PURPOSE: To establish a policy and procedure for the systematic accountability and handling of evidence.

#### II. POLICY:

- A. It is the policy of this Department to ensure that all property seized, found, or recovered as evidence, which comes under its control, is collected, booked, and documented in an appropriate manner.
- B. The transfer of custody of all evidence held by this Department shall be documented to record the chain of custody and reflect the status of all evidence/property.
- C. This Department will handle evidence and property in a manner to guarantee successful prosecution and facilitate the timely return of property to its rightful owner. Property determined not to have any evidentiary value will be properly released or disposed of in accordance with California Statues.
- D. Only authorized personnel have access to the areas containing evidence used by the department. Only Investigations Unit personnel, to include the Commanding Officer of Investigations, Detectives and the Property/Evidence Clerk, have access to the areas used by the department for the storage of evidence/evidence. The Property Clerk will maintain a log of all personnel normally not having access to these restricted areas.

#### III. DEFINITIONS:

- A. Evidence: Is any property related to a crime that may implicate or vindicate a person from a criminal charge. Any item, substance, or material may be deemed as "evidence" and can be held for the most minor to the most severe offense(s).
- B. Evidence Controller: The Commanding Officer of Investigations is responsible for the security and disposition of all evidence or property held for safekeeping until its final disposition.
- C. Evidence Custodian(s): The person(s) authorized and responsible for physically retrieving,

- moving, storing, inventorying, disposing of, returning, and/or releasing property or evidence. This position is primarily held by the Property/Evidence Clerk. The position is supported/backfilled by the Detectives and the Evidence Controller if no "Evidence Custodian" is available.
- D. Found Property: Is property which is lost or abandoned and is not known to be or suspected to be connected to a criminal offense. Refer to General Order 4-13 for information regarding Lost and Found Property
- E. Owner Applied Number [O.A.N.]: The number applied by any person other than the manufacturer, which identifies a product as unique from all other products of the same model and manufacturer. O.A.N. may include, but is not limited to, driver's license number, social security number, or state tag number.
- F. Property for Safekeeping: Any property not related to a crime placed in the custody of this department for temporary protection, or in an effort to determine legal ownership pursuant to Penal Code Section 1412. Property for Safekeeping will be booked using the same procedures as specified for evidence. It includes property voluntarily turned in by its owner for destruction (frequently ammunition or firearms). Firearms can also be held pursuant to Penal Code 12028.5 et. Seq., or Welfare and Institution Code Sections 8102-8203. Personal property or any other item which is seized pursuant to a detention for Welfare and Institution Code 5150 may also be held for safekeeping under Government Code 29940- 26642.
- G. Property Seized Pursuant To A Search Warrant: Is any property seized pursuant to a court ordered search warrant (PC 1535, 1536). These seized items shall be held indefinitely until the court orders the items released, destroyed, or turned over to the court.
- H. Serial Number: The number applied by the manufacturer that identifies a product as unique from all other products of the same model and manufacturer. I. Property Room software: The software program used to assist in maintaining the chain of custody of all departmental evidence, lost and found property, and property for safekeeping.
- I. Barcode: A printed label that is physically attached to a piece of evidence noting a case number, evidence number, and a brief description of the evidence.
- J. Hand Wand: Is an electronically hand held device that reads barcode labels and is used inconjunction with the Property Room software to maintain evidence.

#### IV. PROCEDURES:

- A. All property booked into evidence shall be entered into RIMS and secured into the department's temporary evidence lockers with minimal delay prior to the end the officer's tour of duty. Employees will book only that quantity of evidence necessary for case prosecution.
  - 1. Large items of evidentiary value/found property shall be secured via lock.
- B. All property and evidence shall be placed under the control of the property and evidence system before the officer ends his/her tour of duty. Officers will print a barcode label for each item using the Property Room Software. Refer to RIMS Manual for detailed instructions. The barcode label will be physically attached to any properly packaged evidence in a manner not to ruin the integrity of the item.
- C. A written report is required detailing the circumstances by which the property/evidence came into the department's possession, the status of each item, a brief description of each item, and

the storage location of each item.

- D. Employees will inspect all items of evidence and property stored for safekeeping to ensure that it is:
  - 1. Properly Entered into RIMS,
  - 2. Properly packaged and labeled with a barcode,
  - 3. Noted in the report, and
  - 4. Properly secured in the Temporary evidence lockers or sally port for large items.
- E. Property may be returned to its owner in instances where the rightful ownership can readily be determined and case prosecution will not be jeopardized. The Evidence Custodian will mail the "Notice to Claim Property" form which states how to obtain his or her property pursuant to Penal Code section 1411. When the property is returned to the rightful owner, the Evidence Custodian will complete the "Property Invoice and Return" form (see attached) provided from Property Room program. A photograph of the item will be taken prior to release and added to RIMS for documentation purposes. The completed, "Property Invoice and Return" form will be attached to the report.
- F. As required by Penal Code Section 11108, descriptions of each specified serialized item of property received by officers must be entered into the appropriate State automatic property system (Automated Property System, Automated Firearms System, etc.).
- G. Employees shall not, under any circumstances retain any property or evidence for personal use. Such items shall not be stored in personal lockers, desks, or file cabinets. All property and evidence will always be stored in the appropriate department storage facilities.
- H. Booking Evidence and Property Held for Safekeeping:
  - 1. Holding facility for Evidence
    - a. The administrative and security procedures established are mandatory to ensure that all property taken into custody and stored by the department is properly controlled and protected.
    - b. All evidence will be secured in the temporary evidence locker.
    - c. Those items which are too large and/or bulky to fit in the temporary evidence lockers will be secured in the sally port or BULK evidence storage container located in the rear parking lot of the Police Station. This includes but not limited to items such as tires, vehicle parts, carts, lawn equipment, bikes, etc.
    - d. Officers will coordinate with the Evidence Custodian or Detectives to assist with access to the Bulk evidence storage container.
    - e. Evidence requiring cold storage for chemical analysis, such as blood, saliva, or urine, will immediately be booked at the SFPD Crime Lab after a report is completed, the evidence it entered into RIMS, an SFPD case number is pulled by Dispatch, and the "Laboratory Examination Request" form is completed.
    - f. The Evidence Controller or designee shall conduct a quarterly test of the security

alarms for the evidence room and the property container. The Evidence Controller shall conduct a documented administrative review of the temporary detention area and procedures at least once every three years.

- I. Evidence to Court (Temporary or Final Release):
  - 1. Investigators will have primary responsibility for bringing evidence to court when required for criminal prosecution.
  - 2. Officers scheduled for court without Detectives will make arrangements with the Evidence Custodian to retrieve evidence for court presentation.
  - 3. Officers transporting evidence will be responsible for safeguarding evidence until the court has formally received it. When the court retains evidence, the transporting officer will notify the Evidence Custodian and complete a supplemental report noting the court name, division, the court clerk's name, date and time. The Evidence Custodian will update the evidence's status in RIMS.
  - 4. Evidence not retained by the court must be returned to the Evidence Custodian prior to the end of the Officer's tour of duty. This will complete the transaction and ensure the chain of custody. Upon the return of evidence, the Evidence Custodian shall be responsible for ensuring all item(s) removed are those being returned.
  - 5. When the court does not retain the item(s) and the Evidence Custodian is not available, the officer will secure the property in a temporary evidence locker. When the Evidence Custodian becomes available, the property in the temporary locker will be checked to ensure that item(s) removed are those being returned and completed the check-in procedures manually or by utilizing the hand wand.
  - 6. Any discrepancy(s) detected during the check-in process and not correctable right away should be documented immediately. A letter of Memorandum should be drafted to the Commanding Officer of Investigations detailing the discrepancy(s).
- J. Storage and Disposition of Evidence and Property:
  - 1. Extra security measures for handling exceptional, valuable, or sensitive items of property or evidence within the evidence facility are as follows.
    - a. Money, weapons, and precious metals will be segregated within the evidence room.
    - b. Narcotics will be booked at the SFPD Narcotic/Drug Lab located on the basement level of the Hall of Justice, Room G-25, located next to the property room.
    - c. Safe and other locked secured facilities will be established for high value and sensitive items.
    - d. No refrigerated storage will be available for evidentiary items.
  - 2. The Evidence Room #120 and the Bulk evidence storage container are secured facilities provided for storage of all evidence/property. The facilities are secured 24 hours a day and are not opened in the evening hours when the Evidence Controller/ Custodian is not on duty.

- a. If an officer requests to check-out property during non-business hours, arrangements can be made by contacting the Evidence Custodian
- The ultimate goal is the appropriate disposition of the property in compliance with court orders, proper disposal guidelines, proper release guidelines, and other California statutes
- 4. The Evidence Custodian will monitor all evidence storage units each workday, transferring any contained evidence to the respective location in the storage room.
- 5. The Evidence Custodian will check evidence items to insure that they are properly packaged and tagged correctly. If, and when evidence is not properly packaged or tagged, the Evidence Custodian will return the improperly packaged or tagged property to the officer who booked the item(s).

## K. Procedures for Temporary and Final Release of Items:

- 1. The Evidence Custodian will keep a record via RIMS accounting for all movement of evidence in or out of the evidence storage units.
- 2. Property released to the crime lab will be properly checked out by the Evidence Custodian and marked check-out to "Crime Lab". The Officer releasing the evidence to a crime lab technician will complete a supplemental report noting the date, time, location, and the name of the lab technician receiving the evidence.
- 3. Property released to the court is detailed in Section I of this directive.
- 4. The Evidence Controller is responsible for insuring that the Evidence Custodian makes appointments for the release of property to owners during non-business hours.

## L. Property Disposal:

- 1. The Evidence Controller will insure that all California Statutes and procedures will be followed regarding the disposal of evidence and property held for safekeeping. Such property can be disposed in four (4) possible ways:
  - a. Returned to the owner.
    - 1) Individuals seeking the return of a firearm(s) that is in the custody or control of a court or law enforcement agency must submit a LEGR Application along with the appropriate fees to the Department of Justice (DOJ). A firearms eligibility check will be conducted to determine if the applicant is lawfully eligible to possess firearms. A notice of the results will be sent to the applicant. The notice must be presented to the court or agency within thirty (30) days of the date of the notice. Failure to do so will result in the need to submit a new application and fees and undergo another firearms eligibility check.
  - b. Converted to use of this department or a government entity for official use.
  - c. Destroyed by the Evidence Custodian/Controller with a witness, or by certified companies/organizations.

- d. Destroyed, pursuant to a court order, either by the Evidence Custodian/Controller with a witness, or by other certified companies/organizations.
- 2. The Evidence Custodian, along with the Detectives, shall make an absolute effort to identify and notify the owner of items in the department's custody. The key to reducing the load on the property/evidence system is by returning items no longer having evidentiary value.

## M. Documented Inspections, Inventory, and Audits:

- An inspection to determine adherence to procedures used for the control of property/ evidence shall be conducted semi-annually by the Evidence Controller or his/her designee.
- 2. An inventory of property shall occur whenever the person responsible for the property and evidence control function is assigned to and/or transfers from the position. The inventory shall be conducted jointly by the newly assigned/designated property and Evidence Controller and a designee of the Chief of Police to ensure that records are correct and properly annotated.
- 3. An annual audit of property and evidence held by the department is conducted by a supervisor not routinely or directly connected with control of property and evidence as assigned by the Chief. The Chief or his/her designee will conduct the audit unless the Chief decides otherwise.
- 4. Unannounced inspections of property storage areas are conducted as directed by the Chief of Police. These inspections occur once a year by the Chief or his/her designee.
- 5. The "Property and Evidence Control Inspections" form (see attachment), shall be utilized for all audits.
- 6. Discrepancies:
  - a. All discrepancies should be immediately investigated with the primary goal of locating any missing property or documentation.
  - b. With each discrepancy found, the auditor would look for the cause and make recommendations to correct any procedure found to have caused or allowed the error.
  - c. Every discrepancy, regardless of whether or not it is resolved, should become part of the final auditor's report.

### N. Key Control:

- 1. The temporary evidence storage lockers, the bulk evidence storage containers and the evidence storage rooms are restrictive areas, accessed by authorized personnel only. Employees shall not under any circumstances, regardless of rank, enter, or allow others to enter, these restricted areas.
- 2. It is imperative that the policies concerning the physical security and security awareness are enforced to the extent that they control actual procedures. Failure to preserve and protect property will reflect upon the agency and lead to loss claims,

- lawsuits, and the possible dismissal of court cases.
- 3. No more than two sets of keys to any internal lockable safe, lockers, etc., shall exist.
- 4. One set of keys (a single key for each evidence locker and one for the sally port locks) should be in the personal custody of the Evidence Controller. This set is secured at the station when the Evidence Controller completes his or her tour of duty and no other personnel shall have access to these keys.
- 5. The second set (a duplicate key for each evidence locker and sally port locks) shall be issued to the Chief of Police.
- 6. The Evidence Controller shall maintain the sole "brass key" to the evidence room and the bulk storage container which are the same key.
- 7. Card Key access will only be given to the Evidence Controller, the Evidence Custodian or the Detectives.
- 8. No safe should be left unlocked when not attended by the person responsible for its security.
- 9. Quarterly alarm testing of room 120 shall be done by the Evidence Controller or his/ her designee. The results shall be logged, documented and appropriate action taken in the event that problems are discovered.

#### O. Retention Consideration:

- 1. The Evidence Controller will be responsible for the disposal of all property. The Evidence Controller will set review dates for all property as follows:
  - a. Felonies 1 Year
  - b. Misdemeanors 1 Year
  - c. Property for Safekeeping 3 Months
  - d. Found Property 6 Months
- 2. The Evidence Controller will be responsible at the review dates to consider determining those items held as evidence for continuous hold.
- 3. If, and when the purging of items held as evidence is determined, the Evidence Controller will insure that proper disposal procedures are adhered to for all property.
- 4. Found Property and Property for Safekeeping items have established holding periods, so they need not be reviewed. The Evidence Custodian will generate a computer request for clearance from the Evidence Controller for the expeditious purging of those items.
- 5. The Evidence Custodian will complete and mail a "Notice to Claim Property" form to the Owner/Finder at the earliest date possible of the location and method by which that Owner/Finder may obtain the property (Section 1411 PC, 1413 PC). A supplemental report should be completed noting the date the form was mailed. A copy of the "Notice to Claim Property" form and a supplemental should be attached to the original case.
- 6. All property seized pursuant to a search warrant, require a court order for its release or disposal (Section 1536 PC).
- 7. Final disposition of found, recovered and evidentiary property is accomplished within six months after legal requirements have been satisfied.

## V. APPENDIX:

A. Systemwide Chapter 7- Property and Evidence Control

## VI. ATTACHMENT: None

- A. Property and Evidence Control Inspection ReportB. San Francisco Police Department Crime Laboratory RequestC. Property Invoice and Return Form

#### LAW GOVERNING EVIDENCE AND OTHER PROPERTY

B&P Business and Profession code

CCP Code of Civil Procedure

EC Evidence Code

GC Government Code

H&S Health and Safety Code

PC Penal Code

VC Vehicle Code

WIC Welfare and Institutions Code

## **Abandoned Property:**

Bicycles and toys 217 WIC

Destruction or sale of abandoned firearms 12032 PC

Intentionally abandoned 2080.7 CCP

Transfer to City/County general fund 1422 PC

unclaimed money held by court or D.A., deposit with County or City Treasurer 1420 PC

Unknown owner of found property 2080.1 CCP

#### Advertisement:

Found property valued at \$50 or more 2080.3 CCP

Sale of found or saved property 2080.6 CCP

Sale of seized property 11488.6 H&S

Sale of unclaimed property 2080.4 CCP

Vehicle lien sale 3071 CCP

#### Affidavit:

Destruction of controlled substances over 10 pounds and hazardous chemicals over 1 ounce, no court order necessary; affidavit must be filed with Superior Court within 10 days after destruction 11479 H&S

Destruction of phencyclidine 30 days to file affidavit 11479.1 H&S

Person finding or saving property 2080.1 CCP

**Annual Inventory:** county property 24051 CCP. **Appropriation of Lost Property:** generally 485 PC

Auctions: Legal requirements to hold auction 2080.3 CCP

**Bicycles/unclaimed:** County use in program to prevent delinquency

**Certification for:** 

Assigning number or mark and returning gun to rightful owner 12092 PC

Firearms or part of firearms delivered to law enforcement 12030 (c) PC

Permits for short-barreled shotgun 12095 PC

Preservation of destruction device 12307 PC

Preservation of machine gun 12251 PC

Retention of weapons 12029 PC

Confiscation of Weapons: Generally 1208 PC, 12029 PC, 12280 PC

Contraband: Property which is contraband and should be confiscated and not returned

Altered identification 12090 PC

Ammunition: Metal or armor penetrating ammunition 12320 PC

Booby-traps 12355 PC

Confiscate 12028 PC

Destruction devise 12031 PC

Ex-felon - narcotic addicts, possession of a firearm; Person with two convictions of 417PC, 12021PC

Ex-felon in possession of firearm 12560 PC

False lottery ticket, etc. 470 PC

Firearm silencer 12500 PC

Firearms: Any property used in commission of a crime or attempt to commit a crime, which the defendant was armed, or which the defendant had upon his person at time of arrest 1417.6 PC Firearms tampered with 12091 PC

Forged public or corporate seals 474 PC

Item with manufacturer's name plate, serial number, other distinguishing numbers or identification marks removed, defaced, covered, altered, or destroyed (can be renumbered and sold); a conviction is not required to hold property 537e PC

Money / things of value involved in a violation and conviction of the following Health and Safety Codes is contraband. Health Code Sections: 11351, 11352, 11355, 11359, 11360, 11378, 11378.5, 11279, 11379.5, and 11382. Use Section 11470 b H&S to have items converted to campus use.

Motor vehicle keys and wheel lock key 4666.5 PC

No deadly weapon will be released without a Superior Court order if the person is held under 5150 WIC 8103 (f) (i) WIC

Nuisance firearms 12025 PC

Possession of certain weapons 12020 PC

Possession of firearms without identification (section 12092 PC can be used and firearm returned) 12094 PC

Reproduced or falsified drivers license or ID card 470a PC

Sniper scope 468 PC

Stun gun (who may and may not own a stun gun, run RMPs, DOJ and FBI before release 12561 PC

Switchblade, springblade, gravity and butterfly knives with blade two (2) inches or more in length 653k PC

Tear gas 12403.7 PC

Tear gas shell will bear name of manufacturer 12422 PC

Turning firearms over to other departments 12029 PC

Violent use of firearm 12001.6 PC

## **Controlled Substances and Related Paraphernalia:**

All moneys 11470(f) H&S

All raw material, products and equipment of any kind, used or intended for use for controlled substances 11470 (b) H&S

Books, research information and written records 11470(d) H&S

Destruction of contraband 1417.6 PC

Destruction of controlled substance without court order, over 10 pounds and dangerous chemicals over 1 ounce, must file affidavit within 10 days after destruction 11479 H&S

Destruction of property upon conviction 11473 H&S

Destruction of property without conviction 11473.5 H&S

Firearms or weapons 11470 (2) H&S

Items used as container (can include auto, etc.) 11470 (C) H&S

Items subject to forfeiture 11470 H&S

Paraphernalia 11364 H&S

PCP: destruction of phencyclidine (PCP) must file affidavit no later that 30 days after destruction

Recovery of expense of seizing controlled substances11470. 1 H&S

Seizure of plants 11476 H&S

Seizure and summary forfeiture of Schedule 1 substances 11475 H&S

## Court Order: (See "Orders")

#### Cost:

Finder of property pays cost of publication 2080.3 CCP

Recovery of cost of vehicle lien sale 3074 CCP

Recovery of cost by lien holder of low-valued vehicles 22851.2 VC

Restitution payments to agency 1203.1(d) PC

Restoration of found property after payment 2080.2 CCP

Vehicle lien sale 3073 CCP

### Counterfeiting:

Dies, plates, destruction 480 PC

## **Declaration of ownership:**

Form signed by property owner to recover property 1413(b) PC

Return of stolen or embezzled property 1413(b) PC

## **Delivery of:**

Airplane used to transport controlled substances 11490 H&S

Boat used to transport controlled substances 11490 H&S

Controlled substances for destruction 11474 H&S

Firearms to military or naval agency 12030 PC

Stolen or embezzled property to county officer 1411 PC

Stolen or embezzled property to owner 1413 PC

Unclaimed bicycles and toys 217 WIC

Vehicle used to transport controlled substances 11490 H&S

#### **Destruction:**

Controlled substances and paraphernalia by court order 11474 H&S

Controlled substances without conviction 11473.5 H&S

Controlled substances over 10 lb.'s and hazardous chemicals over 1 ounce 11479 H&S

Counterfeiting dies, plates, etc. 480 PC

Destructive device by Department of Justice 12307 PC

Firearms filed in a criminal action 12032 PC

Lottery or gambling devices 335a PC

Machine guns destroyed upon conviction 12251 PC

Obscene material upon 312 PC

PCP (phencyclidine) affidavit required within 30 days after destruction 11479.1 H&S

Unclaimed property 2080.4, 2080.6 CCP

Vehicles and component parts with numbers removed 10751 VC

Weapons classified as nuisances 12030 PC

## Discovery:

Effect of Discovery 1054 PC

Exclusive means, procedures 1054.5 PC

### Disposition:

Article with identification marks removed, replace numbers, identify by marks, return to victim or auction 537e PC

Distribution of funds from sale of forfeit property 11489 H&S

Firearms to a criminalistic laboratory 12030 PC

Firearms disposition update required by DOJ 11108 PC

Liens on seized property 11488.6 H&S

Low-valued vehicle to dismantle or scrap processor 22851.12 VC

Personal found or saved property; regulations 2080.6 CCP

Proceeds of vehicle lien sale 3073 CCP

Property or things taken on a search warrant 1536 PC

Property seized pursuant to Section 11488 H&S 11488.5 H&S

Recovery of costs by lien holder of low-valued vehicles 22851.12 VC

Sale proceeds of seized property 11495 H&S

Seized explosives 12355 H&S

Vehicle and component parts with number removed 10751 VC

Vehicle not exceeding \$300 22851.2, 22851.8 VC

Vehicle sales proceeds 11495.5 H&S

Weapons classified as nuisance 12028 PC

Weapons classified as 12020 PC disposal 12029

## Domestic Violence: Applicable Section 12028.5 PC

Defined 12028.5 PC

Restoration of firearm to lawful owner 12028.5 (c) PC

Seizure of firearm 12028.5 (b) PC

Process of disposal:

Default order 12028.5(h) PC

Good faith actions 12028.5(j) PC

Hearing requested 12028.5(g) PC

Initiate petition 12028.5(e) PC

Notification to owner of hearing 12028.5(f) PC

Right to a second hearing 12028.5(j) PC

Unclaimed firearm (12 months) 12028.5(d) PC

## **Embezzled property:**

Disposition of stolen property 1404 PC

Disposition of unclaimed stolen property 1411 PC

Return of stolen property by court order 1410 PC

Return of stolen property not in custody of the court 1408 PC

#### **Evidence:**

Defined 140 EC

Evidence locker 350/356 EC

Hitch's motion (See "People vs. Hitch")

#### **Explosives:**

Storage of seized explosives; petition for return 12353 H&S

Firearm: (See Weapons)

Forms:

Notification to DOJ of property description 11108 PC

Notification to DOJ on storage of vehicles 22853 VC

Notification to DMV for lien on vehicles 3067.1 CCP

Prescribed by DMV for satisfaction of lien 22851.6 VC

## **Found Property:**

Destruction of controlled substances in absence of conviction 11473.5 H&S

Disposition 2080.6 CCP

Disposal when found by public employee 2080.3 CCP

Notice, vesting of title, public sale 2080.3 CCP

Reports of serialized and non-serialized property to DOJ 11108 PC

Restoration to owner 2080.2 CCP

Valued at \$10 or more 2080.1 CCP

Valued at \$50 or more 2080.3 CCP

## Gambling devices:

Antique slot machines (Manufactured prior to 1956) protected 330.7 PC

Destruction 335a C

Notice of intent to destroy 355a PC

### **Hearing for:**

Disposal of low-valued vehicles 22851.8 VC

Forfeiture proceeding for seized property traceable to drug sales 11488.1 H&S

Forfeiture proceeding; third party interest in seized property 11488.5 H&S

Pawnbroker, secondhand dealers rights to hearing 21647 B&P

Post-seizure of vehicle 10751VC

Return of firearms to person detained pursuant to 5050 WIC 8102, 8103 WIC

Return of seized explosives 12353 H&S

Seized property 11488.1, 11488.5 HS

Storage of vehicle 22852 VC

Vehicle lien sale 3071 CCP

Vehicle, boat, or airplane forfeiture, unlawful transport 11499.1 H&S

#### **Identification number removed:**

Equipment and items 537e PC

Vehicles or component parts 10751 VC

## **Inventory: (See "Annual inventory)**

#### Liens:

Disposal of proceeds of vehicle lien sale 3073 CCP

Lien sale of vehicle valued at \$300 or less 3072 CCP

Loss of lien though trick, fraud, or device 3070 CCP, 22852.5 VC

Recovery of costs by lien holder; low-valued vehicles 22851.12 VC

Recovery of sale preparation costs for vehicle 3074 CCP

Sale of vehicle, release of interest of by vehicle owner 3071.5 CCP

Satisfaction of lien on vehicle exceeding \$300 value 22851.4, 22851.6 VC

Seized property liens 114688.6 H&S

Service lien on vehicle 3068 CCP

Vehicle lien sale 3072 CCP

Local regulations: (See "Regulations")

**Lottery devices:** 

Destruction 3355a PC

Notice of intent to destroy 335a PC

#### Mental health:

Weapons held 5150 WIC

Disposal 8102 and 8103

### Money:

All, securities, negotiable instruments, or other things of value or related to a violation an conviction of the Health and Safety Code is contraband. Specific codes used are: 11351 H&S, 11352 H&S, 11355 H&S, 11357 H&S, 11359 H&S, 11360 H&S, 11378 H&S, 11378.5 H&S, 11379 H&S, 11379.5 H&S, 11382 H&S. To covert seized property to City inventory, use Health and Safety Code Section 11470 (b)

#### **Notices:**

Claim of ownership, person from whom property was taken. Notice should be mailed to last known address 1413 PC

Destroy lottery or gambling device 335a PC

DOJ upon vehicle storage with no owner notification 22853 VC

DOJ for retention of destruction of firearms 12030 PC, 11108 PC

DMV on disposal of low-valued 22851.10 VC

DMV on removal of low-valued 22851.2 VC

DMV on11474 H&S

vehicle seizures 10751 VC

Finder of found property 2080.1 CCP

Forfeiture hearing for vehicle, boat or airplane 11499.1 H&S

Found property valued at \$50 or more 2080.3 CCP

Impoundment of vehicle or component part 10751 VC

"Intent to Dispose of a Vehicle Valued at \$300 or Less" 22851.8 VC

owner of found property 2080.1 CCP

owner of stolen or embezzled property 1411 PC

owner of stolen weapon 12028(f) PC

release of stolen property held by pawnbroker 21647 B&PC

sale of disposition of unclaimed property 2080.4 CCP

sale of found or save property 2080.6 CCP

sale of perishable property, etc. 2080.5 CCP

storage of vehicle 22852,22853 VC

vehicle lien sale 3071 CCP

vehicle lien sale with valuation of \$1,000 or less 3072 CCP

#### Nuisance:

Devices of destructive devices 12307 PC

Destruction of machine-guns 12251 PC

Disposition of weapons 12028 PC

Disposition of unclaimed firearms 120321PC

Weapons classified as nuisances: destruction 12029 PC

#### Obscene Materials:

Destruction upon conviction 312 PC

## Orders (court):

Destruction of controlled substances 11473.5, 11474 &S

Motion to return property or suppress evidence 1538.5 PC

Disposition of vehicle or parts without ID 10751 VC

Release of seized property 11488.5 H&

Release/disposal of exhibits 1417 PC

Return of property taken on search warrant 1536 PC

Return of stolen property or embezzled property to owner 1408 PC

Superior court order to return firearms to mental patient 8103 WIC

## Payment:

Finder of property to pay cost of publication 2080.3 CCP

Owner to pay costs of storage and care of property 2080.1 CCP

Pawnbroker right to costs if no criminal complaint field by true owner 21647 B&PC

Return of found property after payment of costs 2080.2 CCP

Surrender of stolen property by pawnbroker 21647 B&PC

## **Photographs:** These must be photographed prior to release or destruction:

Property that is alleged stolen or embezzled property. Also use declaration of ownership form when releasing to owner 1413 PC

Phencyclidine (to be destroyed without court order). File affidavit with court within 30 days of destruction. 11479.1H&S

Suspected controlled substances and hazardous chemical (to be destroyed without court order) requires affidavit filed with court within 10 days of destruction 11479 H&S

#### Records:

Delivery of firearms to military or navy agency 12030 PC

Disposal of hazardous chemical over 1 ounce 11479 H&S

Photograph, sample, and court orders or affidavit stolen or embezzled property 1413 PC Photo, Declaration of ownership, and Court ordered release if taken pursuant to search

# warrant Regulations:

Adoption by public agency for disposition of found property 2080.6 CCP

Evidence locker, Hitch's motion (People vs. Hitch) 350 EC & 355 EC

Local regulation for care, restitution, sale etc., of unclaimed property 2080.4 CCP

#### Release: (also see return)

Declaration of ownership required for release 14139(b) PC

Firearms to person detained for metal exam 8102 WIC

Owners interest in vehicle 3071.5 CCP

Return of stolen/embezzled property to true owner 1408 PC

Seized property

Stolen property held by pawnbroker 21647(b) B&PC

Vehicle impounded for investigation of hit and run 22655 VC

Vehicle, boat or airplane11490 H&S

#### Reports:

Property reports to DOJ 11107 PC, 11108 PC

Stored vehicle report to DOJ when owner was not notified 22853 VC

#### Restoration:

Found or saved property to owner 2080.2 CCP

Vehicle and component parts with ID number removed 10751 VC

Weapons to lawful owner12028 (f) PC

## Retaking goods:

Generally 102 PC

Removing evidence or property from custody of officer 102 PC

Retention:

Certification to preserve weapons defined as nuisance 12029 PC

Firearms of official duties 12030 PC

Unclaimed property by public agency 2080.4 CCP

## Return: (also see release)

Controlled substance lawfully possessed 11473.5 H&S

Found or save property 2080.2 CCP

Motion to return property 11488.3 H&S

Seized property 114488.3 H&S

Stolen or embezzled property 1408 PC, 1411 PC

Stored vehicle 22853 VC

Weapon used without owner's prior knowledge 12028 PC, 12028(f) PC

#### Sale:

Disposal of lien sale proceeds 3073 CCP

Disposition of seized property sale proceeds 11495 H&S

Perishable personal property, etc. 2080.5 CCP

Personal property found or saved; adoption of regulation 2080.6 PC

Property found in course of employment 2080.3 CCP

Relinquishment of claim in forfeiture proceedings 11488.6 H&S (part 1)

11488.6 H&S (part 2)

seized property 11488.6 H&S

stolen or embezzled, unclaimed property 1411 PC

unclaimed property by local regulation 2080.4 CCP

vehicle or component parts with ID removed 10751 VC

vehicle lien sale 3068 CCP

vehicle lien sale; valuation of \$1,000 or less 3072 CCP

vehicle lien sale proceeds of seized vehicles 11495.5 H&S

weapons 12028 PC

## Statement: (See "Notice")

## Stolen property:

Disposition of stolen property 1407PC

Held by pawnbroker 21647 B. & PC

Return to owner of stolen property in custody of court 1409 PC

Return owner of stolen property not in custody of court 1408 PC

Return of stolen property to owner by court 1410 PC

Sale or destruction of stolen weapons 12028 PC, 1209 © PC, 12032 PC

Sale of stolen or embezzled, unclaimed property 1411 PC

Stolen property held by pawnbroker 21647 B&P

Unclaimed stolen property disposal 1411 PC

#### Storage:

Payment of storage cost(s) when claiming stolen property 1408 PC, 1409PC

Seized explosives 12353 H&S

Vehicle when owner cannot be notified 22853 VC

### Time requirements/limitations:

Affidavit upon destruction of controlled substances over 10 pounds and hazardous chemicals over 1 ounce 11479 H&S

Affidavit upon destruction of phencyclidine 11479.1 H&S

Annual inventory of county property 24051 GC

Delivery of unclaimed property 1411 PC

Destruction of lottery or gambling devices 335 (A) PC

Destruction of weapons (nuisances) 12028 PC

Disposal of vehicle to dismantler 22851.10 PC

Disposition of seized property 11488.5 H&S

Forfeiture hearing for vehicle, boat, or airplane 11499.1 H&S

Forwarding balance of lien sale to DMV 3073 CCP

Hearing for disposition of impounded vehicle parts 10751 VC

Hold placed on property in possession of pawnbroker 216487 B.& PC

Notice of claim and proof of ownership 1413 PC

Notice to DMV on vehicle seizures 10751 VC

Notification to DMV of removal of low-valued vehicle 22851.2 VC

Notification to DOJ of vehicle storage; no owner notification 22853 VC

Notice of sale of unclaimed property 2080.4 CCP

Notice of sale of found or saved property 2080.6 CCP

Notification of stored vehicles 22852 VC

Owner to claim found property 2080.3 CCP

Post-seizure hearing for vehicles 10751 VC

Processes on disposal of low-valued vehicle 22851.8 VC

Release of vehicle impounded for investigation of hit-and-run 22655 VC

Reports of DOJ 11107, 11108 PC

Restoration of found property to owner 2080.2 CCP

Return of firearms to person detained for mental exam 8102 & 8103 (f) (i) WIC

Return of property after motion 1538.5 PC

Return of seized explosives to petitioner 12354 H&S

Return of seized property 11488.3 H&S

Return of stolen or embezzled property 1411 PC

Return of stored vehicle 22853 VC

Sale or destruction of firearms 12032 PC

Sale or destruction of unclaimed property; local regulation 2080.4 CCP

Service lien sale of vehicles 3068, 3068.1 CCP

Stored vehicle return and notice 22853 VC

Vehicle lien sales 3071 CCP

Vehicle lien sale; valuation of \$300 or less 3072 CCP

#### Title:

Of found property vested to the finder 2080.3 CCP

Notice to vehicle title owners of post-seizure hearing 10751 VC

#### Toys/unclaimed:

County use in programs to prevent delinquency 217 WIC

### **Unclaimed property:**

Bicycles and toys 217 WIC

Disposition of unclaimed stolen property 1411 PC

Local regulations for care restitution, sale, etc. 2080.4 CCP

#### Vehicles:

Disposal of vehicle or parts with no ID 10751 VC

Disposal of lien sale proceeds 3073 CCP

Disposal of low-valued vehicle to dismantler 22851.10 VC

Disposition of low-valued vehicle not exceeding \$300 value 22851.2, 22851.8 VC

Forfeiture hearing for vehicle used transport 11499.1 H&S

Forms required by DMV for liens on vehicles 3067.1 CCP

Impounds for investigation of hit-and-run accidents 22655 & 22655.5 VC

Lien sales 3071 CCP

Lien sale; valuation of \$1,000 or less 3072 CCP

Loss of lien through trick, fraud, or device 3070 CCP, 22852 VC

Mobile home applicability 3067.2 CCP

Notice to DOJ of vehicle storage; no owner notification 22853 VC

Post-seizure hearings and time limits 10751 VC

Recovery of costs by lien holder; low-valued vehicles 22851.12 VC

Release by owner of vehicles interest 3071.5 CCP

Sale of seized vehicles 11495.5 H&S

Satisfaction of lien of vehicle exceeding \$300 value 22851.4, 22851.6 VC

Service lien 3068 VC

Seizure of vehicle used to transport 11490 H&S

Storage; notice; hearing 22852 VC

Weapons: (See also "Disposition", "destruction" and "Firearms")

Certification of weapons for retention 12029 PC, 12070 PC, 12072 PC

Court directed disposal of weapons and contraband 1417.6 PC

Delivery of firearms to military or naval agency 12030 PC

Destruction of destructive devices by DOJ 12307 PC

Destruction of machine guns by DOJ 12251 PC

Destruction of nuisances 12029 PC

Destruction of weapons filed in any criminal action 12032 PC

Domestic violence restraining orders 12021 PC, 547 CCP, 559 CCP

Notification of retention or destruction of firearms 12030 PC

Retention of official duties 12030 PC

Return of firearms to person detained for mental exam

Sale and destruction 12028 PC

## ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# PROPERTY & EVIDENCE CONTROL INSPECTIONS FORM

										Type o	of Inspection / Audit
											ANNOUNCED
											UNANNOUNCED
											SEMI-ANNUAL
Name o	f Pers	on Performing Ir	nspection (Designee)						Date of Inspection		Time of Inspection
Name o	Pers	on Interviewed	-								
	Α _					С_					
	в							Camtuallan			
	Ь —					EVIC	Jence	Controller			
Adminis	stratio	on and Operation	ons - Audit Factor								
YES	NO					YES	NO				
1.		Property Evide	ence is being logged in	nto the system as	9.				facilities provided for ry property during per		
	_								ot accessible are ope		
2. 📙	Ш		ence is placed under t em before an officer e					order.			
		duty.			10.			-	authorized personnel		
3.		Written Report	ts are completed with	information and				property?	the storage of in-custo	ody or ev	identiary
	_	description of p	property/evidence.		11.				reflect the status of a	Laronort	y hold by the
4.		Guidelines for	packaging and labelin	ng property/evidence		Ш	Ш	departme		i propert	y field by trie
		are clean and b	peing followed prior to	storage.	12.			The final	disposition of found,	cocovere	d and ovidentiany
5.		Extra security i	measures for handling	g exceptional,		Ш	Ш	1	is accomplished withi		
			ensitive items are in pl					requirem	ents have been satisf	ied.	
			opriately. [money, pre cotics, body fluids.]	cious metais,	13.				en directive establishi		
6. 🗆		Has there beer	n an effort to identify a	and notify the				-	es used for the collec ig physical evidence i		-
о. 🗀		owner of the pi						valid.	g priyologi ovidorioo i		a to dan one and
7 🗆		Are the establis	shed procedures for t	he temporary and	14.			Personne	el have access to equ	ipment a	nd supplies used
* .		final release of	f property/evidence be	eing followed?					ssing crime scenes, ints, photography, sket	_	
8.			property and evidence	s is stored within					and preservation of	_	
		designated, se	cure areas.								
Comme	nts: [/	Any audit factor r	not meeting requirement	ents shall be explained	I. Incl	ude c	ase n	numbers tha	at were reviewed and	actions t	aken.]
Audit M	eets	Requirements:	Print Name (Last, Fir	rst, Middle) and Signat	ure of	Pers	on Pe	erforming In	nspection/Audit Nu	ımber of	Additional Pages
ים	/ES	□ NO							Att	ached:	

## ATTACHMENT B

CASE NUMBER (DEPARTMENT)	THE PARTY OF THE		RY EXAMINATION REQUES
UNDER (DEPARTMENT)		UNIT REQUESTING	DATE OF THIS REQUEST
COMPLAINANT / VICTIM		[LABORATORY NUMBER	OTHER NUMBER
DATE EVIDENCE BOOKED		SUSPECT	CHARGE
		EVIDENCE IN CUSTODY OF	NUMBER OF SPECIMENS
	DESCRIPTION	OF EVIDENCE AND REQUESTE	D EXAMINATION
		E INITIAL NARRATIVE POLICE REPORT SHALL BE ATTACHED TO	
			DATE RESULTS NEEDED
			REASON FOR REQUEST:
			REASON FOR REQUEST:
			REASON FOR REQUEST:  M.C. TRIAL REBOOKING ORDER OF D.A. S.C. TRIAL
			REASON FOR REQUEST:  M.C. TRIAL REBOOKING ORDER OF D.A. S.C. TRIAL Y.G.C. PRELIM, HEAR
			REASON FOR REQUEST:  M.C. TRIAL REBOOKING ORDER OF D.A. S.C. TRIAL.
QUESTED BY:		APPROVED BY:	REASON FOR REQUEST:  M.C. TRIAL REBOOKING ORDER OF D.A S.C. TRIAL Y.G.C. PRELIM. HEAR
EQUESTED BY:		APPROVED BY:	REASON FOR REQUEST:  M.C. TRIAL REBOOKING ORDER OF D.A S.C. TRIAL Y.G.C. PRELIM. HEAR
	STAR		REASON FOR REQUEST:  M.C. TRIAL REBOOKING ORDER OF D.A S.C. TRIAL Y.G.C. PRELIM. HEARI OTHER
QUESTED BY:	STAR	APPROVED BY:	REASON FOR REQUEST:  M.C. TRIAL REBOOKING ORDER OF D.A S.C. TRIAL Y.G.C. PRELIM. HEAR OTHER

### ATTACHMENT C

San Francisco State University Police Dept.	10/10/2006
Property Invoice and Return Case #: 1279	Page 1 of 1

Property Owner Name:

**BENJAMIN, VERONICA MAY** 2456 VIA DIEGUENOS

ALPINE

CA 91901

07/18/1988

619-445-9800

**Article** Serial # Location Item ID Brand Model **Seizure Location** Description

> APPLE Apple 2.0 GHz 15-inch MacBook Pro Laptop Computer

LAPTOP MACBOOK PRO

W86164TKVWW

S/B LK MERCED AT SO. STATE DF

EXAMPLE

Release Date:	Owner Verification ID (Type/#):
Print Owner Name:	Item Numbers Released:
Address:	Released By:
City/State/Zip:	This is to certify that I have received from the San Francisco State University Police Dept. the above property. Pursuant to Section 1413 P.C., I certify under penalty of perjury that I am legal owner of the
Telephone Number:	described property.  Signature:



NUMBER:4-4

APPROVED: Regisal Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Sept. 12, 2005, Oct. 10, 2006, May, 2,

2007, Sept. 8, 2008, Feb. 13, 2009,

REVIEWED/REVISED: May 22, 2009, Apr. 21, 2011, Oct. 12, SUPERSEDES:

2011, Jan. 22, 2016, Dec. 16, 2019

SUBJECT: COLLECTION AND PRESERVATION OF EVIDENCE

I. PURPOSE: To establish guidelines for identifying, collecting and reserving evidence at crime scenes.

II. POLICY: It is the policy of this Department to ensure that all crime scenes are processed thoroughly and evidence is collected to aid in the eventual prosecution of offenders. The effective exercise of law enforcement responsibility in the investigation of crime and in the prosecution of offenders requires that information be obtained through the application of scientific knowledge and methods.

#### III. DEFINITIONS:

- A. Evidence: Is any property related to a crime that may implicate or vindicate a person from a criminal charge. Any item, substance, or material may be deemed as "evidence" and can be held for minor to severe offense(s).
- B. Evidence Controller: The person assigned to be accountable for all evidence or property held for safekeeping until its final disposition.
- C. Found Property: Is property which is lost or abandoned and is not known to be or suspected to be connected to a criminal offense. Refer to General Order 4-13 for information regarding Lost and Found Property.
- D. Owner Applied Number [O.A.N.]: The number applied by any person other than the manufacturer, which identifies a product as unique from all other products of the same model and manufacturer. O.A.N. may include, but is not limited to, driver's license number, social security number, or state tag number.
- E. Property for Safekeeping: Any property not related to a crime placed in the custody of this department for temporary protection, or in an effort to determine legal ownership pursuant to Penal Code Section 1412. Property for Safekeeping will be booked using the same procedures as specified for evidence. It includes property voluntarily turned in by its owner for destruction (frequently ammunition or firearms). Firearms can also be held pursuant to Penal Code 12028.5 et. Seg., or Welfare and Institution Code Sections 8102-8203. Personal property or any other item which is seized pursuant to a detention for Welfare and Institution Code 5150 may also be held for safekeeping under Government Code 29940- 26642.
- F. Property Seized Pursuant To A Search Warrant: Is any property seized pursuant to a court

- ordered search warrant (PC 1535, 1536). These seized items shall be held indefinitely until the court orders the items released, destroyed, or turned over to the court.
- G. Serial Number: The number applied by the manufacturer that identifies a product as unique from all other products of the same model and manufacturer.
- H. Property Room software: The software program used to assist in maintaining the chain of custody of all departmental evidence, lost and found property, and property for safekeeping.
- I. Barcode: A printed label that is physically attached to a piece of evidence noting a case number, evidence number, and a brief description of the evidence.
- J. Hand Wand: Is an electronically hand held device that reads barcode labels and is used in conjunction with the Property Room software to maintain evidence.

#### IV. PROCEDURES:

- A. Crime Scene processing personnel:
  - 1. Generally, the Patrol Officer assigned to the preliminary report shall process a crime or accident scene.
  - 2. The Commanding Officer of Investigations shall act as the on-call Investigator.
  - 3. For major crime scenes, the San Francisco Police Department Crime Scene Investigation Unit can be utilized at the discretion of the Commanding Officer of Investigations.

## B. Crime Scene Processing:

- 1. Field Evidence Operations:
  - a. The first officer on the scene will secure the scene and limit entrance to necessary personnel only.
  - b. The Shift Supervisor will determine whether the scene is to be processed by patrol personnel or SFSU Detectives based on the seriousness of the crime.
  - c. The Officers/Detectives at the scene shall:
    - 1) Control crime scene using natural barriers or crime scene tape.
    - 2) Maintain a crime scene log.
    - 3) Conduct a preliminary scene survey.
    - 4) Complete crime scene sketch.
    - 5) Photograph the scene and evidence.
    - 6) Video tape crime scene and evidence.
    - 7) Collect, mark, package and label evidence.
    - 8) Enter evidence into RIMS.
    - 9) Book all evidence.

#### 2. Preliminary Scene Survey:

a. Once medical aid has been provided to the injured and no suspects remain on scene, Officers/Detectives will conduct a preliminary scene survey to include:

- 1) Observe crime scene (don't touch).
- 2) Determine nature and extent of the crime scene.
- 3) Determine location of evidence.
- 4) Determine order of collection.
- 5) Establish best working route.
- 6) Note all existing conditions (lights on/off, windows open/closed, etc.).
- 7) Note items out of place or damaged.
- 8) Note relationship between items.
- 9) Create an initial rough sketch.

### 3. Crime Scene Sketch:

- a. Detailed crime scene sketches are normally prepared only in major crimes.
- b. Sketches should include:
  - 1) Time and date of preparation.
  - 2) Location of the crime scene.
  - 3) Location of evidence.
  - 4) Location and names of victims, witnesses, and suspects (if applicable)
  - 5) Relationships of the crime scene to other rooms, buildings, roads, etc.
  - 6) Name of person preparing sketch.
  - 7) Direction of north.

# 4. Photographing the Scene:

- a. Prior to evidence collection, overall and close-up photographs of the evidence should be taken from several different locations.
- b. Photograph the surrounding area thoroughly.
- c. Use ruler/yard stick to show size or distance of evidence in relation to other items or fixed objects.
- d. Use numbered cards or markers to identify types and locations of evidence.
- e. Use chalk or paint to outline subject matter.
- f. The officer should attempt to include two items of evidence into the field of view, if possible, as well as a common item such as a desk, chair, etc.
- g. Close-up shot should include a scale device (ruler, dollar bill, etc.).
- h. Photographs (digital images) information entered into RIMS shall include:
  - 1) Date and time photograph was taken.
  - 2) Person taking the photograph.
  - 3) A brief description of the content in the photograph.
  - 4) The case number.
  - 5) Note in the narrative section of the report that photographs were taken and entered into RIMS.
  - 6) Refer to the RIMS Report Manual for Patrol for detailed instructions.
- i. Photographs, both conventional and digital (cd, dvd or any other digital media

device) will be booked into evidence. (Guidelines are to be followed as outlined in section IV, C, 6, b and 7, a-d)

## 5. Video Taping the Scene

- a. Some major crime scenes should also be videotaped (without sound).
- b. The videotape should record the condition of the scene, victims, witnesses, and suspects, and collection of the evidence.
- c. Note in the narrative section of the report that the crime scene was videotaped including the date, time, and person filming.
- d. The videotape will be booked into evidence.

## C. Collection of Evidence:

- 1. Officers will book only that quantity of evidence necessary for case prosecution and it shall be booked into evidence as soon as possible.
- 2. Officers shall wear disposable gloves when collecting evidence to avoid contamination.
- 3. Materials and substances shall be collected from known sources, whenever available, for submission to the laboratory for comparison with physical evidence collected [i.e. hairs, fibers, paint, glass, wood, soil, and tool marks].
- 4. Samples for comparison should be collected from known sources where fractures have occurred [i.e. glass, wood, paint, and metal].
- 5. Fingerprint Processing:
  - a. Obtain fingerprints, using a black ink pad, from all relevant persons for purposes of elimination.
  - Decide whether to process latent prints at the scene or to package the item for laboratory processing.
    - 1) Smooth surfaces are the easiest to process for fingerprints.
  - c. Choose a fingerprint powder that is a contrasting color to the surface being processed (black, grey, or white). This department primarily utilizes volcanic (oxide) & magnetic powder.
    - 1) Volcanic (oxide) powder is used on paper products, wood, painted non-metallic and painted metallic surfaces.
    - 2) Magnetic powder is used on paper, wood, plastic, painted non-metallic, glass, porcelain, and china surfaces
  - d. Fingerprint powder should be lightly applied utilizing circular motions with the brush to pick up the circular patterns of latent prints.
  - e. The latent prints should be lifted utilizing transparent tape applied evenly to prevent air bubbles. The transparent tape with the latent print should be carefully removed and placed on a lifter card.

- f. The lifter card should be marked with the following information:
  - 1) Location
  - 2) Sketch of the location where the latent print was lifted.
  - 3) Case number
  - 3) Date and time
  - 4) Officer's name and star

## 6. Marking Evidence:

- a. Any item of evidence will be marked for later identification with the following exceptions:
  - 1) The item bears a serial or O.A.N. Item(s) shall not be dismantled to locate these numbers.
  - 2) The item can be easily identified by its original or distinctive markings.
  - 3) Marking the items would destroy its evidentiary value.
- b. Evidence should be marked in the following manner:
  - 1) Make mark(s) as small as practical.
  - 2) Make the mark distinctive and recognizable to the person making the mark (i.e. initials, badge number).
  - 3) Spent cartridge cases may be marked on the inside or outside of the case near the opening.
  - 4) Bullets may be marked on the base.
  - 5) Documents shall be marked by placing the case number, in ink, on the front upper right hand corner of the document and initial the reverse side of the document.
  - 6) When marking the item is impractical, it will be packaged, sealed, and labeled.

## 7. Labeling and Packaging Evidence:

- a. All evidence should be appropriately labeled. Multiple items being booked together shall have specific descriptions and quantity. Officers should avoid using general descriptions such as a "bag of miscellaneous jewelry" or a "box of CD's."
  - 1) Officers shall individually book items in separate evidence envelopes (i.e. cash, documents, narcotics, latent prints).
- b. All items should be entered into RIMS associated with the case number. Refer to the RIMS Report Manual For Patrol for detailed instructions.
- c. When selecting a suitable container for a particular piece of evidence, several basic factors should be considered:
  - 1) Officer should use clean containers or packaging materials.

- Certain types of articles should be maintained in a flat condition. Questionable documents should be left in its original condition (folded or unfolded) unless absolutely essential.
- d. Items for comparison should be packaged so not to alter or damage important characteristics or impressions.
- e. Large items should have a barcode label that may be attached by string, wire, or peel off method (i.e. bikes, tires, vehicle parts, long gun type weapons).
- f. Alcoholic beverage containers shall be photographed at the scene and disposed of in an appropriate manner.
- g. Firearms taken into custody will be handled in the following manner:
  - 1) Ammunition will be packaged in soft tissue and placed in an envelope. Ammunition will be packaged separately from firearms.
  - 2) Packages with live ammunition will have the words "LIVE AMMO" written on the outside.
  - 3) Officers will ensure the firearm is unloaded and safe for handling.
  - 4) Officers unfamiliar with the operation of a weapon will seek assistance from another officer more familiar with the weapon's function. Officers will use the load barrel when unloading a weapon located in both locker rooms.
  - 5) Note original condition of weapon in the report, including position of magazine or cylinder, position of the safety, position of the hammer, and the position of live/empty rounds in the weapon.
  - 6) All weapons coming into custody will be checked through AFS Automated Firearms System, and NCIC – National Crime Information Center, to check for wants and registration information. AFS and NCIC teletype will be attached to the report.
  - Packages with firearms will have the words "Firearm" written on the outside of the package.
  - 8) Only a weapon's empty magazine and holster may be packaged with the firearm. Loaded magazines will not be stored in the weapon and shall be packaged separately from the fire ammunition. Ammunition already in a magazine shall be left in the magazine. As latent prints can be recovered from the ammunition.
  - 9) Long gun type weapons need not be packaged. These weapons should have the action, breech, bolt, or chamber left open when practical.
  - 10) Generally, weapons involved in a homicide or death will be handled by SFPD Investigations Unit. Such weapons shall not be modified from its original condition. Officers will ensure that the weapon is safe and secure until turned over to SFPD.
  - 11) If, for any reason, this department is required to package a loaded firearm, the words "LOADED FIREARM" will be written on the outside. The officer should attempt to place the "loaded" firearm in a "safe" condition to prevent accidental discharge.
  - 12) A firearm, held for latent prints or other scientific examination, should be handled with extreme care to preserve such evidence.

- h. Knives and sharp instruments will be packaged in the following Manner:
  - 1) Blades and sharp objects shall be packaged to eliminate hazard to others.
  - 2) Pocket knives will be packaged in the folded position.
  - 3) Fixed blade knives and razor blades will have strips of cardboard taped to either side of the blade.
  - 4) Ice picks will be packaged with a piece of cork, or like material over the point. If cork is not available, cardboard can be folded over the tip and held in place with tape.
  - 5) Syringes or hypodermic needles will be placed in a syringe tube.
  - 6) Officers will print the words "KNIFE", "RAZOR", "ICE PICK" or "SYRINGE", on the outside of the packaging.
- i. Blood and urine samples taken for alcohol or drug analysis will be taken in accordance with the procedures outlined on the blood evidence envelopes/urine analysis evidence bottle.
  - 1) Requesting officer will witness the withdrawal of the blood sample.
  - 2) Officers will wear latex gloves when handling blood/urine samples.
  - 3) When the blood/urine sample has been collected, the officer will place the vial/bottle in the evidence envelope and seal it with the seal provided with the evidence kit.
  - 4) Officers, within 6 hours of collection, shall book the evidence at the SFPD Crime Lab.
- j. Evidence of sexual assault will be taken in accordance with the procedures outlined on the Sexual Assault Evidence Kit.
  - 1) When Sexual Assault examination has been completed and evidence has been obtained, the sexual assault kit is maintained at San Francisco General Hospital. The SFPD Crime Lab staff will pick up the sexual assault kit.
  - 2) Officer(s) collecting cloth material (clothing, bed sheets, towels, etc.) containing wet blood, semen, or chemical stains, will air dry these articles before placing them into a clean paper bag. Each item will be packaged separately to avoid contamination and properly booked into evidence.
- k. Glass fragments will be placed in an envelope and have the word "GLASS" written on the outside.
- I. U.S. coins and currency will be placed in a coin evidence envelope and sealed.
  - 1) All money will be counted in the presence of two sworn police officers prior to packaging.
  - 2) The verified total of U.S. coin and currency will be written on the outside of the envelope and initialed by both the collecting officer and witnessing officer.
- m. Small valuable items will be packaged in a small envelope separately from other

items.

## 8. Packing Narcotics:

- a. In all cases where narcotics are taken as evidence, an SFPD case number and lab number will need to be obtained by dispatch. Both case numbers will be noted in the narrative section of the report and in the property sections of RIMS.
- b. All narcotic substances will be weighed in grams or pounds and photographed prior to packaging. Specify if measurement is taken with or without container. The verified total weight will be written on the outside of the envelope and initialed by the collecting officer.
- c. The seizing of large quantities of controlled substances should be carefully evaluated due to the potential hazards (i.e. harmful vapors, explosive chemicals, or flammable/combustible material).
  - 1) A small sample will be packaged and booked at the SFPD Narcotics/Drug lab while the remainder will be secured in a temporary evidence locker.
  - 2) The on duty Watch Commander will notify the respective agency and request assistance when a situation exists beyond the resources of this department (Hazardous Chemical Team, San Francisco City Fire Department, SFPD SID, etc.).
- d. Marijuana and/or Hashish, if possible, should be kept in its original container (minus the small sample used for field testing) and shall be placed in an SFPD Narcotics envelope. In the event that the container of the contraband is too large or cumbersome, the substance will be placed in a smaller "paper" envelope. If there are multiple bags of marijuana, hashish, or other drugs the officer will itemized each baggie/container in the appropriate space provided on the front of the envelope. That envelope will then be placed inside an SFPD Narcotics envelope. The bulky container will be placed in the SFSU PD evidence room.

The officer will need to draw an SFPD case number and lab number. Only one SFPD case and lab number per case is needed for multiple items of Narcotics evidence taken per SFSU PD case. The SFPD Narcotics envelope will be booked at the SFPD Narcotics/Drug lab, located on the basement floor of the Hall of Justice, next to the property room (Rm. G25).

- 1) Marijuana in plant form. When Marijuana is located as evidence in its natural growing state, the plant should be photographed where the plant is located prior to taking the item as evidence. The Plant must then be pulled out of the growing container and placed in a "PAPER" bag or breathable paper container that allows the plant to dry out thus preventing decomposition. DO NOT PUT MARIJUANA IN PLANT FORM IN A SEALED PLASTIC BAG.
- e. Toluene or similar substances when not in a sealable container will be packaged in an airtight glass container. The container will then be enclosed in an SFPD

- Narcotics/Drug envelope and booked at the SFPD Narcotics/Drug lab.
- f. Heroin, cocaine, and other drugs, if possible, should be kept in its original package or container (minus the small sample used for field testing). The package shall be enclosed in a SFPD Narcotics envelope and booked at the SFPD Narcotics/ Drug lab, located on the basement floor of the Hall of Justice, next to the property room (Rm. G25). If there are multiple bags/containers of drugs the officer will itemize each bag/container in the appropriate space provided on the front of the envelope. Only one SFPD case number and lab number is needed for multiple items.
- g. Phencyclidine (PCP) or its analogs will be handled with extreme caution.
  - 1) Avoid unnecessary contact with the container or with cigarettes dipped in PCP.
  - 2) Handle PCP containers or cigarettes with protective gloves.
  - 3) Place the container of PCP into a plastic evidence bag as soon as practical. Seal the container and contents in at least two (2) sealed plastic evidence bags.
  - 4) Enclose evidence bag containing PCP in an SFPD Narcotics envelope and booked at the SFPD Narcotics/Drug lab (Room G25).
  - 5) Keep PCP containers or cigarettes away from workspaces as much as possible. Keep work areas well ventilated.
- h. In the event money is taken as evidence, (i.e. drug sales) officers are to book the money into evidence.
  - 1) The Investigations unit will contact the San Francisco District Attorney's Office and advise them of the money evidence seized.
  - 2) The Detective will obtain a D.A. tracking number when there is sufficient money for asset forfeiture and note the tracking number in the supplemental report.
  - 3) The Detective shall book the money using the already assigned SFPD case number at the SFPD property room on behalf of the District Attorney's Office.
  - 4) The Detective shall obtain an SFPD property receipt with the D.A. tracking number on it.
- 9. Items Requiring Special Handling or Processing:
  - a. Explosive substances:
    - 1) Employees will not handle confirmed or suspected explosive substances or devices. Calls concerning possible explosive devices will be referred to the SFPD Bomb Squad. The Bomb Squad will assume custody of all evidence, and/or material. This department will secure a copy of any report written by the SFPD specialist involving incidents on this campus.
    - 2) Safe explosive substances, those items determined by the explosive specialist as safe, will be booked in the same manner as other property. Packages containing a "Safe" explosive substance will have the type of material written in

- on the outside of the package.
- 3) The following explosive substances are considered safe to be booked without the inspection of a Bomb Specialist:
  - a) Fireworks in small quantities.
  - b) Ammunition and blank or saluting cartridges up to but not including .50 caliber.

### b. Hazardous Materials:

- 1) Employees will not handle any chemical or mixture of chemicals, which may be toxic, corrosive, volatile, explosive, or flammable and pose any risk to public health or safety.
- 2) Environmental Health & Safety shall be notified, as well as the San Francisco Fire Department. A Hazardous Material Team will handle calls involving these materials. HazMat Specialists will assume responsibility for all handling of these materials unless the specialist determines them to be safe.
- 3) This department will secure a copy of any report written by the SFPD or SFPD HazMat Specialist involving incidents on this campus.
- 4) Employees shall never book hazardous materials into the department's evidence system.
- 10. DNA evidence collection and preservation. DNA evidence will be collected and properly packaged using extreme caution.
  - a. The following individuals can collect DNA evidence
    - 1) Patrol Officers having completed any basic evidence collecting training related to the collection of DNA evidence.
      - a) If the Watch Commander requests for Detectives or CSI Units from another agency to respond to collect DNA evidence, the Patrol Officer will be responsible for the crime scene and prevent any contamination of the evidence until the appropriate person arrives on scene.
    - 2) Any Detectives having completed any basic or advanced training related to the collection of DNA evidence.
    - San Francisco Police Department CSI unit or any other agencies with the approval of the Chief of Police and or the Investigations Division Commander.

# b. Collecting DNA evidence

- 1) Officers are encouraged to use safety equipment such as latex gloves to prevent exposure to blood-borne pathogens.
- 2) Officers, collecting items containing DNA evidence (clothing, bed sheets, towels, etc) shall insure the evidence is dry before placing them into a clean

- paper bag. Each item will be packaged separately to avoid contamination, entered into RIMS and have a barcode label printed that is affixed to the exterior of the bag.
- 3) The officer shall book the evidence at the University Police Department in an evidence locker.
- c. Storing and Transporting DNA evidence
  - 1) DNA evidence should never be stored or left in patrol vehicles for an extended length of time.
  - 2) All DNA evidence should be transported to the SFPD Crime Lab as soon as possible.
  - 3) A "Laboratory Examination Request" form shall be completed and submitted at the time the DNA evidence is released to the SFPD Crime Lab.

# D. Evidence Processing Equipment:

- 1. Equipment and supplies required for processing scenes, collecting and preserving physical evidence, and investigating accidents are available to all officers and are stocked in the squad room. The Commanding Officer of Investigations is responsible for insuring supplies are replenished and maintained in a state of readiness for all officers
- 2. Crime scene processing equipment that is available for use includes:
  - a. Fingerprint kits containing volcanic (oxide) and magnetic powders, brushes, tape, and lift cards are issued to each officer.
  - b. Digital cameras shall be checked out at the beginning of each shift and kept in the patrol vehicle during the watch.
  - c. Crime scene sketchpads, rulers and templates are available in the squad room.
  - d. Packaging and collection materials such as plastic and paper bags of various sizes, envelops, plastic containers, and marking pens are also in the squad room.
  - e. The casting kit, NIK tests, trace solutions and other evidence gathering equipment will be maintained in the squad room.
- 3. NIK tests shall be performed outside and at the rear of the station in the sally port.

NOTE: ALL OFFICERS MUST HAVE FIRST VIEWED THE NIK TRAINING VIDEO BEFORE PERFORMING ANY NIK TESTS. THIS TRAINING SHALL BE DOCUMENTED IN WRITING AND MAINTAINED IN THE DEPARTMENT TRAINING FILES.

- a. A "Presumptive Testing Procedural Checklist" form (Attachment D, see below) and a "Field Test Kit" Form (Attachment E, see below) shall both be filled out by the officer conducting the NIK test.
  - 1) A copy of both forms shall be attached to the police report and the original

forms booked into UPD Property as evidence.

- b. Eye, face and hand protection shall be worn when conducting a NIK test.
- c. Once results have been obtained, the NIK test shall be discarded in the Hazardous Waste receptacle labeled "SPENT NIK KITS" (kept in the sally port.) EH&S will check the container once a month to gauge the disposal.
- d. Any test that reacts in such a way that is not deemed normal shall immediately be brought to the attention of the on-duty watch commander, who will then notify the Division Commander.
- e. Any unplanned or accidental exposure to NIK test chemicals/suspected drug shall immediately be brought to the attention of the on-duty watch commander, who will then notify the Division Commander. The incident shall be documented in a separate report and a case number assigned.

### E. Documentation:

- 1. The reporting officer will note in the narrative who processed the crime scene and what forms of processing occurred.
  - a. Note in the narrative if photographs were taken and if a sketch was made.
  - b. Note in the narrative if the scene was processed for fingerprints.
  - c. Note in the narrative if no evidence was recovered after processing or if the scene could not be processed due to contamination.
- 2. The officer who processes the crime/accident scene will prepare a log of each item of evidence recovered at the crime scene.
  - a. The log will list each item numerically as it is recovered.
  - b. A description of each item of evidence recovered will also be noted.
- 3. Each item of evidence recovered or seized will be entered into RIMS.
- 4. The transfer of custody of all evidence shall be documented via property room utilizing the hand wand in a narrative or supplemental report.

## F. Forensic Laboratory analysis:

- 1. Generally the SFPD Crime Lab will be utilized per the MOU between the SFPD Police Chief and the SFSU Police Chief. Private lab service may be contracted at the direction of the Chief. Sketch artists may be utilized from various agencies.
  - a. The Detective assigned to the case will be responsible for maintaining the chain of evidence and safeguarding the delivery to the lab for analysis.
  - b. Evidence will be properly released to the crime lab in accordance to procedures set forth in G.O 4-3.
  - c. The methods for packaging and transmitting the evidence to the lab will conform to the department's and the laboratory's requirements. The package will be sealed and secured and physically maintained by the investigator at all times.

- d. Documentation to accompany the evidence to the lab shall include the appropriate form for the type of analysis requested and a copy of the department's property/evidence form.
- e. The Officer will request the release of the items to be delivered to the Lab from the Evidence Controller/Investigations Division 24 hours in advance if possible. This transaction will be logged into RIMS and can be monitored via the audit tab in the RIMS property management.
- f. All evidence shall be properly checked-in and checked-out in accordance to procedures set forth in G.O 4-3.
- g. Signatures and receipts will be obtained anytime there is a transfer of control to ensure maintenance of the chain-of-custody.
- h. All evidence that is submitted for lab analysis and examination shall include the stipulation that the results be submitted in writing with the exception of drugs. Per SFPD lab policy, for drug rebooks no results are sent back on misdemeanor drugs cases unless there's an exceptional circumstance such as felony drug analyses report sent directly to the San Francisco District Attorney for rebooking or at the discretion of the District Attorney's Office.
- i. The Commanding Officer of Investigations or his/her designee shall complete SFPD request form for lab analysis.

#### V. APPENDIX: None

### VI. ATTACHMENT:

- A. Claim Property Form
- B. S.F. State University NIK Test Safety Training
- C. Training Roster
- D. Presumptive Testing Procedural Checklist
- E. Field Test Kit Form

### ATTACHMENT A

Date:



notice.

Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# **NOTICE TO CLAIM PROPERTY**

Dear	
You are hereby notified that the following item(s) that may	e San Francisco State University Police Department is holding belong to you:
Evidence:	
☐ Found Proper	<u>ty:</u>
	eld for six months from the date of notice pursuant to Section 2080.9 of the ivil Code, item(s) not claimed will be disposed of in accordance to policy.
☐ Property for S	Safekeeping:
Items will be	e held for no more than 60 days from the date of notice, item(s) not claimed osed of in accordance to Section 2080.10 of the California Civil Code.
Other:	
Case Number:	Bar Code Number(s):
Item(s) Description:	
	30 Day Notice
nis is an official 30 day noti	ice to contact this department and/or claim your property.

### **Claim Appointment**

Failure to contact this department and/or claim your property within 30 days will result in the destruction of the listed property. This department will not be liable or financially responsible for those items destroyed as a result of failure to comply with this 30 day

Please call (415) 338-2306 to make an appointment to claim your property.

Address: San Francisco State University

Police Department 1600 Holloway Ave

San Francisco, CA 94132

**Appointments:** Monday through Friday, 8:00 A.M. to 5:00 P.M.

\*\*\*Please BRING this form and Proof of Ownership to claim property.

ATTACHMENT B

# S.F. STATE UNIVERSITY NIK TEST SAFETY TRAINING

# **General Testing Procedures**

### Tablets or other hard materials-

Crush a part of the tablet into powder and insert into the test pouch

## Capsules-

 Open the capsule, remove part of the powder and insert into the test pouch

#### Powders-

 Insert powder directly into the test pouch (start with a circle about the size of eraser side of a pencil then add more if needed)

#### Plant Material-

Begin testing with Test "E", use only a few leaf fragments

### Suspected Black or Brown Tar Heroin-

Begin testing with Test "L"

## Liquids-

- NIK Tests are NOT designed for use with liquid samples.
- O However, liquids may be tested by placing the tip of a NIK substance loading device or a ½" square piece of paper into the liquid. Remove and allow to air dry. Place the dry paper into the test pack and proceed with the test as instructed. (Note: The choice of paper is critical. Unscented, uncolored filter paper is ideal. Never use brown paper, hand towels or newsprint.)

# NIK TEST SAFETY PRECAUSIONS

### Neutralization:

 Many of the tests contain strong acid(s) or bases. Always insert a portion of Pack "F" (Acid Neutralizer) into the test pack after testing and before disposal of the used test pack. Once an ampoule has been broken, no attempt should be made to further crush the glass or tablet remnants.

## • Exposure:

 In the event that a test pack or chemical is ingested, seek immediate medical attention. If chemicals come into contact with the skin or eyes, wash the skin thoroughly with soap and water. Flush the eyes with water and seek immediate medical attention. MSDS are available in the UPD Hazard Communication Binder.

# Storage:

 Store NIK Tests in a cool dark area. Heat will speed up the action of the chemicals in each test and extreme cold will slow them down. Appropriate care should be exercised. Do not store in direct sunlight.

# Disposal:

- Disposal of NIK Tests must be done in accordance with all federal and state environmental laws.
- Place used NIK Tests in designated bucket labeled "Spent NIK Tests" for the EHOS department to properly dispose of.

# **FOR YOUR SAFETY**

# • Personal Protective Equipment:

 For your safety, please wear protective gloves and eye protection while conducting NIK Tests.

# Testing Location:

 For your safety and the safety of others, SFSU UPD and EHOS has designated a NIK test location outside of the UPD station in the sally port.

# • Breaking the Chemical Ampoules:

Care should be taken when breaking the glass ampoules in each test. Each test includes a plastic "harness" that serves to hold the ampoules in place and protect the user from injury. Press firmly in the center of the harness to break each ampoule. Once the glass has broken, do not continue to crush the glass ampoules as a shard may puncture the pouch and result in injury.

# ATTACHMENT C

# San Francisco State University Environmental Health & Occupational Safety

## Page\_\_\_of\_\_\_

# SAFETY TRAINING DOCUMENTATION EMPLOYEE TRAINING SIGN-IN SHEET

Th	is form is to be utilized by Environmental He	alth & Occupational Safety to	o document the Safety	training of employees

Name of Trainer:	Trainer Signatur	e:	Date of Training:	
Subject(s) Covered: Hazard	Communication *Meets all necessar	ry requirements of 29	CFR 1910.1200 a	nd California Title 8 CCR 5194
Training Aids Used:				
	sign your name legibly. Use addiod the training listed above and wi			
Print Name	Employee ID Number	Department	Phone	Signature
1				
2				
3				
4				
5				
6		·		
7	_			
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19	_			

# ATTACHMENT D



Police Department - 1600 Holloway Avenue - San Francisco, California 94/32-4065 - Tet: 4/55505-7200 - Par: 4/55505-1925



# **Presumptive Testing Procedural Checklist**

Date of Turident
Case Number:
Lab Number.
Suspent(a) Name(a):
Officer Name (Print) & Star:
Scalles's Serial Number & Chite of Last Accuracy Check:
Checklist (Check the appropriate boxes)
Presumptive Test
☐ Officer conducted presumptive test
Presumptive test conducted first, and then the item was weighed.
☐ The device used to collect the sample was discorded.
☐ The presumptive kit was dispused of property
No Presumptive Test
Officer did not conduct presumptive test
The seized item was pills/tablets (exception exstary)
☐ The seized item was mulijuma
Due to a lack of evaluability of Test # (indicate which test leit was massaibble)
☐ The quantity of the sample size was too small
☐ Other:
Scales
An strokal mips was used to clean the surface of the scale
☐ The scale was zented (0.0g) by greening "Tate" Button/"Zero" Button.
Apiece of paper was used to protect the scale's surface/prevent contamination.
☐ The scale was zented again (0.0g) by pressing "Ture" Button/"Zero" Button
☐ The substance was weighed and a Sergent, Inspector, or other Officer verified the weight
Field Test Kit Form
☐ The witnessing Sengerat, Inspector, or other Officer has signed the form
☐ The Field Bot Kit Form was enclosed in a Property for Identification covelage and bushed into evidence
☐ Aphintocopy of the Field Fast Est Form was attached to the report
Presumotive Testing Procedural Checklist
☐ The Prescriptive Rating Procedural Circulist Force was enclosed in a Property for Identification envelope and booked into
evidence
☐ A plantucopy of the Presemptive Hesting Proceedural Checkfirst Form was attached to the report
Analyzed Evidence Envelopes
The controlled substance is enclosed in an Analyzed Buildence envelope
Did you indicate on the envelope under "Special Instructions to Chemist":
Armet, Field Tested, Position for (fact the substance)  Armet, Field Test, Incombusion  Armet, Net Field Tested
Appropriate members have placed their initials and star numbers in the corresponding stamp

# ATTACHMENT E



Police Department - 1680 Holloway Avenue - San Francisco, California 94132-4045 - Tet. 415558-7288 - Par. 415538-1926

# Field Test Kit Form



Date		Insident Case Nu	nber	Lab Number	
Defendant	Other Agency 1		nber	Charge	
		NIK T	est Kit Results		
Rabibit Number	Sabibit Number Weight (gram) Green (weight of sabatons + channel puckaging)				
☐ The form o	nish, Hash oil & THC of the substance would in cutions (i.e. pungent min	dicate marijuma (		ı	
Calar (9) i	rside of test kit after test		-		
Cocaine, Cocain	e HCL, Crack Cocai	ne, Cocaine Ba	iste (Use Kist C)		
	of the substance would in if substance would indica cutions				
	mide of test hit after test_				
☐ The form of two powde	r	dicate benin (a b		substance, a brown tiquid, or	ra
Methamphetami	me (Use Kit II)				
☐ The form of material or ☐ Other inch	of the substance would in white to tan powder)		ekamine or ampheb	mine (a white crystalline	
☐ Other indi	rould indicate ecolory (to	ibleta, capsules, o	r en off white to te	s powdes)	
Conclusion					
Positive fire:	Cocurine Pree Base	Cocaine Salt	Methamphetamin	e 🗆 Hemin 🗆 Boshey	
Or 🗆 Inco	anclusive				
Remine/Office:		Star	Witness		Starr



NUMBER: 4-5 APPROVED

APPROVED: Reginald Parson, Chief of Police

Jan. 26, 2006, Oct. 3, 2006, March 13,

2007, May 21, 2008, Aug. 4, 2009, May

REVIEWED/REVISED: 1, 2012, June 22, 2012, Dec. 20, 2012, Feb. 12, 2015, Jan. 22, 2016, Dec. 16,

2019

SUPERSEDES:

EFFECTIVE: September 1, 2004

SUBJECT: CRIME PREVENTION/COMMUNITY INVOLVEMENT

I. PURPOSE: To describe for the crime prevention and community services functions and to establish guidelines for the provision of community related programs and services to be accomplished by all members of the Department.

II. POLICY: The SFSU Police Department is committed to contributing to the welfare of the campus community. The University Police supports this commitment through programs designed to anticipate, recognize, and appraise crime risks, and that initiate action to reduce those risks. These programs attempt to promote community involvement and support of activities that address community perceptions and misperceptions of crime.

## III. DEFINITIONS:

- A. Crime Prevention Programs: Police programs that strengthen community partnerships and assist in formulating policing strategies.
- B. Service Community: Those persons living within the agency's jurisdiction.
- C. Victim: A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his or her person or property.

## IV. PROCEDURES:

- A. Crime prevention activities are implemented and coordinated through the Commanding Officer of Investigations, who reports directly to the Chief.
- B. The Operations Unit personnel have a supplemental role in field crime prevention activities and are a major component of an integrated Department response. The assignment of responsibility to an individual does not relieve other employees from being aware of and involved in crime prevention activities and programs.
- C. All employees should be familiar with the crime prevention and community relations' activities and programs offered by the department.
- D. Crime prevention training needs will be identified through interviews with campus and

- community representatives, consultations with those involved in internal investigations, and discussions with department supervisors.
- E. The department crime prevention function shall focus activities on community relations, crime prevention, and security on campus. Department employees will keep the Investigations supervisor informed concerning potential problems and concerns of the campus community, either through informing the supervisor directly or documenting information in memorandum form.

## F. Crime Prevention Function Initiatives:

- 1. The department's crime prevention function is a shared responsibility of all employees, but specific duties are assigned to the Commanding Officer of Investigations/Crime Prevention and the Investigations unit personnel.
- 2. The department's crime prevention function provides for the following:
  - a. Targeting crime prevention programs based on the type of crimes that are occurring and location of those crimes as the result of an analysis of crime data by Department Investigators or other department employees;
  - b. Targeting crime prevention programs to address community perceptions or misperceptions of crime; and
  - c. The Commanding Officer of Investigations or his/her designee will prepare a comprehensive written evaluation of the agency's crime prevention programs, at least once every four years. This report will address:
    - 1) Pedestrian areas in and around campus core (main campus)
    - 2) Campus residential areas
    - 3) Academic buildings
  - d. This evaluation should utilize the following information:
    - 1) A year to year comparison of crime data of burglaries, robberies, assaults, sexual assaults, alcohol related crimes and drug related crimes.
    - 2) A year to year comparison of the number and location of crime prevention presentations conducted for the campus community- (Community Involvement activities).
    - 3) A year to year comparison of crime trends that were discovered and the measures used to address the crime trends.
    - 4) A review of critical incidents that occurred in the campus community.
    - 5) An assessment of published materials that the Crime Prevention Unit provides to the campus community (including pamphlets, Informational Bulletins...).
    - 6) Any additional safety documents deemed pertinent by the Commanding Officer of the Investigations.
  - e. The evaluation should address:
    - 1) Risks to community from criminal activity

- 2) Risks to community from accidents
- 3) Risks of property loss to the university and individuals
- 4) Any liability issues, if any are noted
- f. A summary of the conclusions will be completed and recommendations forwarded to the Chief of Police or his/her designee for presentation to the appropriate University Administrators.
- 3. Organization of crime prevention groups in residential and other campus areas shall be a continual process. Campus areas shall be encouraged to form "neighborhood watch" groups and campus employees will be provided information on crime prevention and reporting of observed incidents.
  - a. Crime prevention activities shall include the presentations to:
    - 1) University departments and office areas;
    - 2) Campus Housing;
    - 3) Fraternities and Sororities;
    - 4) Campus clubs and organizations; and
    - 5) Other interested groups.
    - 6) New student and employee orientations.
  - b. Crime prevention programs will be presented in Campus Housing twice a year.
  - c. Presentations on campus safety and security are provided during each orientation session for first year students, transfer students, and parents.
  - d. Programs are provided each year to fraternities and sororities when requested by the chapters or as a need is identified.
  - e. Community education presentations will include sexual assault and acquaintance rape prevention, alcohol and drug abuse, bicycle safety, general campus safety and security, workplace violence, home, campus housing and office security, personal safety, RAD and theft prevention.
  - f. The Crime Prevention Coordinator, through a log maintained in the Investigations Office, will maintain documentation on all programs presented.
  - g. Presenters of any Crime Prevention Program shall fill out the San Francisco State University Police Department Community Involvement/Crime Prevention form at the conclusion of the presentation. This form shall serve as notice to the Commanding Officer of Investigations that a Community Involvement/Crime Prevention presentation was given. (Attachment A)
- 4. Crime prevention input will be provided in relation to the development or revision of zoning policies, building codes, fire codes, and residential/commercial building permits.
  - a. The department through the Chief of Police will provide input into any new construction plans and projects to identify any security concerns or risks and make recommendations.
  - b. Additionally input will be provided into any proposed University policy changes

that may affect the safety of the campus community.

- 5. The Investigations Division shall offer crime prevention surveys to the campus community. This is a free service offered by the department that is designed to reduce community member's vulnerability to crime by identifying existing or potential security weaknesses.
  - a. Recommendations shall be based on current crime trend patterns and/or current accepted crime prevention techniques.
  - b. The following topics may be covered in a security survey where appropriate:
    - 1) Lighting
    - 2) Doors
    - 3) Locks
    - 4) Windows
    - 5) Store displays
    - 6) Roof access
    - 7) Fencing
    - 8) Alarm systems
    - 9) Video cameras
    - 10) Vehicle theft prevention

# G. Community Involvement:

- 1. The crime prevention/community involvement function provides the following basic services.
  - a. Establishing liaison with campus organizations and other campus groups. This includes:
    - 1) Coordinating activities with organizations on campus to educate and raise awareness levels of students, faculty and staff, on personal safety issues;
    - 2) Conveying information and suggestions from citizens and community organizations regarding crime prevention to the appropriate individuals within the department. Community input relating to an institutional department or outside agency will be forwarded to the appropriate entity for their information or handling.
    - Developing and maintaining an inventory of literature for distribution, including brochures, flyers, and newsletters, promoting the department's crime prevention programs and objectives;
    - 4) Responding to requests for information from faculty, staff, parents, students, and prospective students; and
    - 5) Providing problem-solving assistance and answering questions about program goals.
  - b. Reminding and informing all personnel that they are responsible for achieving the agency's community involvement objectives. This shall be partially accomplished

- through attendance at roll-call shift briefings.
- c. Assisting in the development of community policing and problem-solving strategies, practices, and/or procedures for the Department as needed.
- d. Publicizing agency objectives, community problems, and successes.
- e. Improving agency practices bearing on police community interaction.
- f. Identifying training needs through interviews with citizen representatives, consultation with those involved with internal investigations and conferences with supervisors.
- g. Establishing community groups where they are needed.
- 2. Quarterly the Commanding Officer of Investigations via the Crime Prevention Coordinator, will prepare and submit to the Chief of Police a report that includes at a minimum, the following elements:
  - a. A description of current concerns voiced by the community;
  - b. A description of potential problems that have a bearing on law enforcement activities within the community;
  - c. A statement of recommended actions that address previously identified concerns and problems; and
  - d. A statement of progress made toward addressing previously identified concerns and problems.
- 3. Procedures to transmit information related to community involvement and crime prevention that is received by department members.
  - a. Current concerns or potential problems that come to the attention of any member of the department shall be documented through a written memorandum or directly informing the supervisor of Investigations.
  - b. Written memorandums may be submitted to the Chief of Police on any issues expressed by the community or observed by an employee.
  - c. Written correspondence should include recommendations related to actions that could resolve the issue or concern
- 4. The Commanding Officer of the Investigations Division ensures that the UPD coordinates with the SFSU Office of Student Conduct in the university student conduct referral process.
  - a. The Office of Student Conduct (OSC) at San Francisco State supports the University's educational purpose and goals set forth by interpreting and enforcing standards of student behavior, related policies and procedures under the State of California Code of Regulations, Title V, sections 41301-41304 through Executive Order 1098, Student Conduct Procedures. The UPD supports the mission of the OSC which strives to facilitate student learning and ethical growth and development in connection with the disciplinary process.
  - b. The OSC is the campus conduit that addresses student behavior that's indicative of a student possibly being a risk physically or emotionally to themselves or others.

- c. The conduct process of the OSC promotes academic integrity and responsible conduct through outreach; conduct outcomes, education; and works to maintain a safe and orderly campus environment.
  - 1) The UPD referral process to the OSC is as follows:
    - a) An Officer completes a report and notes in the routing section of the report for it to be sent to the OSC, as the involved student's conduct is in violation of the Student Conduct Procedures.
    - b) An Inspector will check in the RIMS Case Investigation log to confirm if a case warrants referral to the OSC and appropriately dispositions the case.
    - c) Cases that are confirmed for referral to the OSC are assigned in RIMS Case Investigation to Investigations (for tracking purposes).
    - d) Investigators will enter all OSC referred reports into a separate secured data-base and sends them to the OSC to proceed through the student conduct process.
- 5. A survey of citizen attitudes and opinions is conducted with respect to:
  - a. Overall agency performance;
  - b. Overall competence of agency employees;
  - c. Citizens' perceptions of officers' attitudes and behavior;
  - d. Community concern over safety and security within the agency's service area as a whole; and
  - e. Recommendations and suggestions for improvements.
  - f. This survey will be available electronically on the department website as a PDF file at http://www.sfsu.edu/~upd/feedback/index.html.
  - g. With approval from the Chief of Police, the mass email link sent out to the campus community every October regarding the completion and availability of the CLERY report can include the link to the department's citizen survey form.
  - h. The Commanding Officer of the Investigations Division will provide the Chief of Police with a written summary of the citizen survey results that will cover surveys received between January and December of the reviewed calendar year.
- H. On-going new faculty, staff and student orientations occur every year in July, August, September and January.
  - 1. Crime prevention materials and brochures shall be maintained prior to these months and the Commanding Officer of Investigations will coordinate staffing of these events.
  - 2. Brochures shall be reevaluated and updated as needed.
- I. The Crime Prevention Coordinator shall provide brochures to be stocked in the reception area.

- V. APPENDIX: None
- VI. ATTACHMENT:
  - A. San Francisco State University Police Department Community Involvement/Crime Prevention Form

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



## **COMMUNITY INVOLVEMENT / CRIME PREVENTION**

DATE:
LOCATION:
PRESENTED TO:
ATTENDANCE EST:
EMPLOYEE PRESENTING:
SUBJECT MATTER:
TYPE OF GIVEAWAYS, HANDOUTS/BROCHURES:
COMMENTS FROM PRESENTER AND FEEDBACK FROM COMMUNITY:
SIGNED:
CHIEFS COMMAND STAFF COMMENTS:
SIGNED:



APPROVED: Reginal Pa NUMBER: 4-6

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: Aug. 20, 2008, Jan. 14, 2013, Dec. 16, 2019 SUPERSEDES:

SUBJECT: INVESTIGATION OF VICE, DRUGS, ORGANIZED CRIME AND CRIMINAL

**INTELLIGENCE** 

I. PURPOSE: To define the investigative responsibilities and to establish procedures for handling vice, narcotics and organized crime cases and criminal intelligence.

II. POLICY: While this department has limited exposure to high profile cases, it is the policy of this department to effectively identify, analyze, disseminate and utilize criminal intelligence information related to criminal activity and to make every effort to suppress and control organized crime, vice and narcotics activities.

### III. DEFINITIONS:

- A. Criminal Intelligence: The end product of a process that converts individual items of information either into evidence or, more often, into insights, conclusions, or assessments, perhaps less solid than fact but always more helpful than raw information, that can form the basis for the development of law enforcement strategies, priorities, policies, or investigative tactics regarding a specific crime, suspect, criminal organization, etc. The intelligence process includes the systematic collection of raw information that, after collation, evaluation, and analysis, is disseminated to appropriate units of the agency.
- B. Drug Control: The distribution/sale of illegal or controlled substances.
- C. Organized Crime: The addressing of unlawful activities by members of organized groups or associates engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, or other offenses for profit, or engaged in supplying illegal goods and services, prostitution, drugs, liquor, weapons – or other unlawful conduct that might include intimidation or corruption.
- D. Vice Control: This may include the control of prostitution, illegal use/sale of alcoholic beverages, and the distribution/sale of obscene and pornographic materials.

### IV. PROCEDURES:

- A. Specific policies for department members receiving, processing, and investigating vice, drug, and organized crime complaints.
  - 1. Complaint Receipt.

- a. Intelligence information may be received from several sources such as, anonymous tips, private citizen observations or knowledge, department employees, officer's observation, media sources, electronic information, etc.
- b. Upon receipt of information of a criminal nature occurring within the jurisdiction of this Department concerning organized crime, gang, vice or narcotics activity, Department employees will complete a memorandum detailing the information received and forward the memorandum to the Investigations Unit.
- c. Information received from other law enforcement agencies will be documented and forwarded in the same manner.
- d. Any information that is received regarding an actual offense that occurs in this jurisdiction will be documented on a crime/incident report form, and will be assigned to Investigations for follow-up.
- e. Each complaint received shall be documented and investigated to the fullest extent possible.
- 2. Maintaining records of complaints received.
  - a. The Commanding Officer of Investigations shall obtain a "confidential" RIMS report number for the recording of any complaints received via memorandum.
  - b. Those incidents recorded in a standard RIMS report will be tracked using the original report number. The information will then be filed in a separate and secure location, with limited access (Investigations personnel only).
- 3. Maintaining a record of information conveyed to and received from outside agencies.
  - a. Any information received that relates to activities in other jurisdictions will be forwarded to that jurisdiction for assessment and follow-up, and a copy of information that was forwarded will be maintained on file.
  - b. Information received from other jurisdictions will be forwarded directly to the Investigations Unit and handled as outlined in 2(b) above: Maintaining records of complaints received.
- B. Records and reports relating to active vice, drug, and organized crime investigations are to be securely filed and maintained separately from the central records system.
  - 1. The Investigations Unit will maintain a secure file on all information received in relation to vice, gang, organized crime and narcotics complaints.
  - 2. This file will include memorandums forwarded from department personnel, as well as documented information received from other agencies.
  - 3. Also included in the file will be information from any source that has been validated and relates to organized crime activities, gang activities, vice activities, narcotics activities or other subversive activities occurring within the Department's jurisdiction.
  - 4. All active investigations will be assigned a case number, but the file on the on-going investigation will be maintained by Investigations Unit rather than in Records to ensure that the investigation does not become compromised. Access to this file will be restricted to the Investigators and Command Staff.
  - 5. Intelligence information will be purged from the file when it is no longer considered

criminal intelligence, i.e., it is no longer valid, an arrest has been made, or it is determined to be false.

- C. Procedures for advising the Chief of Police in relation to vice, drugs, and organized crime activities.
  - 1. The Commanding Officer of Investigations will advise the Chief of Police of any information that is received on vice, drug, organized crime and gang activities, and will personally provide updates on any on-going investigations.
  - 2. The Commanding Officer of Investigations will make a record of the dissemination of information to the Chief of Police or to any person/agency.
  - 3. The information provided to the Chief of Police shall be verbal, unless otherwise directed by the Chief of Police. Written communications on sensitive matters of this nature shall be limited.
- D. Information gathering and undercover activities and the authorization, distribution, and use of information gathering and undercover equipment.
  - 1. Personnel Resources.
    - a. This Department will on occasion conduct covert information gathering operations when the operation does not require extensive personnel resources.
    - b. This Department does not have the personnel resources to conduct an extended, in-depth organized crime, vice or narcotics investigation. If it is determined that an investigation is beyond the capabilities of our limited resources, the Chief will be notified.
    - c. The Chief will evaluate the case and investigation, and if deemed necessary, will request that the case be forwarded to the appropriate outside law enforcement agency for follow-up.
    - d. In such cases, the Chief will designate an Investigator to serve as liaison with the agency.

# 2. Equipment.

- a. This Department has access to specialized equipment for information gathering and undercover operations.
- b. The Investigations Unit shall control all specialized information gathering and undercover equipment deployment.
- c. The Chief of Police shall be the authorizing authority for use of specialized surveillance and undercover equipment, which includes:
  - 1) cameras and video equipment designed for covert monitoring of locations; and
  - 2) the use of additional specialized equipment borrowed from other law enforcement agencies for use on the campus.
- d. Detailed records shall be established by the deploying investigator that includes:

- 1) circumstances and reason for deployment;
- 2) date authorized for deployment;
- 3) date of deployment;
- 4) type of equipment deployed, including identifying information such as serial numbers:
- 5) exact location deployed; and
- 6) time and date equipment removed.
- e. Only officers specifically trained in the use and deployment of specialized/covert equipment may utilize it.
- f. The Commanding Officer of Investigations will assign an investigator to coordinate with the Information Technology Consultant who will be responsible for maintaining all surveillance, undercover, and specialized equipment in a condition of operational readiness.
- E. Procedures for conducting information gathering, undercover, decoy, and raid operations.
  - 1. On occasion, officers from this Department may be assigned to work with outside agencies in undercover, decoy, or intelligence operations.
    - a. Officers assigned in this status will be under the supervision of the commander of the unit where they are assigned.
    - b. These officers will maintain contact with this Department as arranged at the time of the assignment, to provide updates on their status.
  - 2. Operational Plans. If the Department does become involved in an in-depth organized crime, vice, or narcotics investigation, a written operational plan will be completed by the assigned supervisor. The plan will include:
    - a. All written police reports and intelligence information;
    - b. Suspect(s) list including name, description, vehicle description, place of residence, known associates, criminal history and recent photographs;
    - c. A list of officers involved in the operation listing their assignment, type of equipment being used by the officer, the weapons each officer is carrying, and vehicle assignment; and
    - d. A detailed accounting of the planned action.
  - 3. Prior to execution of any investigation, undercover, decoy or raid operations the supervisor in charge of the detail will plan for all the following that are applicable, and brief all persons involved:
    - a. Analyzing the crime(s), victims, suspect and others involved;
    - b. Determining legal ramifications;
    - c. Familiarizing officers with the objectives of the operation, the target area and surrounding area;
    - d. Determining operational procedures for observation, arrests, surveillance and high risk situations;

- e. Supplying officers with needed equipment;
- f. Establishing routes of approach and alternate routes;
- g. Establishing routine and emergency communications;
- h. Providing relief, backup security and perimeter protection;
- i. Providing for false identification documents, disguises and necessary credentials;
- j. Maintaining confidentiality and cover;
- k. Establishing authorization for the detail and use of force measures;
- I. Designating a single person as supervisor and coordinator;
- m. Providing close supervision;
- n. Making contact with suspects;
- o. Searching and seizing evidence and contraband;
- p. Requesting medical assistance and establishing routes to medical facilities;
- q. Coordinating and obtaining assistance from outside agencies, if needed; and
- r. Selecting equipment and vehicles and assigning personnel based on expertise.
- F. Criminal intelligence function procedures established to ensure legality and integrity of operations.
  - Procedures for ensuring information collected related to criminal intelligence is limited to criminal conduct and relates to activities that present a threat to the community include;
    - a. All criminal intelligence information shall be forwarded to the Investigations Unit for coordination, accountability and security.
    - b. Upon receipt of this type of information, the Commanding Officer of Investigations will assess the veracity of the information and ensure the information received is limited to criminal conduct and relates to an activity that presents a threat or potential threat to the community.
    - c. The Commanding Officer of Investigations when presented with criminal intelligence information may at any time:
      - 1) review the information with the Chief of Police as to the impact of the data collected on the University community; and
      - 2) seek advice from the prosecutor's office as to legal, criminal and privacy ramifications of the information known.
  - 2. Descriptions of the types or quality of information that may be included in the Criminal Intelligence System.
    - a. Intelligence information may include anonymous tips, private citizen observations or knowledge, officer's observation, media sources, electronic information, criminal records information, and information received from other law enforcement agencies and the prosecutor's office.
    - b. The quality of the information shall be determined by its relationship to criminal activity and the potential for use in providing a safer community environment.
  - 3. Methods for purging out-of-date or incorrect criminal intelligence information.

- a. Intelligence information will be purged from the file when it is no longer considered criminal intelligence, i.e., it is no longer valid, an arrest has been made, or it is determined to be false.
- b. Purging of any criminal intelligence information shall be the responsibility of the Commanding Officer of Investigations.
- c. Purged information shall be shredded.
- 4. Procedures for the utilization of intelligence personnel and techniques.
  - a. The guidelines for the use of intelligence personnel and techniques shall be as outlined in Paragraphs D and E of this order: Information gathering and undercover activities and the authorization, distribution, and use of surveillance and undercover equipment; Procedures for conducting information gathering, undercover, decoy, and raid operations.
  - b. All activities of this nature will be coordinated by the Commanding Officer of Investigations and approved by the Chief of Police.
- G. Procedures for the safeguarding and privacy of criminal intelligence information and the secure storage of intelligence records separate from all other records.
  - All records related to criminal intelligence shall follow the guidelines established in this written directive, Paragraph B: Records and reports relating to active vice, drug, and organized crime investigations are to be securely filed and maintained separately from the central records system.
- H. If the Chief of Police deems necessary to acquire funding to support a vice, drug or organized control function, the Chief will present the information to the Vice President for Student Affairs with a funding request. At no time will general fund accounts be used for this purpose. The Chief would recommend the use of trust-supported accounts maintained in the University Police.
- I. All department personnel should be trained and encouraged to document information gleaned from a variety of sources. Training should emphasize that all personnel regardless of their jobs, have a role in criminal intelligence and the sharing of information. Training can range from rollcall to more advanced training and is frequently available at little or no cost.
- J. The Investigations Division Commander shall review annually the procedures and processes outlined in this General Order.

#### V. APPENDIX:

A. Department of Justice Criminal Intelligence Systems: A California Perspective

VI. ATTACHMENT: None



NUMBER: 4-7 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: May 31, 2006, July 23, 2007, Apr. 9,

2009, Feb. 9, 2015, Jan. 22, 2016,

SUBJECT: VICTIM AND WITNESS ASSISTANCE Dec. 16, 2019

I. PURPOSE: This directive establishes guidelines and reporting responsibilities when victims and witnesses of crimes have been affected by a criminal act.

The purpose of this directive is to assist Department personnel when providing services to victim/witnesses of the Campus Community. The program goes beyond the financial aspects of victimization and deals with the emotional side of crime including the feelings of isolation, anger, fear and confusion. Crime victims and witnesses' needs are not always adequately met. This program provides immediate assistance, day or night, in the form of counseling companionship, transportation, food, shelter, clothing, or other emergency service needs. The program provides follow-up care by identifying and contacting those agencies and resources that are needed. When victims and witnesses of crime have been affected by a criminal act, such as the emotional stress due to the loss of personal affects, injury to family or friends, death, or witnessing a criminal act, they must receive assistance.

II. POLICY: The SFSU Police Department will treat victims and witnesses with fairness, dignity and compassion. To ensure full support for victims, the University Police Department follows the guidelines stated in the Constitution of the State of California, Victims' Bill of Rights. The victim will be provided with information both verbally and in writing on information on bill of rights. Information on bill of rights is also available on the department web-site and the police department lobby.

## III. DEFINITIONS:

- A. Single Point of Contact: A specific person, position, organizational component, or phone number.
- B. Victim: A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his or her person or property. Any of the following constitute a specified crime: all felonies and all misdemeanor crimes against the person. Also regarded as victims are:
  - 1. a spouse, child, parent, or legal guardian of a minor, and

2. a spouse, child, sibling, parent, or legal guardian of a homicide victim.

The definition excludes any person involved in a crime as a perpetrator or accomplice.

- C. Victim Advocate: A person authorized by the department to assist victims in special ways. A person specially trained to assist victims of crimes with support services. Unless otherwise directed by competent authority, the Victim Advocate responsibility will be assigned to the case investigator.
- D. Witness: A person who as determined by the law enforcement agency has information or evidence relevant to the investigation of a specified crime. All victims are witnesses.

### IV. PROCEDURES:

- A. The Crime Prevention Coordinator shall conduct a documented annual review of the victim/ witness program assistance needs and available services. The Crime Prevention Unit shall review all police reports and crime statistics to chart crime trends and research resources for victims. The review shall include:
  - 1. an inventory of information and service needs of victims and witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunken drivers,
  - 2. victim assistance and related community services available with the service area, and
  - 3. determination of unfilled needs and appropriate remedies.
  - 4. the Crime Prevention Coordinator shall track services and information, provide victims with forms, information and personal interaction.
- B. Implementation and delivery of victim/witness assistance services by agency personnel.
  - 1. The Investigations Unit shall maintain an updated list of social service agencies and shall supervise the implementation of the Victim/Witness Program.
  - 2. The training function for the department will include the coordination of related victim/ witness training. Training provided shall include in-service, specialized courses, and the Field Training Officer Program.
  - 3. The Police Department maintains liaison with the District Attorney's Victim Witness Assistance Office; The City Attorney's Victims Assistance Program; the California State Attorney General's Office, and the California Department of Justice on available services provided.
  - 4. The Investigations Unit will serve as the liaison to identify applicable government and community resources for victims needing immediate emergency assistance and resources as a result of domestic violence, workplace harassment, stalking, sex crime, child and elder abuse, or other related crimes. Resources will include referrals for counseling, emergency housing, temporary restraining orders, safety information for victim and co-workers, and contacts with governmental support

- programs such as the District Attorney's Victim Witness Assistance Program, Family Violence Project, the City Attorney's Victims Assistance Program, and the National Center for Missing and Exploited Children.
- 5. A contact person, telephone numbers and follow-up will be provided for all victims/ witnesses where appropriate or by request of the victim/witness. Attachments A and B will be given to the victims of violent crimes.
- 6. The assigned Police Officer is responsible for providing the victim/witness with a business card referencing the police case number and, where appropriate, provide assistance such as basic information on victim assistance programs, medical treatment, counseling, victim advocacy, case status, and information regarding the subsequent steps in the processing of the case to include the prosecutorial process.
  - a. Police Officers demeanor must reassure and ensure calmness to victims and witnesses of crime in the processing of a case. In accordance with Section 6254 of the Government Code, the victims of all sexually related offenses will be given the option of not having any personal information released. Officers, who complete the initial report regarding all sexual based offenses, will afford the victim the option of having their personal information released to outside sources. The victim must sign the completed form, unless the victim's medical condition makes it impossible for him/her to sign. The officer, in these rare instances, may sign for the victim. In all cases where victims refuse to sign the form, the Officer will note such refusal within the police report. Once the form is completed, the Officer will affix the form as a cover sheet to the police report. The form will be bright yellow in color, which will immediately alert personnel handling such report that it is a case where the victim does not desire personal information to be released. When victims refuse to sign the form, no form will be attached to the report.
  - b. The Police Officer assigned the case will serve as the primary contact for the victim/witness to report additional information regarding their case, unless otherwise assigned by the Watch Commander or, if the case is forwarded to investigations for follow-up.
  - c. The communications center is staffed by civilian personnel, police dispatchers, whose primary duties include the following:
    - 1) As the 24-hour point of contact for the University, dispatchers answer incoming telephone calls, receive and broadcast all radio communications for on duty patrol, parking, and community service officers.
    - 2) Responding to Victim/Witness calls for information and/or services to include:
      - a) The Dispatcher taking the initial call will judge the specific characteristics of each call to determine if an emergency or non-emergency response is required.
      - b) The dispatcher based on training, experience and the following considerations shall determine whether an immediate police response is warranted.

- ii. Demeanor of the victim
- iii. Request from the victim for immediate assistance
- iv. Previous contact, if any, with the victim
- v. Information known by the dispatcher relative to the victim or the offense.
- 3) If the victim/witness is asking for information only, refer them to the Watch Commander or the appropriate department personnel for assistance.
- 4) The dispatcher can provide information and referral to other Public Service agencies. A current listing of all available assistance resources in San Francisco County is maintained in dispatch within RIMS and CASSIDIAN.
- 5) Subsequent requests will be handled by appropriate department personnel as soon as possible.
- 7. By request, the Investigations Unit will assist with the initial scheduling of appointments with the Victim Witness Assistance Program and/or identification of alternative referral services including basic SFSU sponsored resources such as, Counseling and Psychological Services, Women's Resource Center, and Student Health Center.
- 8. The Department's services and telephone numbers are available from the Communications' Center to the victim on a 24 hours a day basis.
- 9. A victim/witness will be provided direction to obtain a copy of the police report, if requested or desired. The Officer will explain the confidentiality policies (841.5 PC) relevant to the criminal act and the Department's policy on confidentiality, including the confidential victim of sex crimes or violence waiver. The victim/witness will be provided with information on the criminal justice system process (Victims of Domestic Violence Card; Notification of Counseling Center shall be provided to the victims of sexual assault 264.2 PC).
- 10. The Department will encompass information on Crime Prevention and victim/ witness assistance in the federally mandated Crime Awareness and Campus Security Act Report (Clery Publication), which is available on the department's website, and also in a hard copy version. Additional information on victim/ witness services will be included in presentations and new employee and student orientations, emergency alert bulletins to the media, campus community and public when appropriate.
- 11. The Investigations Section will maintain liaison with government and community based victim/witness services on a regular basis to gather updated information on scope of services, qualification for assistance, and informational flyers for distribution to victims/witnesses.
- C. The Police Department will provide appropriate assistance to any victim/witness who has been threatened or has credible reasons for fearing intimidation or victimization. All services will be coordinated with the reporting jurisdiction/agency.
  - 1. "Appropriate assistance" is determined by the resources available to the Agency and if possible is commensurate with the danger and degree of risk faced by the victim/witness. This may include an escort to their vehicle, home or to a "safe

- house," relocation of work site, security and safety assessment of work site and home, employer notification, or based on risk and endangerment, assistance with enrollment in a Witness Protection Program.
- 2. 911 on campus provides victims/witnesses with emergency assistance at any time.

## D. Preliminary Investigation:

- 1. The Police Department will provide the following information to victims/witnesses, during the preliminary investigation:
  - Information pertaining to available University, City, County, State, or community based services for counseling, medical attention, compensation, financial assistance and, victim advocacy;
  - b. Instruction to contact the SFSU Police or local jurisdiction (9-1-1) if the suspect or suspect's companions or family threatens or otherwise intimidates him/her;
  - c. The incident/case number and subsequent steps in the processing of the case; and
  - d. The Police Department's 24 hours a day telephone number 415-338-7200 to call to report additional information about the case or to receive information about the status of the case.
- E. Follow-up Investigation. During the investigation process, the officer assigned to the case or the Investigations Section will maintain contact with the victim/witness. The following assistance will be provided to victim/witnesses during the follow-up investigation.
  - 1. Re-contacting the victim/witness periodically to determine if his/her needs are being met if the crime, or the impact on the victim in the opinion of the Investigations Section, is unusually severe and has triggered additional need for supportive services. Re-contacting will generally occur by use of written correspondence or actual telephonic contact, as deemed appropriate by the Officer or investigative staff. All telephonic re-contacts with the victim will be documented in a supplemental report documenting the re-contact will be completed. Copies of written correspondence to the victim will be placed within the case file.
  - 2. Explaining to the victims/witnesses the procedures involved in prosecution of their case and their role in those procedures, if not an endangerment to the successful prosecution of the case.
  - 3. Scheduling photo line-ups, interviews, and other required appearances at the convenience of victims/witness; and at the discretion of the investigator providing transportation, if necessary.
  - 4. Returning promptly a victim's property, which was taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime), where permitted by law or rules of evidence, if feasible.
  - 5. Providing a victim advocate through the Victim Witness Assistance Program, via a contact number, if needed.
- F. Arrest of Suspects: victim/witness services to be rendered upon arrest and during post-arrest processing of the suspect.

- 1. Officers who arrest a subject shall work with the Investigations Section to assure victims are notified of the arrest.
- 2. The victim will be notified of the court dates, time and location.
- 3. The victim/witness of the arrest will be advised of the arrestee's charges and custody status.

#### G. Next-of-Kin Notification:

#### 1. Public Citizen Notification

- a. If a citizen becomes seriously ill or injured, or another emergency occurs within this Department's jurisdiction, next-of-kin notification in person is preferred, but notification by telephone is permissible. The following information should be provided.
  - 1) Brief, accurate nature of the injury or illness to include date, time, and location of occurrence, and the name, address, and telephone number of the medical facility where the victim is located.
  - 2) If criminal activity is involved, investigative information should not be disclosed other than whether an arrest was made. The next-of-kin should be provided with the name, rank and work telephone number of the officer in charge of the investigation.
- b. If the incident involves the death of a SFSU student, Student Affairs, Public Information, and the President's Office will be contacted as soon as possible.
  - 1) Death notification will be made to the next-of-kin in person when possible, and only in consultation with the Coroners Office. If the next-of-kin resides outside a reasonable vicinity of the University, notification by a law enforcement agency or a CSU Police Agency where the next-of-kin resides in preferred.
    - a) The notification should be done in private, unless the presence of the persons is desirable. Other persons that may be included are another family member, close friend or clergy.
  - 2) Notification will not include details of a criminal investigation other than if an arrest was made. A family's request for information concerning the investigation will be forwarded to the officer in charge of the investigation.

## 2. Department Employee Notification

- a. The on-the-job death or serious injury of a department employee will be immediately reported to the Chief of Police.
- b. The Chief of Police, or designee will be responsible for next-of-kin notification.
- c. Department employees will be notified of the incident by a supervisor during shift briefing.

- d. The department will hold a debriefing session within a short period, not to exceed 48 hours, of employees directly involved in the incident. Counseling will be made available immediately, and will be encourage for these individuals.
- e. The California Peace Officers' Association, Line of Duty Death Notification System Handbook will be utilized as a guide for victim/witness assistance services to be rendered to agency personnel and their families following line-of-duty deaths and serious injuries. [http://www.cpoa.org]
- 3. The Commanding Officer of Investigations will prepare a memo for the Vice President of Student Affairs & Enrollment Management, to communicate the death notification as outlined in the SFSU Death Guide.
- H. Generally the victim will have a period of one year in which to file a claim with the State of California. (Government Code Section 13963)
- I. In order to ensure compliance with the state law, personnel reviewing reports involving victims of violent crime should ensure that the following categories of reports, and all supplemental reports are forwarded to Victim Services in each county for appropriate notification and followup:

187 PC	273d PC	23101 CVC
203 PC	273.5 PC	23153 CVC
207 PC	285 PC	20001 CVC
209 PC	286 PC	
211 PC	288 PC	
242 PC	289 PC	
245 PC	243.4 PC	
261 PC		

#### V. APPENDICES:

- A. Off-Campus Resources
- B. SFSU Death Guide Procedures (See Resource Table in the Squad Room)

#### VI. ATTACHMENTS:

- A. Victim Confidentiality Form
- B. SFSU Sexual Assault Victim Information Checklist
- C. State of California Victim of Crimes Brochure
- D. Family Member or Dependent Victim Application

## ATTACHMENT A



Police Department  $\cdot$  1600 Holloway Ave  $\cdot$  San Francisco, California 94132  $\cdot$  Tel 415/338-7200  $\cdot$  Fax 415/338-1926



SF STATE			Reset Form	Print Form
		VICTIM C	ONFIDENTIALITY F	ORM
being made Penal Code	e a ı e an	matter of public record	ame, address, etc.) in this case is not persuant to section 293 of the California the California Government Code. The I in the Report.	Case No.:
Victim's Info	rma	tion:		
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Address	(City	y, State, Zip):		·
	·	,, ,		
☐ Has	REC	QUESTED confidential	ity per 293 PC ☐ Has <b>DECLINED</b> conf	fidentiality per 293 PC
		PENAL CODE SECTION	DESCRIPTION	
		261	Rape	
		264	Rape of spouse: unlawful sexual intercourse	
		264.1	Rape by foreign object: acting in concert	
		273a	Willful cruelty to child: endangering health	
		273d	Corporal punishment or injury of child	
		237.5	Corporal injury to spouse, cohabitant, or parent	
		286	Sodomy	
		288	Lewd acts with child under 14	
		288a	Oral Copulation	
		289	Penetration of genital or anal openings by foreign	objects
		422.6	Interference with exercise of civil rights	
			Interference with exercise of civil rights: aggravat	
		422.75	Commit a felony because of (V) race, color, religi	on, nationality
	Co	mments:		
Print Form				
	\ r		- Vi	
	Vict	im's Name:	Victim's Signature:	Date:
	Offi	cer's Signature:	Star #:	Date:

THIS FORM SHALL NOT BE RELEASED TO ANYONE (INCLUDING MEDIA) EXCEPT THE DISTRICT ATTORNEY.

#### ATTACHMENT B



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# San Francisco State University Sexual Assault Victim Information Check List

**Instructions:** Please read carefully. If you have any questions, please do not hesitate to ask.

1 I have reported a crime of sexual assult to San Francisco State University

• •	That of opening a common of contact account to carry famous contact contact of
2.	I understand and it has been explained to me that I have the right to proceed with criminal charges against the assailant.  (check one) I wish to file criminal charges OR I do not wish to pursue this matter and I request that the San Francisco State University Police Department terminate it's investigation I understand, however, that the ultimate decision to proceed with this case lies with the State of California
3.	I understnad that if I chose not to proceed with criminal charges now, my case may be weakened if I choose to proceed at a later date
4.	I understand that medical treatment and counseling services are available to me and I have been provided with information about these services OR I choose not to participate in those services at this time.
5.	I wish my name to be kept confidential and not released. YES NO I do understand that the suspect description may be released for the safety and well being of the campus community. YES NO
6.	I understand that once the case has been adjudicated it becomes a matter of public record and may be released to the press, however, my name will still be kept confidential. YES
l h	nave read and understand this waiver:
Się	gnature of person reporting crime DATE
Th	is waiver has been provided by of DEPARTMENT

SAN FRANCISCO STATE UNIVERSITY POLICE 24 HOURS (415) 338-7200 The S.A.F.E. Place (Sexual Assault Free Environment) (415) 338-2819 STUDENT HEALTH SERVICES (415) 338-1251 S.F.S.U. CONSELING CENTER (415) 338-2208

Original stays with report. Copy to reporting

#### ATTACHMENT C

# A Message from the State Board of Control

#### **CLIFF ALLENBY**

Interim Director, Department of General Services and Board Chairman

#### KATHLEEN CONNELL

State Controller and Board Member

#### BENNIE O'BRIEN

**Board Member** 

If you or a loved one has suffered physical or emotional injury from a violent crime, the Victims of Crime Program may be able to help.

The Program was created to help victims and their families with the many costs of crime. It is funded entirely with fines and penalties from offenders, not by California's tax dollars.

The Victims of Crime Program cannot erase the painful memories of a crime, but we hope it can help ease the financial burdens you face

Please read this brochure to see if the Program can help you or your family.

Kelly Brodie

#### KELLY J. BRODIE

Executive Officer
Victims of Crime Program
State Board of Control

Victims of Crime Program State Board of Control P.O. Box 3036 Sacramento, CA 95812-3036

Customer Services Unit 1-800-777-9229 Hearing Impaired Relay Services English: 1-800-735-2929 Espanol: 1-800-855-3000 www.boc.ca.gov If Crime Strikes You...

The Victims of Crime Program may be able to help...

Application Inside

GRAY DAVIS Governor The California State Board of Control, Victims of Crime Program (Program) helps victims with losses related to crime injuries. Program costs are paid entirely by fines and penalties from offenders, not by California's tax dollars.

#### WHO CAN GET HELP?

- Persons who have been physically or emotionally injured by crime in California.
- California residents injured by crime or terrorism wherever it may take place.
- Survivors of a victim who died as a direct result of a crime, and anyone who paid for the medical, funeral and/or burial expenses of that victim.
- A victim's spouse, child, parent or sibling. A family member of the victim, including the victim's fiancé(e) who witnessed the crime.
- A person living in the victim's household at the time
  of the crime or who had lived with the victim for at
  least two years in a relationship similar to a spouse,
  child, parent or sibling of the victim.
- The primary caretaker of a minor victim.

#### **ELIGIBILITY REQUIREMENTS:**

- Report the crime to law enforcement or Children's Protective Services (CPS).
- File an application with the Program within one (1) year from the date of the crime or explain why it was not filed on time.
- If the victim was under 18 years of age on the date of the crime, file an application before the victim's 19<sup>th</sup> birthday or explain why it was not filed on time.
- Cooperate with law enforcement agencies in the apprehension and conviction of a criminal committing the crime.
- Cooperate with the Program or its representatives.
- You must NOT have consented to, provoked, or incited the crime nor have been assisting in or committing a criminal act causing your injuries.

#### **HOW LONG WILL IT TAKE?**

Payments will be made when all required information is received. You can request an Emergency Award for certain types of expenses up to \$2,000 or \$5,000 for funeral and/or burial expenses.

APPLICATIONS WITH CRIME REPORTS ATTACHED WILL BE PROCESSED MORE QUICKLY.

#### WHAT LOSSES MAY BE PAID?

- Medical/Dental Expenses for the Victim.
- Mental Health Treatment or Counseling.
- Wage or Income Loss.
- Support Loss for Dependents of a Deceased or Disabled Victim.
- Funeral and/or Burial Expenses.
- Job Retraining for a Disabled Victim.
- Home or Vehicle Modifications for a Disabled Victim.
- Home Security Improvements.
- Moving/Relocation Expenses.

The Program may pay crime related bills not covered by insurance or other sources, subject to a total claim maximum.

In addition, each of the above losses may have their own <u>limits</u>. You should become aware of these limits <u>before</u> assuming that the Program will pay.

YOU CANNOT BE PAID FOR LOST, DAMAGED OR STOLEN PROPERTY, OR FOR PAIN AND SUFFERING.

YOU DO NOT NEED A LAWYER OR OTHER REPRESENTATIVE TO RECEIVE PAYMENTS.

# MOVING/RELOCATION EXPENSES:

Attach a copy of your lease/rental agreement to your application. You must provide a letter from law enforcement stating that the expenses were necessary for your personal safety or a letter from a mental health provider stating that the expenses were necessary for your emotional well-being.

#### FOR HELP CONTACT:

- Your local Victim/Witness Assistance Center.
   To locate the office closest to you, look in the Government Section of the white pages of your telephone directory.
- The Program Customer Services Unit at 1-800-777-9229.

BC-VOC-100 (Rev. 4/00)

# VICTIM APPLICATION FOR CRIME VICTIM COMPENSATION

(PLEASE TYPE OR PRINT CLEARLY IN INK AND USE ADDITIONAL PAPER IF NEEDED)

M NUMBER:		BOA		
	JP	USE	ON	LY
	CLAIM	NUMB	ER:	
R ID:				
R ID:				
	USER	ID:		
	USER	ID:		

PERSONAL INFORMATION			
VICTIM'S Name (First, Middle, Last):	-1. 1 4 7 12 12 12 12 12		
Victim's Street Address:	A C C C C C C C C C C C C C C C C C C C	/_	_/
City/State/Zip:	Victim's Social Security Number:		_/
Daytime Telephone No: _( ) -	Victim's Gender: Male	Female	1
From the date of the crime to the present, has the victim been in pi	<ul> <li>If Victim is Deceased, Date of Decision, on probation, or on parole became</li> </ul>	use of a felony	?
Trom the date of the crime to the present, ride the violant	☐ Yes	∏No	
YOUR Name (First, Middle, Last):	1		,
(If the victim is a minor, deceased or incapacitated) Your Street Address:	Your Date of Birth:		
	Your Social Security Number: Your Gender: Male	□Female	
City/State/Zip: Daytime Telephone No: _(	Your Relationship to Victim:	Птептате	
CRIME INFORMATION			
Law Enforcement, CPS or Agency the Crime was Reported to:			
		/	
Location of Crime:Case/Crime Report Number:	Date Crime Reported:/		
Type of Crime (Crime Code, if known):			
Describe Injuries:	Control of the Contro		
Person(s) who Committed the Crime (Suspect), if known (First, Midd	le, Last):		
LOSS INFORMATION`			
Check the expenses/losses for which you are seeking compensed You must attempt to recover your losses from any/all other source.  Medical/Dental Expenses for the Victim Mental Health Treatment or Counseling Wage or Income Loss Support Loss for Dependents of a Deceased or Disabled Victim Funeral and/or Burial Expenses	Job Retraining for a Disabled Home or Vehicle Modifications Home Security Improvement Moving/Relocation Expenses	I Victim s for a Disabled s	Victim
Each person applying for compensation from this Program must file a Does a <b>family member</b> or other <b>dependent</b> need an Application?	a separate application.	Yes	No
If yes, how many applications should the Program mail to you? Did the <b>victim</b> miss work as a result of crime related injuries?	-	Yes	□No
Does the victim wish to apply for an Emergency Award (defined as ar	advance) for lost income,		
crime related medical bills, funeral and/or burial expenses or moving/victims of domestic violence (SEE ATTACHED BROCHURE FOR REQUIRED I	relocation expenses for adult	Yes	☐ No
EMPLOYER INFORMATION(Victim's employer)			
	(	) -	
(Employer's Business Name) (Contact	(Tele	phone Number)	
Person)		70 	
(Street Address) (City/State/Zip)			
Is/was the Victim Self-Employed? Yes No			1 0
PROVIDER INFORMATION (List Service Providers)			
Name Street Address/City/State	e/Zip Tel	ephone Numb	per
	(	) -	
	( )	) -	
(Use additional paper, if needed, and attach copies of bills, if available)			

REIMBURSEMENT/RECOVERY INFORMATION (Check all	insurance/recovery sources that may apply)
Health Medi-Cal Medicare Auto Workers Consume of Insurance Company:  Name of Insured: Have you filed a civil law suit or insurance action for this crime?  Attorney's Name: Other Potential Sources of Reimbursement/Recovery: (Use additional paper, if needed)	Compensation Homeowners/Renters None Policy No: Telephone No: ( ) = Social Security Number of Insured: // // Yes No Undecided Telephone No: ( ) =
REPRESENTATIVE INFORMATION	
Representative for this Application [Victim/Witness (V/W) Assistance Name of Representative: V/W Center Name and Code No:	Center, Attorney, or other] Representative Phone No: ( ) -
Representative's Signature:	Date:
ing a home or vehicle for a disabled victim will only be used for thos	e purposes. If I am a victim of domestic violence receiving

## INFORMATION RELEASE (This release must be signed and dated for compensation consideration)

I give permission to any hospital, clinic, doctor, dentist, or mental health provider; any funeral director or similar person; any employer; any policy or governmental agency, including the Department of Justice, the State Franchise Tax Board and the Federal Internal Revenue Service; any insurance company; or any other person or agency; to provide information relating to this application, including medical, mental health and felony conviction records to the Victims of Crime Program or its representatives. I understand the information will be used to determine compensation benefits, and that only information needed to make a decision about compensation will be requested by the Victims of Crime Program.

I understand a photocopy or FAX (facsimile) of this signed form is as valid as the original, and that my signature gives permission for the release of all information specified in this permission form.

I understand that the Victims of Crime Program or its representatives may pursue restitution from the convicted offender in this matter to recover monies paid to me or on my behalf by the Program and that by filing this application I have authorized the Program to use information contained in this application and subsequent claim files to pursue restitution from the convicted offender.
Do you want to be notified by the Program if a restitution hearing is going to be conducted by the court?
I agree that the Victims of Crime Program or its representatives may provide information about this application to any representative named on this application, governmental agency, or any medical, dental, mental health, or funeral and/or burial provider of services, and may pay the provider directly if payment of these services is approved.
I declare under penalty of perjury under the laws of the State of California (Penal Code Sections 72, 118 and 129) that I have read all the questions and the completed application and, to the best of my information and belief, all my answers are true, correct, and complete. I further understand that if I have provided any information that is false, intentionally incomplete or misleading, I may be found liable under Government Code Section 12651 for filing a false claim and/or guilty of a misdemeanor or felony, punishable by six months or more in the county jail, up to four years in state prison, and/or fined up to ten thousand dollars (\$10,000).
Signed: Date:
(Victim's signature. Parent or guardian must sign if victim is a minor, deceased or incapacitated)
MY PROMISE TO THE VICTIMS OF CRIME PROGRAM (This promise must be signed and dated for compensation consideration)
As required by California law, I will contact and repay the Victims of Crime Program if I receive any payments from the offender, a civil lawsuit, an insurance policy, or any other government or private agency to cover expenses for which I have already received payment from this Program. I understand that I may be responsible for repaying the Victims of Crime Program any amounts for which it is later determined that I was not eligible. I will notify the Victims of Crime Program if I hire an attorney to represent me in any action related to this crime or if I pursue any action on my own.
Any money I receive from the Victims of Crime Program for moving/relocation expenses, improving home security or for modifying a home or vehicle for a disabled victim will only be used for those purposes. If I am a victim of domestic violence receiving moving/relocation expenses, I will not tell the offender my home address, nor allow the offender on the premises at any time, or I will seek a restraining order against the offender.
Signed: Date:
(Victim's signature. Parent or guardian must sign if victim is a minor, deceased or incapacitated)
HOW DID YOU FIND OUT ABOUT THE VICTIMS OF CRIME PROGRAM?
Police Sheriff Highway Patrol District Attorney Medical Provider (Name):
☐ Victim/Witness Center ☐ Children's Protective Services ☐ Mental Health Provider (Name):

#### FEDERAL REPORTING INFORMATION

Media (TV, Radio, Newspaper, etc.)

FEDERAL REFO	THIS IN CHIMATON
The following volum	tary victim information is used for statistical purposes only to comply with Federal Regulations.
Is the Victim Disabled	d? ☐ Yes ☐ No Was the Victim Disabled Prior to the Date of the Crime? ☐ Yes ☐ No
Ethnicity of Victim:	African American Asian/Pacific Islander Caucasian Hispanic Native American
	Other (Specify):

1-800-VICTIMS

☐ Victim Service Programs

## ATTACHMENT D

BC-VOC-100-A (New 4/00)				JP USE ONLY
	LY MEMBER OR DEI		И	PRIMARY CLAIM NUMBER:
	TION FOR CRIME VIO		TION	CLAIM NUMBER;
(PLEAS	E TYPE OR PRINT CLEARLY IN INK AND US	E ADDITIONAL PAPER IF NEEDED)		CURRENT LOCATION:
PERSONAL INFORMATION				
APPLICANT'S Name (First, Middle	Last):			
Street Address:		Date of Birth:		1 1
City/State/Zip:		Social Security Number:		
Relationship to Victim:		Gender: Ma		emale
Victim's Name:		Daytime Telephone No: (	to determine the second	1 1
From the date of the crime to the	present, has the applicant been in	Victim's Social Security Nu prison, on probation, or on ☐ Yes	parole beca	
<b>YOUR</b> Name (First, Middle, Last): If the applicant is a minor or incapacitated)				
Your Street Address:		Your Social Socurity Number	-	
City/State/Zip:		Your Social Security Number Your Gender:	_	male
Your Relationship to Applicant:		Daytime Telephone No: (		
CRIME INFORMATION				
Date of Crime://		Case/Crime Report Numbe		
Describe Injuries:	(Cuspest) if leave (Fig. 1 1)	Type of Crime (Crime Code	e, if known)	:
Person(s) who Committed the Crime	(Suspect), if known (First, Middle	, Last):		
Check the expenses/losses for wi fou must attempt to recover your	losses from any/all other source	ion from the Victims of Cre(s).  Support Loss for Dependence Disabled Victim		
Check the expenses/losses for wi fou must attempt to recover your	losses from any/all other sourceseling	e(s).  Support Loss for Dependent		
ou must attempt to recover your  Mental Health Treatment or Cour  Other (specify):  EMPLOYER INFORMATION	losses from any/all other sourceseling  (Applicant's employer)	e(s).  Support Loss for Dependent	dents of a [	Deceased or
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I understand a photocopy or FAX (facsimile) of this signed form is as valid as the original, and that my signature gives permission for the release of all information specified in this permission form.
I understand that the Victims of Crime Program or its representatives may pursue restitution from the convicted offender in this matter to recover monies paid to me or on my behalf by the Program and that by filing this application I have authorized the Program to use information contained in this application and subsequent claim files to pursue restitution from the convicted offender.
Do you want to be notified by the Program if a restitution hearing is going to be conducted by the court?
I agree that the Victims of Crime Program or its representatives may provide information about this application to any representative named on this application, governmental agency, or any medical, dental, mental health, or funeral and/or burial provider of services, and may pay the provider directly if payment of these services is approved.
I declare under penalty of perjury under the laws of the State of California (Penal Code Sections 72, 118 and 129) that I have read all the questions and the completed application and, to the best of my information and belief, all my answers are true, correct, and complete. I further understand that if I have provided any information that is false, intentionally incomplete or misleading, I may be found liable under Government Code Section 12651 for filing a false claim and/or guilty of a misdemeanor or felony, punishable by six months or more in the county jail, up to four years in state prison, and/or fined up to ten thousand dollars (\$10,000).
Signed: Date:
Signed: Date: (Victim's signature. Parent or guardian must sign if victim is a minor, deceased or incapacitated)
MY PROMISE TO THE VICTIMS OF CRIME PROGRAM (This promise must be signed and dated for compensation consideration)
As required by California law, I will contact and repay the Victims of Crime Program if I receive any payments from the offender, a civil lawsuit, an insurance policy, or any other government or private agency to cover expenses for which I have already received payment from this Program. I understand that I may be responsible for repaying the Victims of Crime Program any amounts for which it is later determined that I was not eligible. I will notify the Victims of Crime Program if I hire an attorney to represent me in any action related to this crime or if I pursue any action on my own.
Any money I receive from the Victims of Crime Program for moving/relocation expenses, improving home security or for modifying a home or vehicle for a disabled victim will only be used for those purposes. If I am a victim of domestic violence receiving moving/relocation expenses, I will not tell the offender my home address, nor allow the offender on the premises at any time, or I will seek a restraining order against the offender.
Signed: Date:
(Victim's signature. Parent or guardian must sign if victim is a minor, deceased or incapacitated)
HOW DID YOU FIND OUT ABOUT THE VICTIMS OF CRIME PROGRAM?
□ Police       □ Sheriff       □ Highway Patrol       □ District Attorney       □ Medical Provider (Name):         □ Victim/Witness Center       □ Children's Protective Services       □ Mental Health Provider (Name):         □ Media (TV, Radio, Newspaper, etc.)       □ Victim Service Programs       □ 1-800-VICTIMS
FEDERAL REPORTING INFORMATION
The following voluntary victim information is used for statistical purposes only to comply with Federal Regulations.  Is the Victim Disabled? Yes No Was the Victim Disabled Prior to the Date of the Crime? Yes No Ethnicity of Victim: African American Asian/Pacific Islander Caucasian Hispanic Native American  Other (Specify):



NUMBER: 4-8 APPROVED: Regulated Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Feb. 17, 2006, Jan. 22, 2016, Apr.

26, 2018, Jul. 9, 2018, Aug. 2,

SUBJECT: HATE CRIMES 2018, Dec. 16, 2019

I. PURPOSE: It is the policy of the University Police to safeguard the rights guaranteed by state law and the U.S. Constitution for 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

motivated by hate or bias should be viewed very seriously and given high priority.

acts or threats of violence, property damage, harassment, intimidation, or other crimes

The University Police 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 shall attend to the security and related concerns of the immediate victims and their families.

#### II. POLICY:

- A. When such rights, as described above, are infringed upon by violence, threats, or other harassment, the Department will use every necessary resource to identify the perpetrators, arrest them, and bring them before the court.
- B. All acts of hate-motivated violence or threats will be viewed as serious, and the investigations will be given priority attention. Such acts generate fear and concern among victims and the public, and have the potential for recurring, escalating, and possibly causing counter-violence.

#### III. DEFINITIONS:

- A. Hate Crime: 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. Associate with a person or group with these actual or perceived characteristics:
    - a. 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 <u>PC§422.55</u> subdivision (a).

- 2. Disability includes mental disability and physical disability as defined in Government Code (GC) <u>GC§12926.</u>
  - a. Gender: means a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
  - b. Nationality: includes citizenship, country of origin, and national origin.
  - c. Race or Ethnicity: includes ancestry, color, and ethnic background.
  - d. Religion: includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.
  - e. Sexual orientation: means heterosexuality, homosexuality, or bisexuality.
  - f. Victim: includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library, or other victim or intended victim of the offense. Interference with exercise of civil rights because of actual or perceived characteristics of victim, as specified in <a href="PC§422.6">PC§422.6</a>.
    - 1) No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in <u>PC§422.55</u> subdivision (a).
    - 2) No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in <a href="PC§422.55">PC§422.55</a> subdivision (a) .

Note: In compliance with <u>PC §13519.6</u>, additional legal references to California Criminal Statues involving hate crimes for misdemeanor and felony statutes can be found in the following, but not limited to, PC Sections: §139, §302, §422.7, §422.9, §594.3(a), §11411.

- B. Hate Incident: Shall be defined as any non-criminal act, including words, directed against a person(s) actual or perceived race, nationality, religion, sexual orientation, disability or gender.
  - 1. Hate incidents include, but are not limited to epithets, distribution of hate material

- that does not result in property damage, and the display of offensive material on one's own property.
- 2. Not all incidents of hatred are crimes. Verbal name calling, although offensive, is not a crime. For this to be a crime, it must be accompanied by a viable threat of violence and ability to carry the threat out. In order to categorize this as a hate crime, the crime committed against the victim must be in whole or in part prejudice- based.
  - a. \*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 the crime would not have been committed but for the actual or perceived characteristic.

#### IV. PROCEDURES:

## A. Dispatch Center:

- 1. Upon receiving a report of a possible Hate Motivated Crime/incident, the dispatcher shall:
  - a. Dispatch a field unit as soon as possible, in accordance with appropriate radio procedure.
  - b. Notify the Watch Commander of the reported incident.

### B. Responding Officer:

- 1. Stabilize the victim(s) and request medical attention when necessary.
- 2. Give priority to the needs and feelings of the victim(s). Reassure the victim(s) as appropriate.
- 3. Ensure the safety of victims, witnesses, and perpetrators.
- 4. Collect and photograph physical evidence or indicators of hate crimes
- 5. Preserve the crime scene and evidence (such as...)
  - a. Hate literature.
  - b. Spray paint cans.
  - c. Threatening letters.
  - d. Symbols used by hate groups (e.g., swastikas, graffiti).
- 6. Request the assistance of translators or interpreters when needed to establish effective communication.
- 7. Ask the victim about possible suspects. Encourage them to express their feelings, which may yield useful information about motives, potential perpetrators, etc.
- 8. Ask the victim and other parties present if they are aware of any other incidents in the area.
- 9. Statements made by suspects; exact wording is critical.
- 10. Before leaving the area, look around the area for other incidents if the crime was

- one of vandalism or graffiti.
- 11. Determine if prior occurrences, in this area or with this victim.
- 12. Notify a field supervisor and investigative personnel.
- 13. Complete a thorough written report. Education Code Section 67380 (a)(2) requires a written record of a noncriminal act of hate violence to include a description of the act, victim characteristics, and offender characteristics, if known.)
- 14. Officers shall complete an SFSU Hate Crime/Incident report.

## C. Field Supervisor:

- 1. 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:
  - a. Respond immediately to the scene of all incidents.
  - b. Ensure that the crime scene is protected.
  - c. Provide assistance to the crime victim.
  - d. Express the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
  - e. Express the department's interest in protecting victims' anonymity whenever possible.
  - f. Allow the victim a period in which to ventilate his/her immediate concerns and to express his/her feelings.
  - g. Identify individuals or agencies that may provide support, assistance and remedy (such as the victim compensation and assistance program available at <a href="www.victimcompensation.ca.gov">www.victimcompensation.ca.gov</a> or 800.777.9229). 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.
  - h. Ensure that the investigative personnel have been notified.
  - i. Notify command personnel if the incident is serious.
  - j. Ensure that hate crime is properly reported, which includes reporting to the Department of Justice, pursuant to PC§13023.
  - k. Ensure adherence to PC§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.
  - Respond to and investigate any reports of hate crimes committed under the color of authority.
  - m. Provide assistance, as appropriate, including activating the Department of Justice hate crimes rapid response team. <a href="http://ag.ca.gov/publications/civilrights/">http://ag.ca.gov/publications/civilrights/</a> HC ResponseTeam.pdf
  - n. Report any suspected multi-mission extremists 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.

## D. Investigating Officer(s):

- 1. Contact the victim and personally express concern on behalf of the department and the university as soon as possible.
- 2. Attempt to elicit additional motive and perpetrator information from the victim. Recap all available information and provide reassurance of police concern and commitment to combating hate crime.
- 3. Ensure that the crime scene is properly protected, preserved, photographed, 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 (e.g., painted words or signs on a wall), the property owner should be contacted to ensure that it is removed as soon as possible. The officer should follow up to ensure that this is accomplished in a timely manner.
- 4. Gather and take custody of any related evidence.
- 5. Canvass the area for additional witnesses and to eliminate non-witnesses by recording (video/audio) their statement of what they saw and where they were when the incident took place. Video protects the integrity of the investigation in court, media reporting, internal affairs investigations, and any legal cases where witnesses or non-witnesses may be influenced to dramatically change their original statement.
- 6. Contact appropriate federal, state and/or local law enforcement agencies for assistance with serious cases as necessary, as These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- 7. Maintain liaison with federal, state and local agencies for intelligence information exchange.
- 8. Keep the appropriate department personnel informed of the status of the case.
- 9. Make a final determination as to whether the incident should be classified as a hate crime.
- 10. Complete any reports necessary to comply with statistical reporting requirements for hate crimes.
- 11. Take steps to ensure the 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.
- 12. Develop techniques and methods to identify and handle hate crimes or incidents committed that specifically involve categories of:
  - a. Gender.
  - b. Disability (including homeless persons with disabilities).
  - c. Anti-immigrant.
  - d. Anti-Arab.
  - e. Anti-Islamic.
- 13. Gain knowledge of multi-mission criminal extremists that specifically involve:

- a. Nexus of certain hate crimes.
- b. Anti-government.
- c. Anti-reproductive rights.
- d. Actual or perceived homelessness.
- 14. Prepare and respond for possible future crime waves, specifically for:
  - a. Anti-Arab/Middle Eastern.
  - b. Anti-Islamic.
  - c. Attorney General's determination.
- 15. Coordinate with supervisor if evidence shows the possibility that the crime victim may be attacked or harassed for reporting the crime. The agency may provide additional protection such as increased neighborhood surveillance.
- 16. Provide the supervisor or designee with information that can be responsibly reported to the media. When appropriate, the designated department spokesperson should reiterate that the hate crime will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.
- 17. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and determine if organized hate groups are involved.
- 18. Complete reports required by other agencies.

#### E. Chief of Police Shall:

- 1. Notify the President and/or other designated campus personnel of all hate-motivated crimes/incidents.
- 2. Be prepared to provide a summary report of each hate-motivated crime or incident to designated campus personnel.
- 3. Monitor the investigative status of each hate motivated crime or incident and keep designated administrative staff apprised as appropriate.
- 4. Serve as liaison between the department and the press and community.
- F. The Records/Communication Supervisor will be responsible for submitting the monthly hate crime analysis to DOJ per the UCR reporting guidelines and Clery compliance tracking.

#### V. APPENDIX:

A. CSU Memorandum- Clarification of Hate Violence Reporting Guidelines

#### VI. ATTACHMENT:

- A. SFSU Hate Occurrence Supplemental Reporting Form
- B. California Commission on POST Hate Crimes Policy Guidelines
- C. Chief's Memorandum, Implementation of General Order 4-8- Hate Crimes

## ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

## San Francisco State University Hate Occurrence Supplemental Reporting Form (Use one form for each occurrence and attach to case)

Reportin	orting Party Date of in		_ Date of incider	nt	Date of Report_		
Case#_		Reporting Ofc:		Supervisi	ng Ofc:		
*Select	one*						
	NON CRI	MINAL HATE INCIDI	ENT				
			IDENT IF NOT A CRIM	ME			
	DIXEII DE		ADEITH HOT A GIAN	VIL			
							_
	<u>OR</u>						
	HATE CR	RIME per 422.6/422.7	PC (If selected, see	charts and circle	applicable crime a	ind offense)	
	Number o	of Victims	Was arrest made	?(circle): Y or N			
Crimes a		e for hate crime (sele		,			
	lurder	Rape	Robbery	Aggravated	Burg	glary	Larceny- Theft
101	ididoi	Паро	respecty	Assault	Dan	giai y	Larocity Their
Stole	n Vehicle	Arson	Simple Assault	Intimidation	Destruction/Dar	nage/Vandalism	Human
							Trafficking
Specific	offensive	acts for crimes abo	ove (in addition to abo	ove, select applic	able)		
Anno	oying	Disturbing Public	Threatening	Bombing	Explosion	Verbal Slurs	Cross Burning
	e calls	Assembly/Meeting	Letters/Flyers/Email	3	F		3
Gra	affiti	Damage to	Daubing of	Hanging in	Rock Throwing	Other(specify):	:
		vehicle	Swastika	Effigy			
<u> </u>							
Bias Typ	e (check	applicable)					
Race/Et	hnicity/Nation		Religious		Religious (continued)		Gender
Anti-Whi Anti-Blac	ite ck or African-	American	Anti-Jewish Anti-Catholic		Anti-Other ChristianAnti-Buddhist		Anti-Male Anti-Female
Anti-Ame	erican Indian	/Alaskan Native	Anti-Protestant		Anti-Hindu		Gender Nonconforming
Anti-Asia	an tiple Races (	Groups)	Anti-Islamic (Muslim) Anti-Other Religion		Anti-Sikh		Anti-Transgender
Anti-Nati	ive Hawaiian	Other Pacific Islander	Anti-Multiple Religions (		Sexual Orientation —Anti-Gay (Male)		nti-Gender Non-Conforming
— Anti-Aral Anti-Hisp	b panic or Latin	10	Anti-Atheism/Agnosticis Anti-Mormon	sm/etc.	—Anti-Lesbian (Female _Anti-Lesbian/Gay/Bis	e) sexual/Transgender	<b>Disability</b> Anti-Physical Disability
		lational Origin	Anti-Jehovah's Witness		—Anti-Heterosexual	-	Anti-Mental Disability
Anti-Citiz	zenship Statu	IS	Anti-Eastern Orthodox (	(Russian/Greek/Other)	— Anti-Bisexual		
VICTIM/I Acquainta		D PARTY AND SUSF Friend	PECT/INVOLVED PAR	TY RELATIONSH ls Employee	IP (check applicated) Strang		ssmata
	d/ExBoyfri		Ex-Girlfriend	ls Employer	Strang		
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Family M	lember	nusband/E	Ex-Husband	Knows Victim			
		D PARTY INFORMAT		01.400			
	FEMALI THNICITY		ATION OF PROTECTED	CLASS			
	ELATED: Y		-				
		<u>IDER INFORMATION</u> E GROUP/ORGANIZ	I: Check all applicable	e offender types.			
	FEIVIAL		ZATIONONKINOVIN				
	ELATED: Y						

## ATTACHMENT B









**Policy Guidelines** 

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**The mission** of the California Commission on Peace Officer Standards and Training (POST) is to continually enhance the professionalism of California law enforcement in serving its communities.

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**Executive Director** 

Commission on POST

## **Foreword**

This document has been developed pursuant to Penal Code (PC) §13519.6. All local law enforcement agencies are encouraged to adopt a formal policy on investigation of hate crimes, and all state law enforcement agencies are required to adopt and promulgate such a formal policy.

Hate crimes affect not only individual victims but can negatively impact entire communities. In the transmittal letter of the 2004 California Senate Office of Research report, <u>Protecting</u> <u>Californians from Hate Crimes</u>, it was reported that hate crimes are triply harmful.

- ▶ They hurt the immediate victims by inflicting loss and pain, the same as any violent crime.
- ▶ They attack the immediate victim's very identity, often causing more severe and longerlasting trauma than similar violent crimes committed for other reasons.
- ▶ They cause fear in the communities they target.

Crimes motivated by hate are not simply assaults, property damage, or violations of civil rights. They are crimes that specifically target individuals with particular characteristics. As such, they provide fuel to the prejudices and fears that underlie these crimes in the first place, thus continuing the cycle of hatred, prejudice, and bias.

The broad impact of hate crimes makes them a major concern for all law enforcement agencies. It is essential that agencies address hate crimes in a manner that most effectively accomplishes prevention and rapid apprehension of perpetrators.

Paul Cappitelli

**POST Executive Director** 

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## Guidelines

These seven guidelines are the primary elements that law enforcement executives should incorporate into their hate crimes policy (see Model Policy Framework, page 9) and operational programs. 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 development and delivery of training and ensure accurate and timely reporting of crime.



#### Develop the foundation for agency's hate crimes policy.

The law enforcement executive is responsible for providing the leadership, communicating the values, and delivering the education that establishes the foundation for the agency's hate crimes policy. Employees will respond appropriately to hate crimes and hate incidents when the executive effectively establishes and communicates the foundational values of the organization (see Foreword, page v).



#### Develop a hate crimes policy for the agency.

- An agency's hate crimes policy and programs should minimally include the following:
  - Response,
  - B. Reporting,
  - C. Training,
  - D. Planning, and
  - Prevention. E.

These elements should be community and multiagency based (see Model Policy Framework, page 9).

II. The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See Message from the Agency Chief Executive, page 23.



#### 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.

Hate crimes are a low frequency contact with high-risk consequences for the agency and community and stressful for first responders. A checklist for hate crimes ensures compliance and preparedness in handling investigations in non-combative manner by those first on the scene. Possible examples:

- ▶ Describe the victims' location, emotional state, and physical condition.
- If possible, record the victims' statements.
- Indicate on body diagrams the location of any injuries for both suspects/victims.
- Influence of drugs or alcohol.

Photograph scene and injuries (not all agencies have Crime Scene Investigations unit).

Ask the victim for the name, address, and phone number of two close friends or relatives who will know of his/her whereabouts 6-12 months from the time the investigation begins.

Continue the checklist with boxes for the suspects, wikitessess, evidence, and victim referral information provided to victim.

## **Guidelines** (cont)



Develop and implement cooperative hate crimes plans with other local and regional law enforcement agencies.

- Coordinate cooperative efforts among area law enforcement agencies to share information and training, and to develop strategies to prevent hate crime activity.
- II. Develop law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include cooperative investigations, arrests, and prosecutions.

Develop and implement cooperative hate crimes plans with the community, as appropriate.

- I. Collaboration with the community provides agencies with the ability to enlist support to help law enforcement obtain witness and victim cooperation, as well as to gain assistance from the community in the prevention, investigation, arrest, and prosecution of hate crimes.

  Collaborative partnerships with community organizations can assist law enforcement in providing support services to victims.
- II. Law enforcement outreach to local schools and colleges can help enhance awareness.
- **III.** Law enforcement should seek educational information from/about specific communities (immigrant, Islamic, Arabic, etc.) to strengthen agency awareness.

**IV.** Working with stakeholders to develop a network and protocol for response to hate crimes can assist in managing such crimes.

Note: Stakeholders typically include, but are not limited to, human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, and religious institutions.

Agencies must use the annually required hate crimes report from the Department of Justice as a source of public information on local hate crime incidents. For publications, see: http://ag.ca.gov/cjsc/pubs.php.



Develop and implement a hate crimes training program for appropriate agency personnel.

- I. The training should include the following:
  - Legal definitions of hate crimes, hate incidents, and protected characteristics.
  - **B.** Indicators of hate crimes and hate literature.
  - Typologies of perpetrators of hate crimes and incidents.
  - **D.** The role of all department personnel as they relate to agency response to hate crimes and incidents.
  - E. Law enforcement procedures for data collection/documentation/ and mandated reporting requirements.

**Note:** Although hate incidents are not included under mandated reporting, agencies are strongly encouraged to require

## **Guidelines** (cont)

the documentation of hate incidents for the following purposes:

- **1.** Establish history and patterns of bias behavior, which can support motive.
- 2. Source of intelligence gathering.
- 3. Incidents can be precursors to crime.
- **4.** Community outcry may require law enforcement response.
- E. Interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, etc.).

**Note**: Research indicates that disability-biased crimes are significantly under reported and require additional effort in the investigation.

- **F.** Informing community organizations in a timely manner when a community group has been the target of a hate crime.
- G. Orientation on communities of specific targeted victims such as immigrants, Muslims, and Arabs.
- H. How to identify and handle hate crimes that involve gender-bias, disability-bias (including homeless persons with disabilities), or antiimmigrant, anti-Arab, or anti-Islamic bias.
- Hate groups versus gang- and hatemotivated activities involving gang members.
- J. Recognition that some hate crime perpetrators are multi-mission oriented extremists and not only commit violence against protected characteristics but also against women's health clinic personnel, the homeless, or government.

- K. Understanding the <u>California Freedom of Access to Clinic and Church Entrances Act</u> (<u>FACE</u>) and when anti-reproductive rights crimes may be hate crimes.
- **L.** Knowledge of laws dealing with hate crimes and legal rights of hate crime victims.
- M. Inform the victim, victim's family, and community groups of local resources that provide aid and comfort, and of the benefits and compensation available through the Victim Compensation Program and local victim assistance services.
- N. Recognition of the psychological impact hate crimes and hate incidents have on the victim, victim's family, and the community, and the specialized response needed by law enforcement to effectively handle these incidents.
- **0.** Techniques and methods to handle hate crime incidents in a non-combative manner.
- P. Response to and investigation of any reports of hate crimes committed under the color of authority.
- **II.** Delivery of training on hate crimes has optimal effectiveness when the instructional team includes:
  - **A.** A law enforcement officer/deputy with knowledge of hate crimes investigations.
  - **B.** A prosecutor or legal representative with knowledge of hate crime laws and prosecution.
  - A victim/witness advocate or representative of a community-based organization or government agency who has experience working with victims of hate crimes.

**Guidelines (cont)** 



Conduct an annual assessment of the agency hate crimes policy and its ongoing implementation.

The assessment should include:

- **I.** A review for continuity with the Hate Crimes Guidelines.
- **II.** A review and analysis of the agency's annual report on hate crimes and incidents.
- **III.** A review and updating of the department's information pamphlet to ensure compliance with <u>PC\$422.92</u>.
- IV. A review of the Attorney General's latest opinion on hate crime statistics and preparation for planning for future crimes and/or crime waves specifically targeted at Arab/Middle Eastern and Islamic communities.

# **Model Policy Framework**

#### I. Purpose

Along with POST's Guidelines for Law Enforcement's Design of Hate Crime Policy and Training 2000, this model policy framework is designed to assist in identifying and handling crimes motivated by hate and 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 response, reporting, training, planning, and prevention 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.

#### II. 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 shall attend to the security and related concerns of the immediate victims and their families.

#### III. Definitions and Laws

In accordance with Penal Codes (PC) <u>PC\$422.55</u>, <u>§422.56</u>, and <u>§422.6</u>, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following should apply:

Hate crime ▶ a criminal act committed, in whole or in part, because of\* one or more of the following actual or perceived characteristics of the victim:

# 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 PC\$422.55 subdivision (a).

**Disability** ▶ includes mental disability and physical disability as defined in Government Code (GC) GC§12926.

<sup>\*</sup>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 the crime would not have been committed but for the actual or perceived characteristic.

# Model Policy Framework (cont)

Gender ▶ means a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth

**Nationality** includes citizenship, country of origin, and national origin.

**Race or Ethnicity** includes ancestry, color, and ethnic background.

**Religion** • includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual orientation** • means heterosexuality, homosexuality, or bisexuality.

Victim ▶ includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library, or other victim or intended victim of the offense. Interference with exercise of civil rights because of actual or perceived characteristics of victim, as specified in PC\$422.6.

a. No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in PC§422.55 subdivision (a).

No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in PC§422.55 subdivision (a).

**Note:** In compliance with PC§13519.6, additional legal references to California Criminal Statues involving hate crimes for misdemeanor and felony statutes can be found in the following, but not limited to, PC Sections: §139, §302, §422.7, §422.9, §594.3(a), §11411.

#### IV. Response and Reporting Procedures

Peace officers have important roles to play in responding to and documenting hate incidents and crimes. By doing the job efficiently and carefully, officers can reinforce the message that hate crimes will be investigated aggressively, thus enhancing the likelihood of a successful prosecution. A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery. Failure to respond to hate crimes within agency guidelines may jeopardize public safety and leave officers and departments open

# Model Policy Framework (cont)

to increased scrutiny and possible liability.

Additionally, establishing methods to handle each investigation in a non-combative manner will assist the investigation.

#### A. First Response Procedures

First responding officers at the scene of a suspected hate or bias crime or incident should take preliminary actions deemed necessary, to include, but not limited to, the following:

- Stabilize the victim(s) and request medical attention when necessary.
- **2.** Ensure the safety of victims, witnesses, and perpetrators.
- 3. 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.g., swastikas, graffiti).
- **4.** Identify criminal evidence on the victim.
- Request the assistance of translators or interpreters when needed to establish effective communication.
- **6.** Conduct a preliminary investigation; record information on:
  - **a.** Identity of suspected perpetrator(s).
  - **b.** Identity of witnesses, including those no longer at the scene.

- Prior occurrences, in this area or with this victim.
- **d.** Statements made by suspects; exact wording is critical.

### B. Supervisory Responsibilities

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.
- a. Express 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.** Express the department's interest in protecting victims' anonymity whenever possible.
- c. Allow the victim a period in which to ventilate his/her immediate concerns and to express his/her feelings.
- d. Identify individuals or agencies that may provide support, assistance and remedy (such as the victim compensation and assistance program available at www.victimcompensation. ca.gov or 800.777.9229). Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as

# Model Policy Framework (cont)

community service agencies that provide shelter, food, clothing, child care, or other related services.

- 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 crimereporting 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.
- In cases of large scale hate crime waves, respond to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
- Ensure that hate crime is properly reported, which includes reporting to the Department of Justice, pursuant to PC§13023.
- **6.** Ensure adherence to <u>PC§422.93</u>, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- Respond to and investigate any reports of hate crimes committed under the color of authority.
- **8.** Provide assistance, as appropriate, including activating the Department of Justice hate crimes rapid response protocol.

Report any suspected multi-mission extremists 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.

#### C. Investigative Responsibilities

When conducting a thorough follow-up investigation, investigators should:

- 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 (e.g., painted words or signs on a wall), the property owner should be contacted to ensure that it is removed as soon as possible. The officer should follow up to ensure that this is accomplished in a timely manner.
- 2. Canvass the area for additional witnesses and to eliminate non-witnesses by recording (video/audio) their statement of what they saw and where they were when the incident took place. Video protects the integrity of the investigation in court, media reporting, internal affairs investigations, and any legal cases where witnesses or non-witnesses may be influenced to dramatically change their original statement.
- Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis

# Model Policy Framework (cont)

- of any patterns, organized hate groups, and suspects potentially involved in the offense.
- Coordinate the investigation with the identification unit and other units of the agency and with outside agencies where appropriate.
- Make a final determination as to whether the incident should be classified as a hate crime.
- **6.** Complete any reports necessary to comply with statistical reporting requirements for hate crimes.
- 7. Take steps to ensure the 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.
- **8.** Develop techniques and methods to identify and handle hate crimes or incidents committed that specifically involve categories of:
  - a. Gender.
  - **b.** Disability (including homeless persons with disabilities).
  - c. Anti-immigrant.
  - d. Anti-Arab.
  - e. Anti-Islamic.

- **9.** Gain knowledge of multi-mission criminal extremists that specifically involve:
  - a. Nexus of certain hate crimes.
  - **b.** Anti-government.
  - c. Anti-reproductive rights.
  - d. Actual or perceived homelessness.
- **10.** Prepare and respond for possible future crime waves, specifically for:
  - a. Anti-Arab/Middle Eastern.
  - b. Anti-Islamic.
  - **c.** Attorney General's determination.
- 11. Coordinate with supervisor if evidence shows the possibility that the crime victim may be attacked or harassed for reporting the crime. The agency may provide additional protection such as increased neighborhood surveillance..
- 12. 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 crime will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.
- **13.** Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and determine if organized hate groups are involved.
- **14.** Complete reports required by other agencies.

# Model Policy Framework (cont)

#### V. Training Resources

POST offers training and video courses to assist law enforcement. These courses provide officers with information and skills necessary to be effective. 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.

For more information on POST training opportunities, visit the POST website at: www.post.ca.gov/Publications/Course\_Catalog.

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 800 421-6770.

## VI. Planning and Prevention

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.

Towards this end, this agency's community relations function, or officers so assigned, should perform the following:

- A. 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.
- **B.** Provide direct and referral assistance to the victim and his/her family.
- **C.** Conduct public meetings on hate crime threats and violence in general.
- D. Establish liaison with formal communitybased organizations and leaders.
- Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.
- F. 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.
- G. Provide orientation with communities of specific targeted victims such as immigrants, Muslims, and Arabs.

# **California Hate Crime Statutes**

#### I. Felonies

#### PC§422.7

Commission of a crime for the purpose of interfering with another's exercise of civil rights.

#### PC§594.3

Vandalism of place of worship based on racial or religious bias.

#### PC§11412

Threats obstructing exercise of religion.

#### PC§11413

Use of destructive device or explosive or commission of arson in certain places.

#### II. Misdemeanors

#### PC§302

Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

#### PC§422.6

Use of force, threats or destruction of property to interfere with another's exercise of civil rights.

#### PC§422.9

Violation of civil order (Bane Act) protecting the exercise of civil rights.

#### PC§538(c)

Unauthorized insertion of advertisements in newspapers and redistribution to the public.

#### PC§640.2

Placing handbill, notice or advertisement on a consumer product or product package without authorization.

#### PC§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.

#### III. Enhancements

#### PC§190.2(a)(16)

Special circumstances imposing the Death Penalty or Life Without possibility of Parole if the victim was intentionally killed because of race, color, religion, nationality, country of origin.

#### PC§190.3

Special circumstances imposing Life Without possibility of Parole if the victim was intentionally killed because of sexual orientation, gender or disability.

#### PC§422.75

Penalty for felony committed because of victim's race, color, religion, nationality, country of origin, ancestry, disability or sexual orientation shall be enhanced one, two or three years in prison, if the person acts alone; and 2, 3 or 4 years if the person commits the act with another.

# Sample Memo for the Agency Chief Executive

This sample memo is intended to be sent by the Agency Chief Executive to agency personnel. It stresses the importance of hate crime prevention, investigation, and the rapid apprehension of perpetrators.

Use this sample memo as a guide to create internal communication that is most appropriate for your agency. Click to download an editable version of this memo.

# Message from the Agency Chief Executive

JANUARY 2008 DATE:

ALL PERSONNEL TO:

AGENCY CHIEF EXECUTIVE FROM:

IMPLEMENTATION OF HATE CRIMES POLICY RE:

Hate crimes affect not only individual victims but can negatively impact entire riate crimes affect not only murviqual victims out can negatively impact entire communities. In the transmittal letter of the 2004 California Senate Office of Research report, Protecting Californians from Hate Crimes, it was reported that hate crimes, like any form of criminal behavior, are triply harmful.

- They hurt the immediate victims by inflicting loss and pain, the same as any
- They attack the immediate victim's very identity, often causing more severe and longer-lasting trauma than similar violent crimes committed for other reasons.
- They cause fear in the communities they target.

Crimes motivated by hate are not simply assaults, property damage, or violations of civil rights. They are crimes that specifically target individuals with particular characteristics. As such, they provide fuel to the prejudices and fears that underlie these crimes in the first place, thus continuing the cycle of hatred, prejudice, and bias.

The broad impact of hate crimes makes them a major concern for all law enforcement agencies. It is essential that this agency address hate crimes in a manner that most effectively accomplishes prevention and rapid apprehension of perpetrators.



POST2007 TPS-0393

# SAN FRANCISCO STATE UNIVERSITY

#### ATTACHMENT C

# STUDENT AFFAIRS & ENROLLMENT MANAGEMENT DIVISION OF CAMPUS SAFETY

1600 Holloway Avenue | San Francisco, CA 94132 Office: 415/338-7200 | Dispatch: 415/338-2222 | Fax: 415/338-0905 Email: upd@sfsu.edu | URL: http://sfsu.edu/~upd/

# MEMORANDUM CM – 18/13

TO: All Personnel

FROM: Assistant Vice President & Chief of Police,

Division Campus Safety

Friday, April 27, 2018

Digitally signed by Jason Z. Wu
DN: cn=Jason Z. Wu, o=San
Francisco State University,
ou=University Police
Department,
email=jasonwu@sfsu.edu,
c=US
Date: 2018.04.27 13:50:01

SUBJECT: General Order 4-8: Hates Crimes

Hate crimes affect not only individual victims but can negatively impact entire communities. In the transmittal letter of the 2004 California Senate Office of Research report, *Protecting Californians from Hate Crimes*, it was reported that hate crimes, like any form of criminal behavior, are triply harmful.

- They hurt the immediate victims by inflicting loss and pain, the same as any violent crime.
- They attack the immediate victim's very identity, often causing more severe and longer-lasting trauma than similar violent crimes committed for other reasons.
- They cause fear in the communities they target.

Crimes motivated by hate are not simply assaults, property damage, or violations of civil rights. They are crimes that specifically target individuals with particular characteristics. As such, they provide fuel to the prejudices and fears that underlie these crimes in the first place, thus continuing the cycle of hatred, prejudice, and bias.

The broad impact of hate crimes makes them a major concern for all law enforcement agencies. It is essential that SF State UPD address hate crimes in a manner that most effectively accomplishes prevention and rapid apprehension of perpetrators.

You are directed to review our updated version of General Order 4-8 which is now in place on the department server.

JW/rp



NUMBER: 4-9 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Dec. 16, 2011, Feb. 10, 2014, May 20, 2014, July 14, 2015, Aug.

SUPERSEDES: B-16 REVIEWED/REVISED:

REVIEWED/REVISED: 21, 2015, Dec. 6, 2016, Dec. 16,

2019

SUBJECT: SEXUAL ASSAULT INVESTIGATION

I. PURPOSE: To set forth a policy for the initial response to, and investigation of any incident of sexual assault, which is reported to the department.

II. POLICY: It is the policy of the department that all members shall handle any incident of sexual assault in a professional and efficient manner paying particular attention to the dynamics of the offense. Rape is a crime of violence not a sexual act.

III. DEFINITIONS: None

### IV. PROCEDURES:

A. Initial Victim Contact Responsibilities:

# 1. Dispatcher

- a. Find out if there are any life threatening injuries. If so, activate the emergency medical system.
- b. Make every effort to calm the victim down by encouraging them to breathe, sit down, etc.
- c. Ask if he/she is in a safe place or if they are concerned about their immediate welfare.
- d. Make initial efforts to determine when and where the rape occurred.
- e. Dispatch a police officer. Use appropriate radio codes broadcasting minimal information especially with respect to the victim's name.
- f. Notify the on-duty watch commander.
- g. Determine if the suspect still in the area.

## 2. Initial Responding Officer

- a. Ensure the victim's safety and calm him or her down. Be especially sensitive to the fact that the victim has experienced a very traumatic incident.
- b. Refrain from statements which imply blame or attribution of responsibility on the

- part of the victim.
- c. Tell the victim a female/male officer will be made available if he/she so desires.
- d. Ask the victim if they would like a friend or someone notified to be present.
- e. Conduct an initial interview and establish the elements of the crime. This interview should be conducted in a comfortable location away from the crime scene.
- f. The initial responding officer shall remain with the victim until relieved by a Supervisor, Detective, Rape Treatment Center personnel, or SART member.
- g. The initial responding officer or Watch Commander will insure that the Operations Division Commander or Duty Official is notified as soon as possible. If there is any delay in notifying police administrators, UPD Investigators should be notified directly.
- h. Explain the following options to him/her.
  - 1) The victim will be transported to the San Francisco General Hospital Rape Treatment Center for evidentiary examination and medical treatment if prosecution is desired. If the victim chooses this option, explain the medical procedure and the reasons for it to him/her. Make sure he/she brings a change of clothes to the hospital.
  - 2) If no prosecution is desired and the victim would like a medical examination, he/ she will be transported to the S.F.G.H. Rape Treatment Center for medical treatment. Even if no prosecution is desired, all evidence recovered will still be maintained and booked.
  - 3) If no prosecution is desired and the victim is not physically injured he/she may be transported to the S.F.G.H. Rape Treatment Center for counseling only.
  - 4) If the victim refuses all the above, and refuses to go to the Rape Treatment Center, as a last resort, he/she should be referred to The SAFE Place, Counseling & Psychological Services, or Student Health Services.
  - 5) In all instances, victims should be made aware of the services provided by The SAFE Place and provided with the number for the 24-hour hotline for victim advocacy services, which can be accessed after normal business hours.
  - 6) In all incidents, unless the victim requests anonymity under relevant state law, the victim will be referred to the SF State Title IX Office (found at http://titleix.sfsu.edu/home). Be sure to explain the difference between a confidential reporting unit, e.g., The SAFE Place versus the Title IX Office or other campus units/programs/services.
  - 7) Provided a copy of the Title IX brochure (one is available for student, one is available for employees).
  - 8) Incident shall always be appropriately documented on a University Police incident report. The reporting officer shall document the treatment options that the victim was provided (as detailed above). Reassure the victim that his/her identity will be kept confidential if he/she wishes.
  - 9) The reporting officer shall also complete the Sexual Assault Victims Information Checklist Form. The original copy shall be attached to the report and a copy provided to the victim.

1. Sexual Assault Response Team (SART) is a campus-wide community based team appointed by the Vice President of Student Affairs & Enrollment Management, who is also the Title IX Coordinator.

### The SART will:

- Provide advocacy support for students (both complainant's & respondent's) before, during and following the Title IX investigative process;
- Conduct triage for students who seek support through The SAFE Place (specifically for victims/survivors who do not file formal Title IX complaints); and
- Relay feedback to the Title IX team & President's Advisory Board on Gender Equity & Title IX around campus themes and systemic issues identified, as well as provide any suggestions and recommendations regarding training needs as they relate to effective response in incidents of sexual violence.
- 2. The SART meets monthly to review sexual assault cases, discuss trends with cases that involve physical/assaultive behavior, and track trends with substance-abuse among campus community members. Additionally, the SART consults and provides briefs on issues that present a potential risk to the campus community. Each SART member presents a report at the monthly meetings on the issues that they have addressed from referrals through their crisis counseling sessions.
  - a. SART is comprised of a staff member from the University Police Department (The Commanding Officer of the Investigations Division or designee), Residence Life, Counseling & Psychological Services Center, the Student Health Center, and the SAFE Place.
  - b. The SAFE Place Coordinator directs SART activities including on-going training and drafts the minutes for the monthly team meetings. It should be noted that the SAFE Place at San Francisco State University is a resource center for sexual violence prevention and crisis intervention.
  - c. SART members shall report all statistical information of sexual violence and harassment, regardless if the complainant does not request such resolution, to the University Office of the Title IX Coordinator. The Title IX Coordinator will promptly and equitable address the complaint. The Commanding Officer of the Investigations Division or designee is the University Police Department Title IX Reporter who will convey reports of sexual harassment brought forward to the UPD to the office of the Title IX Coordinator.
  - d. The SAFE Place serves as a resource for the campus community by providing crisis counseling in the areas of sexual assault, domestic violence, sexual harassment, and stalking.
- 3. The Health & Wellness Education Department is the San Francisco State University prevention education program which works to provide education to campus groups specifically with fraternities and sororities, athletic teams and residence halls as well as with the general student body population.
- 4. If a rape is reported to the university and the victim wishes police action, the following procedures should be followed:

- a. The Duty Official should be notified by the Watch Commander.
- b. The victim should be asked if he/she wants an advocate to respond. If the incident occurs Monday-Friday (0900-1700 hours) and the victim requests for an advocate, the SAFE Place Coordinator should be called immediately and advised of the reported sexual assault. For all other times (if the victim wants an advocate), the San Francisco General Hospital (Rape Trauma Center) will be called.
- c. The victim should be taken to San Francisco General Hospital by an officer, for a rape exam as soon as possible. The investigating officer should coordinate anyone meeting the victim at San Francisco General Hospital, so the victim does not have to spend an inordinate amount of time waiting.
- d. If the assault occurred in Housing or involves a member of the Housing Community, the residential life coordinator should be notified immediately.
- e. The initial responding officer shall not leave the victim alone and shall stay with the victim until relieved by a SART team member or the SAFE Place Coordinator. All facts shall be immediately obtained from the victim, if possible, and officers should be mindful of moving the victim while retaining evidence. Circumstances may necessitate a field ID. If an ambulance is needed, the initial officer shall stay with the victim and additional officers should be assigned to obtain witness statements. The officer with the victim should telephone dispatch about additional information from the victim.
- f. As soon possible, the SART Chair shall advise all SART members of the incident.
- g. All sexual assault cases under investigation shall be exempt from release to the public (including Campus Press) pursuant to 6254(f) of the Government Code. The Chief of Police is the only authorized person the release information to the Press. The reporting officer shall fill out the "San Francisco State University Sexual Assault Victim Information Check List" and the "Victim Information Sheet." These will be attached and become part of the report.
- h. The incident will be reviewed following the Timely Warning notice review process (and Assessment form), for consideration whether a Timely Warning needs to be issued.
- i. The Field Operations Commander in coordination with the Commanding Officer of Investigations shall direct the investigations.
- C. SF State Vice President of Student Affairs & Enrollment Management, Title IX Coordinator- Title IX and DHR (Discrimination Harassment, and Retaliation Complaint) Investigations:
  - 1. The University Office of the Title IX Coordinator has established and is responsible for the campus policy, procedures, and training for Title IX compliance. The link to the SFSU Title IX website which includes the policy, functional organization chart, campus partners included in the Title IX and DHR complaint process, related resources, and the complaint form is http://titleix.sfsu.edu/ home.

- 2. The UPD criminal investigation will occur concurrently with the Title IX investigative process to avoid any delays to resolving complaints promptly and equitably. However an exception will be allowed for the collection of evidence.
- 3. The Title IX Coordinator will have access to all relevant criminal investigation information on the condition that the information does not compromise the criminal investigation.
- 4. The University Office of the Title IX Coordinator will be responsible for and complete the investigation into all Title IX and DHR complaints the campus receives.
- 5. Additionally, the University Office of the Title IX Coordinator will provide for all training and certifications to the two Senior Deputy Coordinators who are the designated personnel in conducting civil rights investigation of sexual violence, sexual harassment, and discrimination complaints, to include:
  - a. Applicable confidentiality requirements;
  - b. How to investigate non-stranger sexual assault; and
  - c. The use if "preponderance of the evidence" as the evidentiary standard.
- 6. The University Office of the Title IX Coordinator will conduct annual training to UPD personnel on the campus Title IX policy. The training should include the following items:
  - a. How to identify and report sexual harassment and discrimination;
  - b. The Campus Title IX reporting and grievance procedures and protocol for reports of sexual violence.
- 7. The UPD on-call Duty Official will be responsible for ensuring that the UPD Title IX notification is made to the University Office of the Title IX Coordinator for all Title IX related incidents reported to the UPD in a timely and prompt manner. Investigations Unit personnel will be responsible for completing the Title IX notification email, after their daily case review.

# D. Crime Scene/Suspect Apprehension:

- 1. The initial responding officer shall delegate the following responsibilities to other officers while he/she remains with the victim:
  - a. Collection of evidence.
  - b. Preservation of the crime scene.
  - c. Apprehension of any suspects. (Call SFPD if necessary.)
  - d. Interviews of any witnesses.

# E. Victim Interview:

 This interview should be conducted prior to the evidentiary examination and may be conducted by any of the following individuals: a detective, a supervisor, a female

- officer, or the initial responding officer. The needs and preference of the victim should dictate who conducts the interview.
- 2. Tell the victim not to "clean up anything," douche, smoke, ingest anything (including water and coffee), brush teeth, or rinse mouth. If he/she has already done one of the above, be sure and note it.
- Tell the victim he/she may have a relative, friend, or counselor with him/her throughout the investigative process if he/she wishes or that no one will be notified if he/she prefers confidentiality.
- 4. Establish the elements of the offense, the location and scope of the crime scene, presence and identify of any witnesses as well as the identity of any suspects, if known
- 5. Utilize the victim information checklist form (kept in the squad room file cabinet) to document that the victim has been explained all of his/her options. #2 specifically is to be circled and the form signed if the victim does not wish to press charges.

# F. Evidentiary Examination:

- 1. Transport the victim to the emergency department triage desk at San Francisco General Hospital at 1001 Potrero Avenue (at 23rd Street). S.F.G.H. triage staff will medically assess the victim and will contact San Francisco Rape Treatment Center staff to respond to the emergency department. The victim and the officer(s) will be directed to a separate waiting area inside the emergency department (unless urgent medical treatment is needed).
- 2. The examination may take up to three hours. It is not mandatory for the transporting officer to wait for the victim, however, if the officer leaves the hospital he/she shall notify emergency room personnel that the officer is temporarily leaving, and how he/she can be reached since the victim is to be transported home (or wherever else he/she wants to go) after the examination.
- 3. Evidence collection kits will be stored by San Francisco General Hospital for up to, but no more than 72 hours. This information is to be noted in the body of the crime report.
- 4. Package each item of clothing in separate paper bags. Items with blood or semen stains should be folded carefully to prevent distortion of the stains. The stains should be circled with an ink pen for easy identification. Do not contaminate stains. Keep suspect and victim evidence separate. Do not process suspect and victim evidence in the same area. Evidence is to be secured in an evidence locker with separate lockers for victim and suspect.

Note: Bloodstains are to be air-dried, semen stains are refrigerated. Hospital personnel know the evidence storage procedures and can assist with questions.

If a suspect is in custody and he/she is also being medically examined, another officer shall remain with them and prevent any contact between the suspect and the victim.

### G. Notifications/Chain of Command:

- 1. The Watch Commander shall notify the Duty Official upon confirmation of the crime.
- 2. The Duty Official shall notify the Chief of Police. All cases such as this will be handled by the Investigations Division after the officer takes the initial report.
- 3. The Investigations Division, or Duty Official shall initiate call-out procedures for appropriate investigative personnel.
- 4. The on-duty Watch Commander will supervise all patrol and dispatch functions.
- 5. Upon the arrival of a detective, they will coordinate all investigative efforts up to and including, interviews and interrogations, evidence collection and preservation, crime scene processing and suspect apprehension.

# H. Suspect Processing:

- 1. If the suspect(s) is arrested at the crime scene, immediately remove them. An officer shall remain with the suspect until relieved by investigative personnel.
- 2. If there is more than one suspect detained, the suspects shall be kept separated.
- 3. Record all spontaneous statements, with date and time.
- 4. Prevent communication between victims, witnesses, and suspects.
- 5. Investigative personnel will conduct suspect interviews if they are present. If an investigator is not available, ask the suspect if he is willing to talk to you. If he does not want to talk to you, do not admonish him (he may talk to an investigator later). If he wants to talk, admonish him. If you receive a waiver, obtain a complete, tape recorded statement, and summarize it in the body of the crime report.
- 6. Note suspect's actions, physical condition, characteristics, or peculiarities.
- 7. Photograph suspect(s). Include evidence of injury or torn/stained clothing which may be of evidentiary value.
- 8. Preserve and collect evidence found on suspect's person; e.g., semen/blood stains, stolen property, etc.
- 9. Transport the suspect(s) to S.F. General Hospital and request that blood and urine samples are obtained for drug and alcohol analysis. Have the medical personnel collect samples of the suspects pubic and head hair.
- 10. Remove, package, and book the suspect's clothing as evidence.
- 11. Record any alibi statements.
- 12. Provide information to follow-up investigators as soon as possible.
- 13. Consider withdrawal of consent to remain off campus if warranted.

### I. Other:

- 1. Do an area canvas for possible witnesses.
  - a. Interview all witnesses thoroughly, recored all interviews and summarize the interviews in the crime report. If investigators are unavailable, have an officer obtain a written statement from all witnesses.
  - b. Advise investigators of all pertinent information.

# J. Timely Warning Review:

1. The Watch Commander will conduct a review of all sex offenses (and Clery reportable crimes) to consider if there's an imminent threat to the safety and welfare of the campus community. If it's determined that there's an imminent threat to community safety and welfare, a timely warning notice shall be provided to students and employees. Timely Warning notices shall be provided to students and employees in a manner that is timely and will aid in the prevention of similar occurrences. (Please see General Order 6-9, Statistical Reporting and Clery Compliance for more information Timely Warning procedures)

# K. University Sexual Assault Policy:

- 1. All Sworn and Dispatch staff will receive annual training on the campus and Department sexual assault procedures.
- L. Clery Compliance and Collection of Crime Statistics
  - 1. All incidents of sexual violence will be reviewed by the Clery Review Committee to ensure that the incident is catalogued and categorized correctly.

# M. SF State Title IX Training:

1. All University employees will receive annual training on the campus Title IX policy and process.

# N. Appropriate Documentation:

- 1. A crime report should always be taken if the victim wishes prosecution.
  - a. The victim information sheet should be utilized to exempt the victims' personal information from the report pursuant to 293 P.C.
- 2. The following are examples of frequently reported sexual assaults and direction as to the type of report to be taken.

Situation: Resident Assistant, or other Housing & Residential Services employee contacts the police and advises that a resident has been assaulted. The resident student has asked for information on counseling services, but does not want to make a report to the police. The R.A. notifies the police in compliance with University policy. The victim is still adamant she does not want to make a police report; all she wanted was a resource list.

Action: Confidential student report taken - Non-police report exempt from public disclosure.

Situation: A roommate of a victim contacts the police and wants to make a report. The victim does not want to make a police report. The suspect is a resident, and may possibly live on the same floor as the victim. The victim is contacted by the police and still does not want a police report, nor does she want the suspect

contacted.

Action: Inter-office memorandum to the Chief of Police is created, exempt from public disclosure pursuant to the California Government Code.

Situation: A victim contacts the police. She wants to know what her rights are. Once she is told what the procedure is for police reports, she decides she does not wish to make a report, however, she does want the suspect contacted and removed fromcampus.

Action: Non-police report taken for student discipline referral. Confidential student record exempt from public disclosure.

Situation: A victim contacts the police. She wants to make a police report, however, she does not want anything done. She does not want the suspect contacted. She is advised that if she makes a police report, the suspect will be contacted as part of the investigation. The victim only wants the incident documented, but does not want to press charges, and does not want the suspect contacted.

Action: Police report taken - forwarded to District Attorney's Office. Victim must sign form.

Situation: Victim wants police report and prosecution - no elements of rape exist. Action: Police report taken and forwarded to District Attorney's Office for review.

Situation: Student Health Center physician examines the victim, and sends a report to University Police pursuant to University policy.

Action: Victim contacted by Detective Sergeant to ascertain victim's wishes. If victim wishes no police involvement - no police report taken, and Sexual Assault Victim Checklist is utilized as the report.

Situation: Victim reports sexual assault to a San Francisco State University Counselor during a counseling session. Information is confidential and privileged pursuant to California Evidence Code and cannot be disclosed.

Action: If no "Tarasoff Admonishment" is necessary - no police report is taken. Counselor reports STATISTICS annually and will notify the Chief of Police if there are suspect patterns.

Situation: Victim reports sexual assault to S.A.F.E. Place (Sexual Abuse Free Environment) to receive sexual assault survivor counseling, or to ask advice. Action: Detective Sergeant contacts victim for police report and crime scene processing and medical exam. The SAFE Place Coordinator submits Sexual Assault Incident Form and forwards to Chief of Police.

In all reported situations, all SART members submit a Sexual Assault Incident Form and forward to the Chief of Police. Additionally, officers will transport victims of sexual violence/assault (when requested and permitting adequate staff levels) for incidents that occur in San Francisco County (regardless of whether the victim wishes to file a report or not) to San Francisco General Hospital to receive support services from the SF Rape Treatment Center.

# V. APPENDICES: None

# VI. ATTACHMENTS:

- A. SFSU Sexual Assault Victim Information Checklist
- B. Sexual Assault Incident Report Form
- C. Victim Information Sheet
- D. Executive Order 1097

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

# San Francisco State University Police Department Sexual Assault Victims Information Checklist

	Instructions: Please read carefully. If you have any questions, please do not hesitate to ask.
1.	I have reported a crime of sexual assault to the San Francisco State UniversityPolice Department.
2.	I understand that a Sexual Advocate is available to me to provide support. YES I do want an Advocate from SFSU/SFWAR. NO I do not want an Advocate.
3.	I understand and it has been explained to me that I have the right to proceed with criminal charges against the assailant.  (Initial One) I wish to file criminal chargesOR I do not wish to pursue this matter and I request that the San Francisco State University Police Department terminates its investigation  • I understand, however, that the ultimate decision to proceed with this case lies with the State of California
4.	I understand that if I chose not to proceed with criminal charges now, my case may be weakened if I choose to proceed at a later date.
5.	I understand that I may request for a SART forensic examination to be completed and that collected evidence will be retained. YES I do want to complete a SART exam. NO I do not want to complete a SART exam.
6.	I wish my name to be kept confidential and not released. YESNOI do understand that the suspect description may be released for the safety and well-being of the campus community. YESNO
7.	I understand that once the case has been adjudicated it becomes a matter of public record and may be released to the press; however, my name will still be kept confidential.  YESNO
5	I have been provided resources for Title IX ( <a href="http://titleix.sfsu.edu/">http://titleix.sfsu.edu/</a> ), Counseling & Psychological Services ( <a href="http://psyservs.sfsu.edu/">http://psyservs.sfsu.edu/</a> ), MARSY's LAW ( <a href="http://oag.ca.gov/victimservices">http://psyservs.sfsu.edu/</a> ), MARSY's LAW ( <a href="http://oag.ca.gov/victimservices">http://oag.ca.gov/victimservices</a> ) SAFE Place Information ( <a href="http://www.sfsu.edu/~safe_plc/">http://www.sfsu.edu/~safe_plc/</a> ) YESNO
ın	e contents of this waiver have been explained to me, and I have read and understand this waiver:
Si	ignature of person reporting crime DATE
Tł	he contents of this waiver has been explained to the person reporting the crime and provided by
	of EMPLOYEE DEPARTMENT
T S S	AN FRANCISCO STATE UNIVERSITY POLICE 24 HOURS (415) 338-7200 The S.A.F.E. Place (Sexual Assault Free Environment) (415) 338-2819 TUDENT HEALTH SERVICES (415) 338-1251 T.F.S.U. COUNSELING CENTER (415) 338-2208 TILE IX Office (415) 338-7313

# ATTACHMENT B



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# Sexual Assault Incident Report --CONFIDENTIAL--

# Incident

Type of In	cident:			Date &	Time of Ir	ncident:		
Location c	of Incident:			Campus	s related	event		
Reported Yes	to Police: s: \( \text{No:} \)		If so, which de	partment:		Cá	ase #:	
•			be released to	•	Yes:			
Victim pre	eters suspe	ect name not	be released to	o anyone:	Yes:	□ No: □		
Victim Inf	formation							
Name:				Ethnicity:	Sex:	DOB or Age:	Student: Employee:	
Home Add	dress:					Phone:		
Work Addı	ress:					Phone:		
Brief desc	cription of in	cident:						
Suspect I	Informatio	 on						
Name:				Ethnicity:	Sex:	DOB or Age:	Student: Employee:	
Height:	Weight:	Hair Color:	Eye Color:	Address:			Limpio, oc.	
		t to be contact	ied:	Suspect is:				
Yes: □ No: □				□ A Stranger ; □ An Acquaintance				
Person co	ompleting fo	rm:						
Name (pri	nt):				_	Date/Time:		
Signature:	:					Date/Time Sent:		
UPD ONL	.Y:							
Received	Ву:				Date 8	& Time:		

# ATTACHMENT C



Police Department  $\cdot$  1600 Holloway Ave  $\cdot$  San Francisco, California 94132  $\cdot$  Tel 415/338-7200  $\cdot$  Fax 415/338-1926



	V	/ICTIM	CONFIDENTIALITY FO	rint Form ORM
being mad Penal Cod	de a matte de and se	er of public recection 6254(f)(2	n (name, address, etc.) in this case is not ord persuant to section 293 of the California c) of the California Government Code. The sted in the Report.	Case No.:
Victim's Inf Name (	formation: (Last, First,		Phone Nur	mber:
	s (City, Sta		ntiality per 293 PC	dentiality per 293 PC
	PEN	AL CODE SECTI	ON DESCRIPTION	
		261	Rape	
		264	Rape of spouse: unlawful sexual intercourse	
		264.1	Rape by foreign object: acting in concert	
		273a	Willful cruelty to child: endangering health	
		273d	Corporal punishment or injury of child	
		237.5	Corporal injury to spouse, cohabitant, or parent	
		286	Sodomy	
		286 288	Sodomy  Lewd acts with child under 14	
		288	Lewd acts with child under 14	objects
		288 288a	Lewd acts with child under 14  Oral Copulation	objects
		288 288a 289	Lewd acts with child under 14  Oral Copulation  Penetration of genital or anal openings by foreign	-
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#### ATTACHMENT D



BAKERSFIELD June 23, 2015

CHANNEL ISLANDS

MEMORANDUM CHICO

DOMINGUEZ HILLS TO: **CSU Presidents** 

EAST BAY

Timothy P. White Chancellor

FROM: FRESNO

**SUBJECT:** Systemwide *Policy* Prohibiting Discrimination, Harassment and FULLERTON

Retaliation, Sexual Misconduct, Dating and Domestic HUMBOLDT Violence, and Stalking against Students and Systemwide Procedure for Addressing Such Complaints by Students

LONG BEACH Executive Order 1097 Revised June 23, 2015

LOS ANGELES

MONTEREY BAY

Attached is a copy of Executive Order 1097 Revised June 23, 2015, which MARITIME ACADEMY

supersedes Executive Order 1097 June 3, 2014. Issued in response to the Campus Sexual Violence Elimination Act (the SaVE Act) and related guidance from the U.S. Department of Education, Office for Civil Rights, addressing Title IX of the

Education Amendments of 1972, this policy and complaint procedure applies NORTHRIDGE

systemwide.

POMONA

Complaints filed on or after the effective date of this executive order shall be SACRAMENTO

processed in accordance with the policy and procedures outlined herein.

Complaints filed before the effective date of this executive order shall be handled

SAN BERNARDINO in accordance with Executive Order 1097 June 3, 2014.

SAN DIEGO In accordance with policy of the California State University, the campus president

has the responsibility for implementing executive orders where applicable and for

maintaining the campus repository and index for all executive orders.

SAN JOSÉ

SAN FRANCISCO

If you have questions regarding this executive order, please call Equal Opportunity

and Compliance at (562) 951-4400. SAN LUIS OBISPO

SAN MARCOS TPW/lh

SONOMA Attachments

STANISLAUS

Executive Order 1097 Revised June 23, 2015

 c: CSU Office of the Chancellor Leadership Provosts
 Vice Presidents, Administration and Finance Vice Presidents, Student Affairs
 DHR Administrators
 Human Resources Officers
 Title IX Coordinators

Executive Order 1097 Revised June 23, 2015

# THE CALIFORNIA STATE UNIVERSITY Office of the Chancellor 401 Golden Shore Long Beach, California 90802-4210 (562) 951-4400

**Executive Order:** 1097 Revised June 23, 2015

**Effective Date:** June 23, 2015

**Supersedes:** Executive Order 1097 Effective June 3, 2014

**Title:** Systemwide *Policy* Prohibiting Discrimination, Harassment and

Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide *Procedure* for Addressing Such

Complaints by Students

#### **Article I. Policy Statement**

The California State University (CSU) is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. We embrace and encourage our community differences in Age, Disability, Race or Ethnicity, Gender, Gender Identity or Expression, Nationality, Religion, Sexual Orientation, Genetic Information, Veteran or Military Status, and other characteristics that make our community unique. All Students have the right to participate fully in CSU programs and activities free from Discrimination, Harassment, and Retaliation. The CSU prohibits Harassment of any kind, including Sexual Harassment, as well as Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such behavior violates University policy and may also violate state or federal law.

All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific sexual activity is Sexual Misconduct and constitutes a violation of this policy, whether or not the sexual activity violates any civil or criminal law.

This policy is established in compliance with the California Equity in Higher Education Act, Title IX, VAWA/Campus SaVE Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws.

<sup>&</sup>lt;sup>1</sup> Key capitalized terms are defined at Article VI of this Executive Order. Terms contained within this policy and procedure are intended to be gender neutral.

#### **A. Prohibited Conduct.** The CSU prohibits:

- Discrimination, including Harassment, because of any Protected Status: i.e., Age,
  Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality,
  Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or
  Military Status;
- 2. Retaliation for exercising rights under this policy, opposing Discrimination or Harassment because of a Protected Status, or for participating in any manner in any related investigation or proceeding;
- 3. Dating and Domestic Violence, and Stalking;
- 4. Sexual Misconduct of any kind, which includes sexual activity engaged in without Affirmative Consent; and,
- 5. Employees from entering into a consensual relationship with any Student over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. See Article I. F.

The University shall respond promptly and effectively to all complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and shall take appropriate action to prevent, correct, and discipline conduct that violates this policy. This Executive Order is intended to protect the rights and privacy of both the Complainant and the Respondent, as well as other involved individuals.

Employees and Students who are found to have violated this policy shall be subject to discipline commensurate to the violation. If Employee discipline is warranted, it shall be administered in a manner consistent with applicable collective bargaining agreements, CSU policies, and legal requirements. Student discipline shall be administered in accordance with 5 Cal. Code Regs. § 41301 and Executive Order 1098, or any superseding executive order.

- **B. Discrimination.** The CSU strives to be free of all forms of Discrimination, including Harassment, because of a Protected Status. It is CSU policy that no Student shall be excluded from participation in, or be denied the benefits of, any CSU program or activity because of any Protected Status.
- C. Retaliation. Retaliation against a Student for exercising any rights under this policy or for opposing Discrimination or Harassment because of a Protected Status, Sexual Misconduct, Dating and Domestic Violence, and Stalking, or for participating in any manner in any policy-related investigation or proceeding is prohibited.

No victim or witness in related investigations or proceedings will be subject to disciplinary sanctions by the University for related violations of conduct policies occurring at or near the time of the incident unless the University determines the violation was egregious, including but not limited to plagiarism, cheating, academic dishonesty or conduct that places the health and safety of any other person at risk.

- **D. Dating and Domestic Violence, and Stalking.** The CSU prohibits Dating and Domestic Violence, and Stalking. Dating and Domestic Violence, and Stalking are often based on Gender. CSU prohibits all such misconduct whether or not it is based on Gender.
- **E. Sexual Misconduct.** All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity constitutes Sexual Misconduct and is a violation of this policy, whether or not the conduct violates any civil or criminal law.

Sexual Misconduct is a form of Sexual Harassment and may create a sexually hostile environment that affects access to or participation in CSU programs and activities. CSU prohibits all such conduct whether or not it also amounts to Sexual Harassment.

Sexual activity includes but is not limited to kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex.

Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean Affirmative Consent. Affirmative Consent must be voluntary, and given without coercion, force, threats or intimidation.

The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.

Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact,

nature or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.

Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.

A person with a medical or mental disability may also lack the capacity to give consent.

Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

- The person was asleep or unconscious;
- The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
- The person was unable to communicate due to a mental or physical condition.

It shall not be a valid excuse that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.
- F. Consensual Relationships. Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking subject to this policy.

A CSU Employee shall not enter into a consensual relationship with a Student or Employee over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each Campus shall develop a procedure to reassign such authority to avoid violations of this policy.

This prohibition does not limit the right of an Employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or MPP/confidential personnel plan.

- **G. Reasonable Accommodations.** The CSU will provide reasonable accommodations to qualified individuals with a Disability. Reasonable accommodations will be determined by the Campus following an interactive process with those involved to identify the nature and extent of the restrictions and the appropriate accommodation.
- H. Duty to Report. Except as provided below, <u>any</u> Employee who knows or has reason to know of allegations or acts that violate this policy shall promptly inform the DHR Administrator or Title IX Coordinator. These Employees are required to disclose all information including the names of the Parties, <u>even where the person has requested that his/her name remain confidential.</u> The DHR Administrator or Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident.

Employees Who Do Not Have A Duty to Report:

- 1. The following Employees are <u>not</u> required to report <u>any</u> information about an incident of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking to the DHR Administrator or Title IX Coordinator:
  - a. Physicians; psychotherapists; professional licensed counselors; licensed clinical social workers, and clergy who work on or off Campus, acting solely in those roles or capacities as part of their employment, in the provision of medical or mental health treatment or counseling (and those who act under their supervision, including all individuals who work or volunteer in these centers and offices); and
  - b. Sexual assault and domestic violence counselors and advocates who work or volunteer on or off Campus in sexual assault centers, victim advocacy offices, women's centers, and health centers and who are acting solely in that role (including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault centers, victim advocacy offices, women's centers, gender equity centers, or health centers) in the provision of counseling or advocacy services.

c. A CSU employee/union representative is not required to report a possible violation of this Executive Order if the information is provided to the union representative, acting in that role, in a confidential setting by a union member seeking advice about a possible violation or representation in a matter within the scope of representation. However, CSU employee/union representatives are <a href="strongly encouraged">strongly encouraged</a> to report the information to the DHR Administrator or Title IX Coordinator.

2. University police are <u>not</u> required to report any <u>personally-identifiable information</u> about a victim of certain sex offenses, <sup>2</sup> <u>if the victim requests confidentiality</u>, but must report all known facts of the incident, including the identity of the perpetrator (if known), to the Title IX Coordinator.

**EXCEPTIONS**: Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if s/he provides medical services for a *physical condition* to a patient/victim who s/he knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or, (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct.<sup>3</sup> This exception does *not* apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, *all* physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or, (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the Sexual Misconduct, Dating or Domestic

<sup>&</sup>lt;sup>2</sup> See Cal. Penal Code § 293; Cal. Gov. Code § 6254(f)(2)("The name of a victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3 (as added by Chapter 337 of the Statutes of 2006), 288.3 (as added by Section 6 of Proposition 83 of the November 7, 2006, statewide general election), 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the victim's request, or at the request of the victim's parent or guardian if the victim is a minor.")

<sup>&</sup>lt;sup>3</sup> Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including Sexual Battery, incest, Rape, spousal Rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. See Cal. Penal Code 88 11160-11163 2

See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.

<sup>&</sup>lt;sup>5</sup> See Cal. Evid. Code § 1024.

Violence, or Stalking incident. <sup>6</sup> If applicable, these professionals will explain this limited exception to victims.

I. Grade Appeals. Grade appeals that allege Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking shall proceed concurrently: (i) under Campus procedures per Executive Order 1037 or any superseding executive order; and (ii) under this Executive Order. However, the Campus grade appeal procedure shall be placed in abeyance until such time as the Campus investigation and any appeal process under Article IV of this Executive Order have concluded. The final determination under this Executive Order regarding whether a violation occurred shall be provided to the Campus grade appeal committee. The committee shall be bound by such determination when considering the grade appeal request under Executive Order 1037.

#### Article II. Policy Implementation and Communication

Each Campus president shall designate a DHR Administrator and Title IX Coordinator who shall be responsible for the implementation of and compliance with this policy. The DHR Administrator is responsible for the implementation of and compliance with this policy with respect to all Discrimination, Harassment and Retaliation matters except those involving Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The DHR Administrator is responsible for publicizing this Executive Order, developing Campus training policies consistent with this Executive Order, conducting training, and establishing an administrative structure consistent with this Executive Order that facilitates the prevention and elimination of Discrimination, Harassment, and Retaliation. The Title IX Coordinator is responsible for the implementation of, and compliance with this policy with respect to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The Title IX Coordinator is responsible for publicizing this Executive Order, developing Campus training policies consistent with this Executive Order, conducting training, and establishing an administrative structure consistent with this Executive Order that facilitates the prevention and elimination of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. Each Campus shall make the contact information for the DHR Administrator and Title IX Coordinator available to all members of the Campus community as well as Third Parties. The contact information shall be updated as necessary.

The requirements for training to promote awareness of CSU policies against Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking are set forth in Executive Order 1095.

This Executive Order shall be made readily available and distributed on an annual basis to all Students and Employees utilizing multiple media for communication, including email, Student orientations and catalogs, new Employee orientations, Campus websites and publications, and the webpages for the offices of Equity and Diversity, Student Affairs, Student Judicial Affairs,

<sup>&</sup>lt;sup>6</sup> See Cal. Evid. Code § 1035.4.

Disabled Student Services, Auxiliary Service Organizations, Academic Affairs, Extended Education, Athletics, Residential Life, and Human Resources.

#### **Article III. Campus Procedure for Responding to Complaints**

This procedure provides Students a process to address alleged violations of this policy by the CSU, a CSU Employee, another Student, or a Third Party. Whenever a Campus determines that the allegation(s) are outside the scope of this policy, the Campus shall promptly notify the Student in writing. All Complaints and related investigations against Respondents who are sworn University public safety officers shall be governed by this policy, the applicable collective bargaining agreement, and by the Public Safety Officers Procedural Bill of Rights Act (POBR). The campus DHR Administrator/Title IX Coordinator shall work with the campus Chief of Police, or designee, to investigate Complaints against sworn public safety officers. Consultation with the Office of General Counsel is recommended.

The University will respond to all Complaints and will take appropriate action to prevent, correct, and discipline conduct that violates this policy. To report alleged violations, a Student may submit a formal written Complaint to the DHR Administrator (Discrimination, Harassment, and Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking). The date of receipt shall be deemed to be the Complaint filing date. The DHR Administrator/Title IX Coordinator shall offer reasonable accommodations to Students who are unable to submit a Complaint because of a qualified Disability.

Complaints should be brought forward as soon as possible after the conduct occurs. While there is no stated timeframe for making a Complaint, prompt reporting will better enable the Campus to respond to the Complaint, determine the relevant issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report or Complaint may impede the ability to conduct an investigation or take appropriate remedial actions.

The Campus will respond to all reports of alleged violations of this policy, whether or not the report is submitted as a formal written Complaint. However, the response may be limited if information contained in the report is insufficient to verify violation(s) of this Executive Order.

A. Campus Early Resolution Process. Complainants who believe they have experienced Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking under this policy may initiate the Early Resolution process prior to, or instead of, filing a Complaint. The purpose of the Early Resolution process is to explore whether the Complainant's concern can be resolved by the Campus without an investigation.

<sup>&</sup>lt;sup>7</sup> See Cal. Govt. Code §§3300-13.

This Executive Order neither prevents nor requires the use of the Early Resolution process. Under no circumstance shall a Complainant be required to use the Early Resolution process to address prohibited behaviors. It is not appropriate for a Complainant to be required to "work out the problem" directly or mediate with the Respondent. Mediation cannot be used, even on a voluntary basis, to resolve Sexual Misconduct, Dating or Domestic Violence, or Stalking Complaints. In other matters, where voluntary mediation is requested, no meeting between the Complainant and the Respondent should occur without involvement by appropriate Campus administrators, including the DHR Administrator or Title IX Coordinator.

Where the allegations involve Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Complainant shall be advised to immediately file a Complaint under Article III, B.

1. To initiate the Early Resolution Process. The Complainant should contact his/her Campus DHR Administrator (Discrimination, Harassment, or Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking) who shall promptly meet with the Complainant to discuss his or her concern and possible resolutions as appropriate.

Complainants shall be informed about the range of possible outcomes, including Interim Remedies or disciplinary actions that might be taken against the Respondent, and information about the procedures leading to such outcomes.

2. Participation in the Early Resolution Process. Participation is voluntary. It may include an inquiry into the facts, but does not include an investigation. Means for resolution shall be flexible. Resolution options include but are not limited to discussions with the Parties, a resolution facilitated by the DHR Administrator or Title IX Coordinator, separating the Parties, referring one or both of the Parties to counseling programs, an agreement between Campus and the Respondent regarding disciplinary action, conducting targeted preventive educational and training programs or providing Remedies to persons harmed by violations of this policy.

The Campus shall attempt to resolve the Complainant's concern(s) quickly and effectively. The DHR Administrator or Title IX Coordinator shall meet with the Complainant, the Respondent, and any other persons or witnesses they may determine to be necessary.

**3. Final Early Resolution.** If resolution is reached, a written record of the resolution shall be documented and maintained in accordance with applicable Campus recordkeeping policies. The matter shall be considered closed.

Where the Respondent is another Student, the DHR Administrator/Title IX Coordinator shall inform the Student Conduct Administrator of the outcome of the Early Resolution process, including any Interim Remedies afforded to the

Complainant. Where the Respondent is an Employee, Human Resources or Academic Affairs shall be informed as appropriate.

If resolution is not reached, the Campus shall promptly notify the Complainant and, where applicable, the Respondent in writing that the Early Resolution process is terminated, and the termination effective date. The Complainant shall be provided written notification of his/her right to file a Complaint pursuant to Article III, B. 1.

- 4. Confidentiality. Other than consulting with their respective Advisors, both the Complainant and the Respondent shall keep the details of the Early Resolution process confidential until the process is concluded. If the matter is not resolved and an investigation is conducted, the Complainant and the Respondent shall maintain confidentiality until the conclusion of the Campus investigation and CO Appeal Review process, if any.
- 5. Termination of Early Resolution Process. The Complainant shall be notified that the Complainant or the Campus may at any time elect to terminate the Early Resolution process. In that event, the DHR Administrator/Title IX Coordinator shall promptly notify the Complainant and the Respondent in writing that the Early Resolution process has terminated, the effective date thereof, and inform the Complainant of his/her right to file a Complaint pursuant to Article III, B. 1.
- B. Campus Investigation Process. Campuses will investigate Complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking unless an Early Resolution is reached, whether or not a formal written Complaint is submitted. The DHR Administrator/Title IX Coordinator will determine whether to open an investigation after making a preliminary inquiry into the allegations. An investigation may not be warranted where the reported information is insufficient.

In cases where the Complainant does not want to pursue an investigation, the DHR Administrator/Title IX Coordinator should inform the Complainant that the ability to take corrective action may be limited. The Campus may determine that circumstances warrant initiating an investigation even if a Complaint has not been filed and independent of the intent or wishes of the Complainant. In cases involving Sexual Misconduct, Dating or Domestic Violence, or Stalking, when determining whether to go forward with an investigation, the Title IX Coordinator should consider the seriousness of the allegation(s), the age of the Complainant, whether there have been other Complaints against the Respondent, and the risk to the Campus community if the Respondent's alleged conduct remains unaddressed.

**1. Filing a Complaint.** Any Student may file a Complaint reporting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking under this policy subject to the following exceptions:

- Complaints of Student employees that arise out of their employment. Such Complaints shall be governed by Executive Order 1096, or any superseding executive order.
- b. Complaints by a Student about his/her academic adjustments and/or accommodations to a Campus's educational program related to his/her qualified Disability. Such inquiries and Complaints shall be directed to the Campus Director, Disabled Student Services (DSS), and shall be governed by CSU Coded Memorandum AA 2014-08, or any superseding policy.
- c. Complaints against a president shall be filed with the Chancellor's Office (CO). However, Complaints against a president shall be processed by the Campus if the president's role in the alleged incident was limited to a decision on a recommendation made by another administrator, and the president had no other substantial involvement in the matter.
- d. For Complaints against CO employees, the responsibilities identified in this Executive Order as those of the president are the responsibilities of the chancellor. Complaints that involve allegations against the chancellor or a member of the Board of Trustees shall be referred to the chair or vice chair of the Board and the CO Title IX Coordinator for processing and investigation.
- 2. Complaint Requirements. The Complainant may submit a written Complaint to the DHR Administrator or Title IX Coordinator. The date the Complaint is received in the appropriate office shall be deemed to be the Complaint filing date. The DHR Administrator/Title IX Coordinator shall offer reasonable accommodations to Complainants who are unable to submit a written Complaint because of a qualified Disability.

The Complainant may complete the attached "CSU Student Complaint Form" or, in the alternative, submit a written signed statement containing the following information:

- a. The Complainant's full name, address (including email address) and telephone number(s);
- b. The name of the Respondent and job title, position or Student status, if known;
- c. The Protected Status that is the basis for any alleged Discrimination, Harassment, or Retaliation, the Respondent's activity that is the basis for the alleged Retaliation, or whether Dating or Domestic Violence, or Stalking is alleged;

- d. A clear, concise statement of the facts that constitute the allegations including pertinent date(s) and sufficient information to identify any individuals who may provide relevant information during the course of any investigation;
- e. A statement verifying that the information provided is true and accurate to the best of the Complainant's knowledge;
- f. The term and year of the Complainant's most recent active academic status or the term and year in which s/he sought admission to the University;
- g. The full name, address and telephone number of the Complainant's Advisor, if any;
- h. The specific harm resulting from the allegations;
- i. The specific remedy sought;
- j. The Complainant's signature; and,
- k. The date on which the Complaint is submitted.
- **3. Intake interview.** The DHR Administrator or Title IX Coordinator shall meet with the Complainant as soon as possible, but no later than **10 Working Days** after the Complaint was received. The Complainant shall make him/herself available for this meeting.
  - a. The meeting shall serve as the initial intake interview with the Complainant and will:
    - (i) Explain the investigation procedure and timelines and answer any questions about them;
    - (ii) Inform the Complainant of his/her rights, including the right to have an Advisor throughout the process;
    - (iii) Provide the opportunity for the Complainant to complete and sign a Complaint form, if not already done; and,
    - (iv) Discuss Interim Remedies, as appropriate.
  - b. In cases alleging Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Title IX Coordinator shall also:
    - (i) Inform the Complainant of the right to file a criminal complaint;

- (ii) Offer to assist the Complainant with filing a criminal complaint;
- (iii) Assure the Complainant that such filing will not significantly delay the Campus investigation;
- (iv) Advise the Complainant of available resources such as the Campus police, Campus Sexual Assault Victim's Advocate, student health service center or psychological counseling center; and
- (v) Provide *written* information, as directed under Executive Order 1095, to any Student who reports to the Campus that s/he has been a victim of Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- c. Prior to or during the initial interview with the Respondent, the DHR Administrator or Title IX Coordinator shall:
  - (i) Explain the investigation procedure and timelines and answer any questions about them;
  - (ii) Inform the Respondent of his/her rights, including the right to have an Advisor throughout the process;
  - (iii) Provide the Respondent with a copy of this Executive Order;
  - (iv) Provide the Respondent with a description of the Complainant's allegations against the Respondent;
  - (v) Provide the Respondent a full opportunity to respond to the allegations, including scheduling other meeting(s), accepting documentary evidence, and accepting Respondent's list of potential witnesses; and,
  - (vi) Discuss any Interim Remedies, as appropriate.
- **4. Advisor.** The Complainant and the Respondent may elect to be accompanied by an Advisor to any meeting or interview regarding the Complaint. (See definition in Article VI.)
- 5. Confidentiality. Information regarding the Complaint may be shared on a "need to know" basis with other Campus Employees, and with law enforcement (with the Complainant's written consent), except for some limited exceptions. (See Executive Order 1095.) The DHR Administrator and/or Title IX Coordinator shall endeavor to honor any request for confidentiality; however, the DHR Administrator and/or Title IX Coordinator shall also weigh requests for confidentiality against the University's

duty to provide a safe and nondiscriminatory environment for all members of the Campus community. **Confidentiality, therefore, cannot be ensured.** 

The Title IX Coordinator receives all Complainant requests for confidentiality involving cases of Sexual Misconduct, Dating or Domestic Violence, or Stalking, and determines if the request can be honored under the facts and circumstances of the particular case. (See Executive Order 1095.)

**6.** Complaint Accepted for Investigation. The DHR Administrator or Title IX Coordinator will review all written Complaints and the information received during the intake interview. If the DHR Administrator or Title IX Coordinator determines that the Complaint falls within the scope of this Executive Order, s/he will notify the Complainant within **10 Working Days** that the Complaint has been accepted for investigation and the timeline for completion of the investigation.

If the DHR Administrator or Title IX Coordinator determines the Complainant has failed to state a Complaint within the scope of this Executive Order, s/he will provide the Complainant with written notice of this determination within **10 Working Days**. The DHR Administrator or Title IX Coordinator will also inform the Complainant that if additional information is provided, the Complaint will be reviewed again. The DHR Administrator or Title IX Coordinator will maintain a record of the Complaint and the reasons the Complaint was deemed not within the scope of this Executive Order.

The DHR Administrator or Title IX Coordinator shall determine whether the Complaint should be processed through another Campus office or University procedure available to the Complainant. If appropriate, the DHR Administrator or Title IX Coordinator shall direct the Complainant to that procedure as soon as possible.

7. Investigation Procedure. The DHR Administrator or Title IX Coordinator shall promptly investigate the Complaint or assign this task to another Investigator on a case-by-case basis. If assigned to another Investigator, the DHR Administrator or Title IX Coordinator shall monitor, supervise, and oversee all such delegated tasks, including reviewing all investigation reports before they are final to ensure that the investigation was sufficient, appropriate, impartial, and in compliance with this Executive Order.

The Complainant and the Respondent shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation. Upon inquiry, the Complainant and Respondent shall be advised of the status of the investigation.

Before reaching a final conclusion or issuing a final investigation report, the Investigator shall have: a) advised the Parties, or have offered to do so, verbally or in writing, of any evidence upon which the findings will be based; and, b) given the

Parties an opportunity to respond to the evidence, including presenting further relevant evidence, information or arguments that could affect the outcome. The Investigator will not reach a final conclusion or issue an investigation report until giving careful consideration to any such relevant evidence, information or arguments provided by the Parties. The Investigator retains discretion and authority to determine relevance.

The investigation shall be completed no later than **60 Working Days** after the intake interview, unless the timeline has been extended pursuant to Article V. E. The timeline should not be extended for a period longer than an additional **30 Working Days** from the original due date.

On occasion, a criminal investigation may be initiated by a law enforcement agency over the same allegations that are reported in a Complaint filed under this policy. A pending (Campus or local) police investigation is a separate investigation and it does not relieve a Campus of its responsibility to timely investigate Complaints under this policy. Thus, a Campus may not wait until the conclusion of a police investigation to commence its own investigation. Although it may be necessary to temporarily delay the investigation while the police are gathering evidence, once notified that the police have completed the fact gathering portion of their investigation, the Campus must promptly resume and complete its own investigation. In cases involving Sexual Misconduct, Dating or Domestic Violence, or Stalking, see the "Coordination with Criminal Investigations and Proceedings" section of Executive Order 1095.

- **8. Investigation Report.** Within the investigation period stated above, the Investigator shall prepare an investigation report. The report shall include a summary of the allegations, the investigation process, the Preponderance of the Evidence standard, a detailed description of the evidence considered, and appropriate findings. Relevant exhibits and documents, if any, shall be attached to the written report. The report shall be promptly provided to the DHR Administrator or Title IX Coordinator, if applicable. The DHR Administrator or Title IX Coordinator shall review the investigation report to assure compliance with this Executive Order before proceeding further.
- 9. Notice of Investigation Outcome. Within 10 Working Days of issuance of the final investigation report, the DHR Administrator or Title IX Coordinator shall notify the Complainant and Respondent in writing of the outcome of the investigation. The notice shall include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered, the findings of fact, a determination as to whether this Executive Order was violated, and if so, any Remedies to be afforded to the Complainant (such as an order that the Accused not contact the Complainant). The notice shall advise the Complainant and Respondent of their right to file an appeal under this Executive order and to request a copy of the final investigation report with exhibits/attachments, if any, redacted as appropriate. The Notice shall be delivered to the Parties in a manner which guarantees delivery

within **2 Working Days** (email delivery is acceptable). Where a Complaint is made against another Student and this Executive Order is found to have been violated, the DHR Administrator or Title IX Coordinator shall also notify the Campus Student Conduct Administrator of the investigation outcome, and provide a copy of the investigation report. Where the Respondent is an Employee, Human Resources or Academic/Faculty Affairs shall be notified and provided a copy of the investigation report.

#### Article IV. Appeal Review - Office of the Chancellor

- A. Filing an Appeal to the CO. Any Complainant or Respondent who is not satisfied with a Campus investigation outcome may file an appeal with the CO no later than 10 Working Days after the date of the Notice of Investigation Outcome.
- **B.** Written Appeal. The appeal shall be in writing and shall be based on one or more of the appeal issues listed below:
  - 1. The investigation outcome is unsupported by the evidence, based on the Preponderance of the Evidence standard;
  - 2. Prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with this Executive Order; or
  - 3. New evidence not available at the time of the investigation.
- C. Issues and Evidence on Appeal. The issues and evidence raised on appeal shall be limited to those raised and identified during the investigation, unless new evidence becomes available after the Campus investigation process and is made part of the appeal by the appealing party. The CO may conduct an interview, at the CO's discretion, with the appealing party to clarify the written appeal. Appeals shall be addressed to:

Equal Opportunity and Whistleblower Compliance Unit Systemwide Human Resources Office of the Chancellor 401 Golden Shore, 4th Floor Long Beach, California 90802 eo-wbappeals@calstate.edu

D. Acknowledgement of Appeal. The CO shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal to the other party and the Campus DHR Administrator or Title IX Coordinator.

- **E. Reasonable Accommodation.** The CO will provide reasonable accommodation(s) to any party or witness in the appeal process with a qualified Disability upon request by the person needing the accommodation. A reasonable accommodation may include an extension under these procedures. The timeframe for the CO Appeal Response will automatically be adjusted for the time needed, if any, to provide reasonable accommodation(s).
- F. Scope of CO Review. The CO review will not involve a new investigation by the CO and will not consider evidence that was not introduced during the Campus investigation, unless the new evidence was not available at the time of the Campus investigation process. The CO may make reasonable inquiries to determine if the new evidence could have affected the investigation determination. If the CO review determines the investigation should be reopened to cure any defects in the investigation and/or consider new evidence introduced for the first time on appeal (that could have affected the investigation determination), the investigation will be remanded back to the Campus and the investigation reopened at the Campus level.
- **G. Reopening a Campus Investigation.** The CO will return the matter to the Campus and will specify in writing the timeline by which a reopened investigation must be completed. The CO will notify the Parties of the reopening of the investigation and the timeline for completion of the reopened investigation. The Campus will complete the reopened investigation and provide the CO with an amended investigation report. The Campus will also provide the Parties with amended Notices of Investigation Outcome, and such Notices will provide the Parties the opportunity to appeal any new or amended findings, in accordance with this Executive Order. Upon receipt of the amended investigation report, the CO will contact the appealing party to determine whether that party wishes to continue with the appeal.
- **H.** Timeline. The CO shall respond to the appealing party no later than **30 Working Days** after receipt of the written appeal unless the timeline has been extended as specified in Article V, E. below.
- I. CO Appeal Response. The CO Appeal Response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of the Evidence standard, and the determination(s) reached regarding the issue(s) identified within the written appeal. A copy of the final CO Appeal Response shall be forwarded to the Complainant and Respondent, as well as the Campus DHR Administrator or Title IX Coordinator.

The CO Appeal Response is final and concludes the Complaint and CO review process under this Executive Order.

#### Article V. General Provisions for Campus Investigation/CO Appeal Review

**A. Impartial Investigations**. All investigations and reviews shall be conducted impartially and in good faith.

- B. Cooperation in an Investigation. Students and Employees are required to cooperate with the investigation and other processes set forth in this Executive Order, including but not limited to, attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review. If a Complainant and/or Respondent refuse to cooperate, the CSU may draw all reasonable inferences and conclusions on the basis of all available evidence and conclude the investigation/review.
- C. False Allegations Prohibited. A Complainant shall proceed with a Complaint in good faith. A Complainant who knowingly and intentionally files a false Complaint or any individual who is determined to have provided false statements or information during the investigation/appeal review shall be subject to discipline. Such disciplinary action shall not be deemed to be Retaliation.
- **D. Input into the Investigation**. Both the Complainant and Respondent shall have the right to identify witnesses and other evidence for consideration; however, the CSU shall decide what evidence is relevant and significant to the issues raised.
- E. Timelines and Extensions. The timeline for the procedures contained within this Executive Order may be extended for any reason deemed to be legitimate by the Campus Investigator/CO Appeal reviewer or by mutual agreement of the Parties. The timelines stated within this Executive Order will be automatically adjusted for a reasonable time period that should not exceed an additional 30 Working Days for a Campus investigation or an additional 30 Working Days for a reopened Campus investigation under Article IV. The Complainant and Respondent shall receive written notification of any period of extension.
- **Pelivery.** When submitting a Complaint or issuing any notices required by this Executive Order, personal delivery, overnight delivery services, electronic mail, or certified mail may be used. If personal delivery is used, a proof of service shall be prepared attesting to the calendar date of delivery, which will establish the date of filing or response. If certified mail delivery is used, the postmark shall establish the date of filing or response. Electronic communications must be sent to the designated CSU or Campus e-mail address unless the intended recipient has specified a different address. Electronic communications will be deemed received on the date sent.
- **G. Investigation Not Warranted**. In the event that a Campus determines an investigation is not warranted, the reasons for that decision shall be reduced to writing and retained by the Campus according to appropriate record retention policies.
- **H. Information Requests.** Where it is necessary for the Complainant or Respondent to have access to specific information for the purpose of filing a Complaint or CO Appeal, the Complainant or Respondent shall make a written request for such information to the Campus. The Complainant or Respondent shall have access to information within the

policies, procedures and laws governing confidentiality and privacy that are relevant to any issue raised in the Complaint. This provision does not authorize a Complainant or Respondent access to the personnel files of another without the written consent of that person.

#### **Article VI. Definitions**

For purposes of this Executive Order, the following definitions apply:

- A. Adverse Action means an action that has a substantial and material adverse effect on the Complainant's ability to participate in a University program or activity free from Discrimination, Harassment or Retaliation. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.
- **B.** Advisor: The Complainant and the Respondent may each elect to be accompanied by an Advisor to any meeting or interview regarding the allegations. The Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate, provided the Advisor is not a person with information relevant to the allegations who may be interviewed by the Investigator during the investigation. The Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent. However, the Advisor may observe and consult with the Complainant or Respondent and take appropriate action to ensure that the investigation does not violate applicable laws, policies, or collective bargaining agreements.
- C. Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent.

Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is incapacitated.

A person with a medical or mental Disability may also lack the capacity to give consent.

Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age.

See Article I, E. for more information.

- **D. Age** means how old a person is, or the number of years from the date of a person's birth and is a Protected Status.<sup>8</sup>
- **E.** Calendar Days are defined as Monday through Sunday and include official holidays.
- **F.** California State University (CSU) means the 23 Campus system of the California State University, including the CO.
- **G. Campus or University** means any of the 23 Campuses of the CSU or the CO.
- **H. CO Appeal Response** refers to the decision provided to the Complainant and the Respondent upon completion of the appeal process provided under Article IV.
- Complainant means an individual who is eligible to file a Complaint to report a violation of this policy. See Article III. B. 1 for a description of those eligible to file a Complaint. It also includes any person who is reported to have experienced a violation of this policy in cases where some other person has made a report on that person's behalf. A Complainant may also be referred to as a party to the Complaint.
- J. Complaint means a report of a violation of this policy or a written communication that complies with Article III. B. 2 alleging Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking, against the CSU, an Employee, another Student, or a Third Party.
- **K. Dating Violence** is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.
- L. DHR (Discrimination, Harassment, and Retaliation) Administrator means the Management Personnel Plan (MPP) Employee at each Campus who is designated to administer this Executive Order and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation. The DHR Administrator may delegate tasks to one or more designees, provided that any designee shall be a MPP Employee or an external consultant. MPP Employee means an employee who has been designated as a "management" or "supervisory" employee under the provisions of the Higher Education Employer-Employee Relations Act. <sup>10</sup> The Campus president may assign the roles of the DHR Administrator and Title IX Coordinator to the same person. The names of, and

<sup>9</sup> See Cal. Penal Code § 13700 (b).

<sup>&</sup>lt;sup>8</sup> See 34 C.F.R. § 110.3

<sup>&</sup>lt;sup>10</sup> See Cal. Code Regs. Title 5 § 42720 et seq.

contact information for the DHR Administrator and Title IX Coordinator shall be made readily available to the Campus community and Third Parties as described in Article II.

- **M. Disability** means mental or physical disability as defined in California Education Code § 66260.5 and California Government Code § 12926, and is a Protected Status.
- N. Discipline means any disciplinary action taken to correct a violation of the prohibitions against Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking set forth in this Executive Order. Discipline for Employees includes but is not limited to suspension, demotion, and termination of employment. Discipline for Students includes but is not limited to probation, suspension, and expulsion. Suspension of one academic year or more, expulsion, withdrawal in lieu of suspension or expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the Student's transcript permanently without exception; this requirement cannot be waived in connection with any settlement agreement. See the definition of Remedies below.
- **O. Discrimination** means Adverse Action taken against a Student by the CSU, a CSU employee, or another Student because of a Protected Status.
- P. **Domestic Violence** is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the Parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the Parties hold themselves out as spouses; (5) the continuity of the relationship; and, (6) the length of the relationship. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. 11 Abuse does not include non-physical, emotional distress or injury.
- Q. Employee means a person legally holding a position in the CSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include auxiliary or foundation Employees or other Third Parties. 12

<sup>12</sup> See Cal. Code Regs. Title 5 § 42700(h).

<sup>&</sup>lt;sup>11</sup> See Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.

- **R.** Gender means sex, and includes a person's gender identity and gender expression. <sup>13</sup> Gender expression means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. Sex includes but is not limited to pregnancy, childbirth, breastfeeding or associated medical condition(s). <sup>14</sup> They are Protected Statuses.
- **S. Genetic Information** is a Protected Status and means <sup>15</sup>:
  - The Student's genetic tests.
  - The genetic tests of the Student's family members.
  - The manifestation of a disease or disorder in the Student's family members.
  - Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a Student or any Student's family member.
  - Genetic Information does not include information about any Student's sex or age.
- T. Harassment means unwelcome conduct, based on the Complainant's Protected Status, that is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting her/his ability to participate in or benefit from the services, activities or opportunities offered by the University.
- U. Investigator means the person tasked by a Campus with investigating a Complaint. All Investigators shall receive annual training regarding such issues as the laws governing Discrimination, Harassment and Retaliation; Title IX and VAWA/Campus SaVE Act; as well as other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or Sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking; Complainant, Respondent, Employee, and witness privacy rights; and the Family Educational Rights and Privacy Act of 1974 (FERPA). For matters involving Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence or Stalking, the Investigator shall also receive annual training on how to conduct an investigation process that protects the safety of the Complainant(s) and the University community. (See also Executive Order 1095 regarding required training for Sexual Harassment and Sexual Misconduct investigations.)

If delegated, the DHR Administrator or the Title IX Coordinator (for Complaints alleging Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic

<sup>&</sup>lt;sup>13</sup> See Cal. Educ. Code § 66260.7.

<sup>&</sup>lt;sup>14</sup> See Cal. Gov. Code § 12926(r); 34 C.F.R 106.40

<sup>&</sup>lt;sup>15</sup> See Cal. Civ. Code § 51(2)(a) – (c).

Violence, or Stalking) shall monitor, supervise, and oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set forth in this policy.

The Investigator shall not be within the administrative control or authority of any Respondent CSU Employee. The Investigator may be the DHR Administrator, the Title IX Coordinator, or their designee, provided that any designee shall be an MPP Employee or an external consultant.

- Marital Status means an individual's state of marriage, non-marriage, divorce or  $\mathbf{V}$ . dissolution, separation, widowhood, annulment, or other marital state. 16
- W. Nationality includes citizenship, country of origin, and national origin and is a Protected Status. 17
- X. **Parties** to a Complaint are the Complainant(s) and the Respondent(s).
- Y. Preponderance of the Evidence means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions in an investigation conducted pursuant to this Executive Order.
- **Z**. Protected Status includes Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.
- AA. Race or Ethnicity includes ancestry, color, ethnic group identification, and ethnic background and is a Protected Status. 18
- BB. Religion is a Protected Status and includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism. Religious dress and grooming practices, such as wearing religious clothing, head or face covering, jewelry, and artifacts, are part of a Complainant's religious observance or belief. 19
- CC. Remedies mean actions taken to correct allegations and/or reported violations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence or Stalking as set forth in this Executive Order. Remedies can include Discipline or other corrective action.

See 2 Cal. Code Regs §11053.See Cal. Educ. Code § 66261.5.

<sup>&</sup>lt;sup>18</sup> See Cal. Educ. Code § 66261.7.

<sup>&</sup>lt;sup>19</sup> See Cal. Educ. Code § 66262.

Interim Remedies shall be offered prior to the conclusion of an investigation in order to immediately stop any wrong-doing and/or reduce or eliminate any negative impact, when appropriate. Persons reporting that they have been the victim of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence or Stalking must be provided reasonable and available Interim Remedies, if requested, regardless of whether the person chooses to report the conduct to Campus police or local law enforcement, and regardless of whether an investigation is conducted under this Executive Order. Examples may include offering the option of psychological counseling services, changes to academic or living situations, completing a course and/or courses online (if otherwise appropriate), academic tutoring, arranging for the re-taking of a class or withdrawal from a class without penalty, and/or any measure as appropriate to stop further alleged harm until an investigation is concluded or a resolution is reached. The Title IX Coordinator shall assist and provide the Complainant with reasonable Remedies as requested throughout the reporting, investigation, appeal, and disciplinary processes, and thereafter.

- **DD**. **Respondent** means the CSU, a CSU Employee, another Student, or a Third Party who is alleged to have violated this Executive Order.
- **EE**. **Retaliation** means Adverse Action taken against a Student because s/he has or is believed to have:
  - 1. Exercised rights under this Executive Order;
  - 2. Reported or opposed conduct which s/he reasonably and in good faith believes is in violation of this Executive Order;
  - 3. Assisted or participated in a policy-related investigation/proceeding regardless of whether the Complaint was substantiated; or,
  - 4. Assisted someone in reporting or opposing a violation of this Executive Order, or assisted someone in reporting or opposing Retaliation under this Executive Order.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

FF. Sexual Assault Victim's Advocate refers to Employees or third party professionals appointed to support Complainants reporting Sexual Misconduct. They must be certified and have received specialized training to provide advice and assistance, including but not limited to the provision of information about available options in the Complaint, law enforcement, legal, and medical processes, and with emotional and decision making support. Sexual Assault Victim's Advocates may serve as the Complainant's Advisor and assist in seeking services. They are committed to maintain the highest possible level of confidentiality permissible under state and federal law in their communications with the

persons they assist. <sup>20</sup> Sexual Assault Victim's Advocates are appointed based on experience and demonstrated ability to effectively provide services to victims/survivors/Complainants. See Executive Order 1095 for more detailed information.

- **GG**. **Sexual Harassment**, a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:
  - Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis
    for any decision affecting a Complainant's academic status or progress, or access to
    benefits and services, honors, programs, or activities available at or through the
    University; or
  - 2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; or
  - 3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on Gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

This policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to this policy.

**HH**. **Sexual Misconduct**: All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining

<sup>&</sup>lt;sup>20</sup> See Cal. Evid. Code §§ 1035.2 and 1035.4.

Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on Gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the Complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

- 1. **Sexual Assault** is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or sex.<sup>21</sup>
- 2. **Sexual Battery** is a form of Sexual Misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's Gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification, or abuse.<sup>22</sup>
- 3. Rape is a form of Sexual Misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Affirmative Consent above.)<sup>23</sup>
- 4. **Acquaintance Rape** is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

<sup>&</sup>lt;sup>21</sup> See Cal. Penal Code § 240.

<sup>&</sup>lt;sup>22</sup> See Cal. Penal Code § 242.

<sup>&</sup>lt;sup>23</sup> See Cal. Penal Code §§ 261-263.

- II. Sexual Orientation means one's preference in sexual partners and includes heterosexuality, homosexuality or bisexuality and is a Protected Status.<sup>24</sup>
- **JJ**. **Stalking** means engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others' safety or to suffer Substantial Emotional Distress. <sup>25</sup> For purposes of this definition:
  - Course of Conduct means two or more acts, including but not limited to, acts in
    which the stalker directly, indirectly, or through Third Parties, by any action, method,
    device, or means, follows, monitors, observes, surveils, threatens, or communicates to
    or about a person, or interferes with a person's property;
  - 2. **Reasonable Person** means a reasonable person under similar circumstances and with the same Protected Status(es) as the Complainant;
  - 3. **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- **KK**. **Student** means an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended education Student, a CSU Student between academic terms, a CSU graduate awaiting a degree, a CSU student currently serving a suspension or interim suspension, and a CSU Student who withdraws from the University while a disciplinary matter (including investigation) is pending.
- **LL**. **Third Party** means a person other than an Employee or a Student. Examples include employees of auxiliary organizations<sup>26</sup>, volunteers, independent contractors, vendors, and their employees, and visitors.
- MM. Title IX means Title IX of the Education Amendments of 1972.
- NN. Title IX Coordinator means the Campus MPP Employee appointed by the Campus president to coordinate compliance with Title IX; VAWA/Campus SaVE Act; and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking. (See Executive Order 1095.)
- **OO. VAWA** means the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).

<sup>&</sup>lt;sup>24</sup> See Cal. Educ. Code § 66262.7.

<sup>&</sup>lt;sup>25</sup> See Cal. Penal Code § 646.9

<sup>&</sup>lt;sup>26</sup> See 5 Cal. Code Regs. § 42406.

- **PP. Veteran or Military Status** may be Protected Statuses and means service in the uniformed services.
- **QQ**. **Working Days** are defined as Monday through Friday, excluding all official holidays or Campus closures at the Campus where the Complaint originated or at the CO where an Appeal is reviewed.

Attachment A: CSU Student Complaint Form

Attachment B: CSU Student Complaint Procedure Timeline

Timothy P. White, Chancellor

Dated: June 23, 2015

#### **Revision History:**

As a result of the issuance of this Executive Order, the following documents are superseded as of the effective date of this Executive Order and are no longer applicable:

- Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students), dated June 3, 2014
- Executive Order 1074 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students), dated April 6, 2012
- Executive Order 1045 (Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation Against Students and Applicants for Admission AND Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students and Applicants for Admission Against the CSU and/or CSU Employees), dated March 1, 2010



NUMBER: 4-10 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 22, 2016, Dec. 16, 2019

SUBJECT: CHILD ABUSE INVESTIGATION

I. PURPOSE: To establish basic child abuse investigation guidelines for police department personnel and implement interagency protocols.

II. POLICY: It is the policy of this department to protect the victims of child abuse and to stress the enforcement of criminal laws related to child abuse, the protection of the victim, and the availability of civil remedies and community resources.

III. DEFINITIONS: None

#### IV. PROCEDURES:

- A. Child abuse investigative procedures:
  - 1. The following professional occupations are required to report suspected child abuse to the proper authority (Penal Code § 11166). These mandated reporters are provided immunity from civil and criminal liability as a result of making a required or authorized report of known or suspected child abuse. (Penal Code § 11172) Report SS 8572 to be filled out by Reportee:
    - a. Childcare custodian.
    - b. Health practitioner (medical and non-medical)
    - c. Employees of child protective agencies.
    - d. Commercial film and photographic print processors.
  - 2. Officers shall familiarize themselves with the appropriate Penal Code and Welfare & Institutions Code Sections relating to child abuse and neglect. There is a mandatory duty to cross-report to the District Attorney's Office and the local child protective agency. Failure to do so is a misdemeanor and may subject the officer to civil liability.
  - 3. Requirements for law enforcement investigation agencies.
    - a. Officers receiving and investigating child abuse cases must immediately

telephone the San Francisco Child Abuse Hotline (415) 558-2650.

- b. Officers must then forward form SS 8583 Only if:
  - 1) An active investigation has been conducted.
  - 2) The incident is not unfounded. (submit case report only if requested:) within thirty-six hours to:
    - a) Submit blue, copy of Form SS 8583 to: San Francisco Child Protective Services, CPS Hotline H110 P.O. Box 7988 San Francisco, Ca 94120
    - b) Submit green copy to the District Attorney Office 850 Bryant Street San Francisco, Ca 94103
    - c) Submit pink copy of Form SS 8583 to: Department of Justice Bureau of Criminal Information and Analysis P.O. Box 903387 Sacramento, Ca 94203-3870 ATTENTION: Child Abuse Unit
    - d) The investigating agency will retain white copy of Form SS 8583.
    - e) Complete and forward a supplemental Form SS 8583 if the victim dies as a result of the abuse or neglect.
    - f) Make corrections or changes, if any, on a subsequent Form SS 8583 and forward to Child Protective Services.
  - 3) In cases involving state licensed child care (SFSU Children's Center), preschool, day care facility, or any state licensed foster home, officers shall immediately, or as soon as practically possible, telephone the State of California Department of Social Services, Community Care Licensing Division, and provide them with the same information listed in the preliminary investigation. Submit copy of written department case reports within thirty-six hours (Penal Code Section 11166(g) to:
- c. State of California, Department of Social Services Community Care Licensing Division, 851 Traeger Avenue Suite 851 San Bruno, CA 94066 (650) 266-8843
  - 2) Department of Justice Bureau of Criminal Statistics and Special Services P.O. Box 13417 Sacramento, California 95813 Attn: Child Abuse Central Registry
  - 3) San Francisco Child Protective Services, CPS Hotline H110 P.O. Box 7988 San Francisco, Ca 94120
- 4. Confidentiality The identity of the reporter, the report of suspected child abuse and the information contained therein shall be kept confidential and be disclosed only as specified by law (Penal Code Section 11167 and 11167.5).

- 5. Initial receipt and evaluation of information
  - a. Person receiving initial report shall:
    - 1) Gather pertinent facts (who, what, where, when, how).
    - 2) Conduct preliminary assessment of the risk to the child involved.
    - 3) Determine priority of response.
    - 4) Consider coordination of response with other agencies, including the police department in the jurisdiction in which the actual abuse occurred and contact Child Protective Services, if necessary. (CPS/ San Francisco Court Child Abuse Reporting Unit N550, (415) 206-8772 or San Francisco CPS Hotline (415) 558-2650.
  - b. Responding officer The first officer on the scene shall assess the risk to the child and determine whether a crime has been committed through observation and initial interviews with:
    - 1) Reporting party;
    - 2) All witnesses;
    - 3) Victim(s);
    - 4) Sibling(s); and
    - 5) Parents/caretakers.
  - c. Evidence The officer shall gather and preserve all evidence to support the allegation of child abuse including evidence specific to:
    - 1) Neglect;
    - 2) Emotional abuse/deprivation;
    - 3) Physical abuse; and/or
    - 4) Sexual assault.
  - d. Protective custody Determine the need for protective custody of the victim(s), sibling(s) and others by taking into consideration the following factors:
    - 1) Need for medical care;
    - 2) Imminent danger of continued abuse/intimidation/retaliation;
    - 3) Whether physical environment poses an immediate threat to the child's health and safety;
    - 4) No parent or guardian willing to or capable of exercising control over the child; and/or
    - 5) History of prior offenses or allegations of child abuse.
- 6. Evaluation If the responding officer is unable to determine that a crime has been committed, it is recommended that Child Protective Services be contacted and a request made that an evaluator respond to the scene. The officer shall assist the evaluator in the investigation.
- 7. Additional reporting requirements Law enforcement agencies are required by law to

make the following notifications to mandated reporters of suspected child abuse:

- a. Upon completion of the investigation or after a final disposition of the matter, law enforcement agencies shall inform the person required to report the suspected child abuse of the results of the investigation and of any action taken by the agency in regard to the child or the family. Penal Code § 11170(b)(2).
- b. Agencies must make information in the Department of Justice Child Abuse Central Index available to specified persons if they are treating or investigating a case of known or suspected child abuse. Penal Code § 11170(b)(1).

#### 8. Victim – Witness Assistance Fund

- a. Investigating officers shall provide the victim and his/her family with information pertaining to the benefits afforded crime victims by the State of California Victim— Witness Assistance fund.
- b. If necessary, refer the victim to a local support group that provides assistance in the application process.

NOTE: Officers are advised that these are merely guidelines to assist in the initial investigation and other available options should be considered and utilized if necessary.

### C. Interagency Protocols:

- 1. Interagency protocols exist among Law Enforcement, Social Services, District Attorney, San Francisco Child Abuse/Sexual Assault Unit 3401 17th St San Francisco, CA 94110, (415) 558-5500, and Victim Services Providers for use in cases involving allegations of child sexual abuse.
- 2. These protocols clarify the role of each agency and serve to reduce the trauma to the victim by coordinating the activities of each agency, reduce the duplication of effort and provide for the use of a single non-threatening site for all of the activities.
- 3. Whenever practical, upon an initial disclosure, police and social services will attempt to conduct a joint interview with a view toward keeping the interviews of the child to a minimum.
- 4. Law Enforcement Role:
  - a. All suspected child abuse reports made to this Department shall be cross-reported to the Child Abuse Reporting Center (San Francisco Child Abuse Hotline (415) 558-2650) immediately or as soon as practically possible, by telephone. A written report will be sent within 36 hours of receiving the information to social services, the State Department of Justice, and the District Attorney's offices as required under Section 11166(g) Penal Code.
  - b. Upon an initial disclosure to this Department before any social services involvement, the police officer will determine whether or not an immediate response by social services is indicated. If indicated, the officer will initiate immediate contact with social services; and whenever practical will wait for the arrival of an emergency response worker before conducting a further interview of

the child.

- c. When responding to a call of child sexual abuse with a social worker already involved, the responding officer will attempt to obtain as much information as possible from the social worker to avoid duplicating the interview.
- d. The initial joint interview will be conducted by either the police officer or a social services worker taking into consideration the experience and training of the interviewer; the rapport already built with the child, and the information already known.
- e. A police officer will be in charge of coordinating his or her criminal investigation with the initial assessment interview by the emergency response worker. The number of interviews of a child victim will be kept to a minimum while affording a full opportunity for a thorough criminal investigation. In addition, the police officer shares with the responding social worker a responsibility for ensuring that the child is protected. In making a decision to take the child into protective custody, a consensus should be reached between the officer and the responding social worker. If the officer has decided to place the child in protective custody, arrangements must be made to transport the child to the Child Protective Facility.
- f. If a police officer responds to an initial referral unaccompanied by an emergency response worker and makes a decision not to place the victim in protective custody, he/she will immediately advise the San Francisco Child Abuse Hotline (415) 558-2650 in compliance with departmental procedures and legal requirements.

#### 5. Interview Site

- a. An assessment should be made by the police officer concerning the site of the joint interview. Every effort should be made to conduct the interview at a site likely to place the child victim at ease.
- b. Depending upon the urgency of the situation and upon the necessity for protection of the child, every effort should be made to utilize the San Francisco County Child Abuse Unit 3401 17th St., San Francisco, CA 94110 for interviews (415) 558-2650.
- c. Following the initial contact interview, if the circumstances indicate that an additional detailed interview should be conducted, again, every effort should be made to schedule the interview at the San Francisco County Child Abuse Unit 3401 17th St., San Francisco, CA 94110. The responsible officer will call the facility to establish the date and time.
- d. When a criminal investigation is in progress, the police officer will cooperate with the social worker investigating to coordinate the interview of the child victim. This is done to keep the interview of the victim to a minimum. To the extent that it does not obstruct or unfavorably infringe upon the criminal investigation, the police agency will share information obtained from the interviews with the Child Protective Agencies involved.
- e. Responding officers are encouraged to utilize the expertise of the social services representative if present as they have greater skill and training in conducting interviews of child victims. The assigned officer will coordinate and participate in the assessment and interview of the victim(s) with the emergency response social

worker.

- f. When deemed appropriate the police agency will refer victims of child sexual abuse to the San Francisco County Child Abuse Unit 3401 17th St. San Francisco, CA 94110 for support and victim services available at the Center.
- g. The assigned police officer will ensure that a medical examination of the victim is made if appropriate. In a non-emergency case, the examination should be performed by appointment at the San Francisco County Child Abuse Unit 550 San Francisco General Hospital.
- h. The police officer will provide the emergency response worker with an event number (crime report or log entry number) to be included on the DOJ Form SS 8583, and comply with the mandatory reporting statute.
- i. Upon conclusion of the interview, the assigned law enforcement officer should participate in the multidisciplinary team review of the case if such a meeting is required. Prior to the making of a final decision to file or not to file the case, the assigned law enforcement officer should undertake to set up a multidisciplinary team review meeting for the District Attorney's representative and other interested and necessary members of San Francisco County Child Abuse Unit.
- j. The police officer assigned to the preliminary investigation and the follow-up investigator will ensure that all pertinent evidence, medical reports, and written statements are collected. The case will be referred to the District Attorney's office representative at the San Francisco County Child Abuse Unit 3401 17th St. San Francisco, CA 94110.
- k. Upon conclusion of a sustained/unfounded child abuse investigation, Per Penal Code Section 11169(b), The investigating officer shall complete a "Notice Of Report To The Child Abuse Central Index" form which is to be sent to the known or suspected child abuser, advising him/her that he/she has been reported to the Child Abuse Central Index.

#### V. APPENDICES: None

#### VI. ATTACHMENTS:

- A. Checklist Child Abuse Investigation Checklist
- B. DOJ Child Abuse Investigation Report SS 8583
- C. Suspected Child Abuse Report SS 8572
- D. SFSUPD Notice Of Report To The Child Abuse Central Index

#### ATTACHMENT A

## CHILD ABUSE INVESTIGATION CHECKLIST

This checklist is designed to assist law enforcement officers conducting child abuse investigations. The primary objective of the investigation is the protection of the child.

- I. Preliminary Investigative Procedures
  - A. First officer on the scene
    - 1. Secure the safety of the child/children
    - 2. Determine the need for medical attention
  - B. Establish that a crime has been committed
  - C. Conduct interviews (if appropriate):
    - 1. Victim(s)
    - 2. Witness(es)
    - 3. Suspect(s)
  - D. Gather and preserve all evidence
  - E. Determine the need for protective custody
  - F. I.D. suspect arrest, if appropriate
  - G. Make appropriate notifications/cross—reports:
    - 1. Department of Social Services, Licensing Division
    - 2. District/prosecuting attorney
    - 3. Department of Justice
    - 4. Other fire department, health department specify
    - 5. Child Protective Service
- II. Neglect and Emotional Abuse
  - A. Look for physical and behavioral indicators (no food, poor growth pattern, depressed).
  - B. Look for parental/caretaker characteristics (Apathetic, passive, unconcerned for child).
  - C. Be cautious of special circumstances, which may resemble neglect (poverty, ignorance, cultural and Social economic differences). The child must still be protected.

#### III. Physical Abuse

- A. Look for physical marks and/or trauma on child (bruises, welts, burns, fractures, lacerations).
- B. Evaluate validity of explanation for injuries (is it consistent with child's injuries).
- C. Document injuries (medical examination, photographs).
- IV. Sexual Abuse and Exploitation of Children
  - A. Look for physical and behavioral indicators (genital trauma, stained underclothing, unusual sexual behavior).
  - B. Look for evidence (child erotica, pornography, and diaries).
- VI. Follow Up Procedures
  - A. Review preliminary investigation/reports
  - B. Coordinate with other responding agencies
  - C. Conduct records/file checks
  - D. Conduct background check on suspect
  - E. Interview/interrogate
  - F. Re-interview victim/witnesses if necessary

### **Useful Phone Numbers:**

San Francisco Child Abuse Hotline (415) 558-2650
State of California, Department of Social Services San Bruno, CA (650) 266-8843
San Francisco Police Department Juvenile Division (415) 553-5500
San Francisco Child Abuse/Sexual Assault Unit 550 San Francisco General Hospital (415) 206-8386

#### ATTACHMENT B

## CHILD ABUSE INVESTIGATION REPORT DEPARTMENT OF JUSTICE (DOJ) FORM SS 8583 Guidelines for Use and Completion of Form SS 8583

E018853

(For Specific Requirements Refer to the Child Abuse Reporting Law, California Penal Code Section 11165 through 11174.5)

#### For immediate information on potential suspects/victims, please contact the Child Abuse Unit at (916) 227-3285.

#### Who Must Report

#### Interagency Reporting

- Any police or sheriff's department, county welfare department, or county probation department (if designated by the county to receive mandated reports) must report every suspected incident of child abuse it receives to:
  - the law enforcement agency having jurisdiction over the case the agency responsible for investigations under Welfare and Institutions Code
- Section 300
- the district attorney's office

#### **DOJ Reporting**

An agency must report every incident of suspected child abuse for which it conducts an active investigation and determines not to be unfounded to DOJ on the Form SS 8583.

NOTE: Reports are not accepted from non-California agencies.

#### What Incidents Must Not Be Reported

Interagency Reporting
Incidents specifically exempted under cooperative arrangements with other gencies in your jurisdiction.

#### **DOJ Reporting**

- Unfounded reports Reports that are determined to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect, as defined in Section 11165.6 PC (Section 11165.12 PC).
- Acts of nonexploitive, consensual sexual behavior between minors under the age of 14 years who are of similar age.

- age of 14 years who are of similar age.

  Acts of negligence by a pregnant woman or other person(s) which adversely affect the well-being of a fetus.

  Past abuse of a child who is an adult at the time of disclosure.

  Child stealing, as defined in Sections 277 PC and 278 PC, unless it involves sexual abuse, physical abuse, mental/emotional abuse, and/or severe neglect. Reasonable and necessary force by school employees to quell a disturbance threatening physicalinjury to person or damage to property (Section 1165.4 PC).
- Statutory rape, as defined in Section 261.5 PC, except Section 261.5(d) PC (Statutes of 1997).
- Mutual fights between minors (Section 11165.6 PC).

#### What Incidents Must Be Reported

Abuse of a minor child, i.e., a person under the age of 18 years, involving any one of the below abuse types:

#### Interagency Reporting

- sexual abuse
- mental/emotional abuse
- physical abuse severe neglect
- general neglect

(Refer to Section 11165.1 through 11165.6 PC for citations and definitions)

#### **DOJ Reporting**

- All of the above, excluding general neglect.
  - Deaths of minors resulting from abuse or neglect.

#### When Must the Report be Submitted

#### Interagency Reporting

- Telephone notification immediately or as soon as practical.
- Written notification within 36 hours of receiving information
- concerning the incident.
- When an agency takes a report for which it lacks jurisdiction the agency shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction.

#### **DOJ Reporting**

A Form SS 8583 must be submitted after an active investigation has been conducted and the incident has been determined not to be unfounded. DOJ defines "active investigation" as: the activities of an agency in response to a report of known or suspected child abuse. For purposes of reporting information to the Child Abuse Central Index, the activities shall include, at a minimum: assessing the nature and seriousness of the suspected abuse conducting interviews of the victim(s), and any known suspect(s) and witness(es); gathering and preserving evidence; determining whether the incident is substantiated, inconclusive or unfounded; and preparing a report that will be retained in the files of the investigating agency

NOTE: No other form will be accepted in lieu of the Form SS 8583

The suspect(s) must be notified in writing that he/she has been reported to the Child Abuse Central Index per PC Section 11169(b).

#### What Information is Required

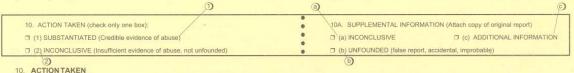
#### General Instructions

All information blocks contained on the Form SS 8583 should be completed by the investigating agency. If information is not available, indicate "UNK" in the applicable information block.

#### Specific Instructions

necific Instructions
INFORMATION BLOCKS ON THE FORM SS 8583 WHICH ARE SHADED GRAY MUST BE COMPLETED. THE SUBMITTED FORM WILL BE
RETURNED TO THE CONTRIBUTOR WITHOUT FURTHER DEPARTMENT OF JUSTICE ACTION IF THE CONTRIBUTOR FAILS TO COMPLETE ANY
OF THE FOLLOWING ITEMS: the agency name and type, the agency's report number or case name; the action taken by the investigating agency; the specific
type of abuse; the victim's name, birthdate or approximate age, and gender; and the suspect's name and birthdate or approximate age, and gender. If the suspect
is not known, UNKNOWN must be entered. Verification must be provided that an active investigation was conducted, that victim(s), and any known suspect(s),
and witness(es) were contacted. An explanation must be provided if these contacts were not made. Verification must be provided that the suspect was given
written notification that he/she has been reported to the Child Abuse Central Index per Section 11169(b) PC. An explanation must be provided if there was no
potification.

Section A. "INVESTIGATING AGENCY," information block 10. "ACTION TAKEN" or 10A. "SJPPLEMENTAL INFORMATION" must be completed in accordance with the following definitions (Check one of the boxes):



- 1 SUBSTANTIATED - Acts determined, based upon some credible evidence, to constitute child abuse or neglect, as defined in Section 11165.6 PC
- INCONCLUSIVE Acts determined not to be unfounded, but there is insufficient evidence to determine whether child abuse or neglect, as defined in Section 11165.6 PC,
- 10A. SUPPLEMENTAL INFORMATION Only use this section to update information previously submitted on Form SS 8583
  - (a) INCONCLUSIVE A previously submitted Form SS 8583 indicated as "SUBSTANTIATED" is being reclassified to "INCONCLUSIVE."
    (b) UNFOUNDED A previously submitted Form SS 8583 indicated as "SUBSTANTIATED," "UNSUBSTANTIATED" or "INCONCLUSIVE" is being reclassified to "UNFOUNDED."
  - ADDITIONAL INFORMATION Supplementary information is being provided for a previously submitted Form SS 8583.

#### Where To Send The Report Form SS 8583 (For DOJ reporting only)

# Department of Justice Bureau of Criminal Information and Analysis P. O. Box 903387 Sacramento, CA 94203-3870 ATTENTION: Child Abuse Unit

#### REMEMBER

Submit completed Form SS 8583 to DOJ as soon as possible after completion of the investigation because the case information may contribute to the success of another investigation. It is essential that the report be complete, accurate and timely to provide the maximum benefit in protecting children and identifying and prosecuting suspects. If you have questions about DOJ REPORTING or need a victim or suspect name check, call the DOJ Child Abuse Unit at (916) 227-3285 or CALNET 498-3285.

#### ATTACHMENT C

CASE NAME:

# Print SUSPECTED CHILD ABUSE REPORT

**Reset Form** 

To Be Completed by Mandated Child Abuse Reporters
Pursuant to Penal Code Section 11166

			PLEASE PRI	NT OR 1	TYPE			CASE NUM	BER:			
Ü	2	NAME OF MANDATED RE	PORTER		TITLE				MANDATED REPORTE	R CATEGOR'	Y	
A. REPORTING	PARTY	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS Street City							DID MANDATED REPORTER WITNESS THE INCIDENT			
RFP		REPORTER'S TELEPHONE		TODAY'S DATE								
	z	☐ LAW ENFORCEMENT	☐ COUNTY PROBA	TION	AGENCY							
Æ	임	□ COUNTY WELFARE / C	CPS (Child Protective Se	ervices)								
8	COUNTY WELFARE / CPS (Child Protective Services)  ADDRESS Street City z									DATE/TIME OF PHONE CALL		
B. REPORT	NOTIFIC	OFFICIAL CONTACTED - T		TELEPHONE (								
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		□NO	☐ GROUP HOME OR	INSTITUTION	☐ RELATIVE'S HOM	/IE			□ OTHER (SPECIFY)			
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Α												
INCIDENT INFORMAT		NARRATIVE DESCRIPTION	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)									
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SS 8572 (Rev. 12/02)

#### **DEFINITIONS AND INSTRUCTIONS ON REVERSE**

**DO NOT** submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded.

WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY-District Attorney's Office; YELLOW COPY-Reporting Party

#### ATTACHMENT D



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



SF STATE		
<del>-</del>		Date:
	NOTICE OF REPORT T	O THE CHILD ABUSE CENTRAL INDEX
	State University Police Department out is either substantiate	ent has completed an investigation of suspected child abuse and de- or inconclusive.
tigation of suspected information from invo- Justice on form SS-8 probation departmen	d child abuse reported to the Depetigation reports of suspected c 8583 [See Penal Code Section 1 ats, county welfare agencies and and licensing agency personnel to	ification that you are named as a suspect by this agency in its inves- partment of Justice. The Child Abuse Central Index (Index) contains hild abuse submitted by investigation agencies to the Department of 1170(a)(1)]. The index is accessed by law enforcement agencies, district attorneys when conducting investigation of child abuse, and a screen individuals for child placement and licensure or employment
Report No.		Date of Report
		eness and retention of it's report. If you believe the report is unfound- t the Department of Justice. Any request for review should be directed
Agency Contact Per	son	Star #
Agency Address:	San Francisco State Univers 1600 Holloway Avenue San Francisco, California 94	
Telephone:		

Unfounded is defined in Penal Code Section 11165.12(a) as child abuse report which is determined by an agency investigator to be false, inherently improbable, accidental or not to constitute child abuse or neglect.



APPROVED: Reginal Par NUMBER: 4-11

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: Dec. 7, 2006, Jan. 22, 2016, Dec. 16, 2016 SUPERSEDES:

SUBJECT: COMPUTER CRIMES INVESTIGATIONS

I. PURPOSE: To establish specific basic protocol in the receiving and investigation of crimes and incidents involving San Francisco State University, electronic communications mediums, data, files and equipment.

II. POLICY: It shall be the policy of this department to investigate all computer crimes. This department shall develop and maintain a basic computer crimes investigation function, which will provide initial follow-up investigation of reported computer crimes, and coordinate supplemental investigative steps when necessary.

> On-campus computer services personnel may be considered for assistance and guidance in additional investigative steps. It is the intention of this department to collaborate efficiently and effectively with the University Computing Services administrators in maintaining the level of information accessibility currently enjoyed and expected for the educational process of the University.

#### III. DEFINITIONS:

According to the United States Department of Justice, computer crimes are classified into the three following categories:

- A. Computer Abuse: "Encompasses a broad range of intentional acts that may or may not be specifically prohibited by criminal statutes. Any intentional act involving knowledge of computer use or technology is computer abuse if one or more of the perpetrators made gain and/or one or more victims suffered or could have suffered loss."
- B. Computer Fraud: "Is any crime in which a person 'may use the computer either directly or as a vehicle for deliberate misrepresentation or deception, usually to cover up the embezzlement or theft of money, goods, services, or information"
- C. Computer Crime: "Any violation of a computer crime statute."

Computer crimes may include:

1. Embezzlement

- 2. Computer hacking
- 3. Telecommunications fraud
- 4. Records tampering
- 5. Child Pornography
- 6. Drug crimes
- 7. Gaming crimes
- 8. Other organized crimes.

#### IV. PROCEDURES:

Computer Crimes Investigation – The basic investigation of any reported computer crime should follow these steps whenever possible:

- A. Collecting Evidence There are important factors to consider in reviewing any evidence. First responders should make the following assessments:
  - 1. Determine the skills of the reporting party. Make sure that the victim is capable of illustrating what has occurred with the equipment concerned.
  - 2. Determine if the equipment can be moved without jeopardizing the evidence.
  - 3. Identify the complete number of affected pieces of equipment. If it appears the area involves a great deal of equipment, i.e., an educational department or lab or classroom, it may be necessary to cordon off the area. However, if only one or two terminals are involved, these pieces can be taken as evidence and returned to the police station for further examination and without risk to remaining workstations. Officers are reminded; however, that the most preferable solution is copying suspect files, if at all possible.
  - 4. Whenever copies of suspect files are to be made, i.e., adult material or evidence of hacking, utilize the violated terminal to complete the file copy process.
  - 5. In any case, officers shall make investigative actions only on copies of suspect material so as to avoid the loss of evidence for court proceedings.
  - 6. Securing the Computer as Evidence
    - a. If computer is "OFF" do not turn "ON"
    - b. If computer is "ON" leave computer "ON"
      - 1) If it is a Stand-alone computer (non-network) and the Commanding Officer of Investigations or department Information/Technology Specialist is not available;
        - a) Photograph screen, then disconnect all power sources; unplug from the back of the computer.
        - b) Interrupting power from the back of the computer will defeat an uninterruptible power supply. (UPS)
        - c) Laptops often have battery power supplies, if the laptop does not shut down when the power cord is removed, locate and remove the battery pack. The battery is commonly placed on the bottom, and there is usually a button or switch that allows for the removal of the battery. Once the battery is removed, do not return it to or store it in the laptop. Removing

the battery will prevent accidental start-up of the laptop.

- d) Place evidence tape over each drive slot.
- e) Photograph/diagram and label back of computer components with existing connections.
- f) Label all connector/cable ends to allow reassembly as needed.
- g) If transporting is required, package components and transport/store components as fragile cargo.
- h) Keep away from magnets, radio transmitters and other potentially damaging elements.
- i) Collect all peripheral devices, cables, keyboards and monitors.
- j) Collect instruction manuals, documentation, and notes.
- k) User notes may contain passwords, so look for other evidence.
- c. If an Officer lacks knowledge in this area, do not touch the computer and contact the Watch Supervisor.

#### 7. Network or Business Computers

- a. Consult a computer specialist for further assistance.
- b. Secure the scene and do not let anyone touch except personnel trained to handle network systems.
- c. Pulling the plug could severely damage the system, disrupt legitimate business and create Officer and department liability.

# 8. Other Electronic Storage Devices

Electronic devices may contain viable evidence associated with criminal activity. Unless an emergency exists, the device should not be accessed. Should it be necessary to access the device, all actions associated with the manipulation of the device should be noted in order to document the chain of custody and insure its admission in court.

### a. Wireless Telephones

- 1) Potential Evidence Contained in Wireless Devices
  - a) Numbers called
  - b) Numbers stored for speed dial
  - c) Caller ID for incoming calls
  - d) Other information contained in the memory of wireless telephones
    - -Phone/pager numbers
    - -Names and addresses
    - -PIN numbers
    - -Voice mail access number
    - -Voice mail password
    - -Debit card numbers

- -Calling card numbers
- -E-mail/Internet access information
- -The on screen image may contain other valuable information

## 2) On/Off Rule

- a) If the device is "ON", do NOT turn it "OFF".
  - -Turning it "OFF" could activate lockout feature.
  - -Write down all information on display (photograph if possible).
  - -Power down prior to transport (take any power supply cords present).
- b) If the device is "OFF", leave it "OFF".
  - -Turning it on could alter evidence on device (same as computers).
  - -Upon seizure get it to an expert as soon as possible or contact local service provider.
  - -If an expert is unavailable, USE A DIFFERENT TELEPHONE and contact 1-800-LAWBUST (a 24/7 service provided by the cellular telephone industry).
  - -Make every effort to locate any instruction manuals pertaining to the device.

## b. Electronic Paging Devices

- 1) Potential Evidence Contained in Paging Devices
  - a) Numeric pagers (receives only numeric digits; can be used to communicate numbers and code)
  - b) Alpha numeric pagers (receives numbers and letters and can carry full text)
  - c) Voice Pagers (can transmit voice communications (sometimes in addition to alpha numeric)
  - d) 2-way pagers (containing incoming and outgoing messages)
  - e) Best Practices
    - Once pager is no longer in proximity to suspect turn it off.
       Continued access to electron communication over pager without proper authorization can be construed as unlawful interception of electronic communication.
  - f) Search of stored contents of pager.
    - -Incident to arrest
    - -With probable cause + exception
    - -With consent

#### c. Facsimile Machines

- 1) Fax machines can contain:
  - a) Speed dial lists
  - b) Stored faxes (incoming and outgoing)
  - c) Fax transmission logs (incoming and outgoing)
  - d) Header line
  - e) Clock setting
- 2) Best practices
  - a) If fax machine is found "ON", powering down may cause loss of last number dialed and/or stored faxes.
- 3) Other Considerations
  - a) Search issues
    - -Record telephone line number fax is plugged into
    - -Header line should be the same as the phone line; user sets header line.
    - -All manuals should be seized with equipment, if possible.
- d. Caller ID Devices
  - 1) May contain telephone and subscriber information from incoming telephone calls.
    - a) Interruption of the power supply to the device may cause loss of data if not protected by internal battery backup.
      - -Document all stored data prior to seizure or loss of data may occur.
- e. Smart Cards- A plastic card the size of a standard credit card that holds a microprocessor (chip) which is capable of storing monetary value and other information
  - 1) Awareness
    - a) Physical characteristics of the card
    - b) Photograph of the smart card
    - c) Label and identify characteristics.
    - d) Features similar to credit card/driver's license.
    - e) Detect possible alteration or tampering during same examination.
  - 2) Uses of Smart Cards

- a) Point of sale transactions
- b) Direct exchange of value between cardholders
- c) Exchange of value over the Internet
- d) ATM capabilities
- e) Capable of storing other data and files similar to a computer
- 3) Circumstances Raising Suspicion Concerning Smart Cards
  - a) Same as credit cards
  - b) Numerous cards (different names or same issuing vendor)
  - c) Signs of tampering (cards can be found in the presence of computer or other electronic devices)
- 4) Questions to Ask When Encountering Smart Cards
  - a) Who is card issued to (the valid cardholder)?
  - b) Who issued the card?
  - c) What are the uses of the cards?
  - d) Why does the person have numerous cards?
  - e) Can this computer or device alter the card?
- 5) Other Considerations
- a) Smart Card technology is used in some cellular phones and may be found in or with cellular devices.
- B. Determine approximate Crime First-responders must make reasonable attempts to identify the possible violation, even if it involves only University policy breaches. By doing so, lesser violations will provide for swift administrative responses, as well as serve as an early warning sign for possible future criminal acts and areas of concern. In attempting to make this assessment, officers need to identify the following:
  - If the case involves theft of files, system sabotage involving any computer contaminant (virus), or hacking any University server for unauthorized information, services or monies or goods;
  - 2. If the case involves any of the criteria in item A the Officer must attempt to list the actions of the virus, files destroyed or hacked, etc. This is important as it will provide a more informed second phase of investigation, and avoid destruction of Police Department equipment and/or files;
  - 3. If possible, officers at the crime scene should attempt to run any installed virus scan programs in an attempt to identify the virus, and to locate hidden viruses. This is especially important in cases in which files have been hacked or when adult material or child pornography has been discovered;
  - 4. Officers are reminded that incident reports can include violations of the University Sexual Harassment, Workplace Violence and electronic communications policies, as well as criminal acts as outlined in the California Penal Code.

- C. Preparing the Initial Report First-responders are reminded to provide the following information when preparing the initial crime or incident report:
  - 1. The computer format (PC or MAC);
  - 2. The dates of occurrence as recorded by the computer;
  - 3. The files affected (if known);
  - 4. The service capabilities or functions of the violated equipment, i.e., educational department Internet, faculty office, records, information server or personnel files, intellectual properties, etc.
- D. Notification First responders need to be aware that administrative historical files of access and logon information are only maintained for only a limited amount of time. An investigator should be notified as soon as possible in any serious cases so that tracing evidence is not lost due to historical logs being purged by the Information Technology System.

#### E. Training:

- 1. Whenever possible, Department Personnel will receive training to help increase their understanding and expertise in investigating computer crimes.
- 2. The training may consist of the following:
  - a. A basic computer crimes investigation course, POST approved.
  - b. Participation in existing CSU AND DOJ Investigator's meetings when such cases are reviewed, or when pertinent material is available for distribution.
  - c. Regular monitoring of activity and trends on the Internet, as well as technological advances within the World Wide Web, Newsgroups, Internet Relay Chat Lines (IRC) and other mediums;
  - d. Regular exploration of equipment advances so as to maintain basic understanding of hardware and software functions and abilities, as well as advances in Operating Systems (OS's);
  - e. Regular conferencing with regional task forces, agencies and corporate law enforcement liaisons to maintain resource networks for investigative support.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 4-12 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

January 25, 2005, Dec.

REVIEWED/REVISED: 16, 2019

SUPERCEDES:

SUBJECT: IMPLEMENTATION OF MEGAN'S LAW AND SEXUAL OFFENDER REGISTRATION

I. PURPOSE: To establish a procedure and provide guidance for the application of, and dissemination of information related to certain registered sex offenders under the California Penal Code Sections 290 et seq, Registration of Sexual Offenders and Megan's Law.

II. POLICY: The University Police will make great efforts to protect the campus community from registered high-risk and serious sex offenders through adherence to specifications provided in Megan's Law (CPC 290; 290.4).

#### III. DEFINITIONS:

- A. High-Risk Sex Offenders: The campus police department/local-registering agency with jurisdiction over the campus may notify the campus community about high-risk sex offenders registered on campus. (Penal Code, §§ 290.01, subd. (d)(3); 290.45, subd. (b).) High risk offenders are those who have committed a serious sex offense listed in Penal Code Section 290.4, subdivision (a), and who have also committed other violent offenses, as defined in Penal Code Section 290.45, subdivision (b). Note that notification on all sex offenders by campus police departments (or agencies acting as campus police) is limited to the campus community—so the area of notification is much narrower than if the disclosure on a high risk offender is being made by the agency having jurisdiction over his or her residence.
- B. Serious Sex Offenders: The campus police department/local registering agency with jurisdiction over the campus may notify the campus community about a serious sex offender registered on campus if a peace officer reasonably suspects, based on information provided by a peace officer or member of the public, that a child or other person may be at risk from the offender. Serious sex offenders are those whose offenses are listed in Penal Code Section 290.4, subdivision (a). Notification is limited to persons the offender is likely to encounter. For example, the department can post fliers on areas of campus which the offender is likely to frequent, or personally notify teachers or students in the registrant's classes, or notify agencies and organizations that primarily serve individuals likely to be victimized by the offender (e.g., a campus child care center when the offender is a child molester). The department may also give in-person notice to persons at risk. For example, if a registrant lived in on-campus housing, the department could personally notify persons living or working in that housing. (Pen. Code, § 290.45, subd. (a).) Again, notice is limited to the campus community.

- C. Other Sex Offenders: California law authorizes campus police departments, or local agencies acting as a campus police department, to notify the campus community regarding registrants who are not otherwise subject to public notification. These offenders are displayed on the law enforcement side of the Megan's Law web application and includes any offender who is not classified as high risk or serious in Penal Code Section 290.4, subdivision (a). "Other" sex offenders are required to register pursuant to Penal Code Section 290 but are not displayed on the public side of the Megan's Law web application. A similar category of offenders will not be displayed on the Internet Web site. The department should document its reasons for notification on a sex offender in this category, and keep the documentation in its files.
- D. Campus Police Department: A campus police department is a POST-certified police department, which has primary responsibility for investigating crimes occurring on the campus on which it is located.
- E. Campus Community: The campus sex offender registration law defines the "campus community." (Pen. Code, § 290.01, subd. (d)(5).) A campus police department or agency acting as a campus police department can make notifications under Megan's Law only to the campus community. "Campus community" means those persons present at, and those persons regularly frequenting, any place associated with an institution of higher education, including campuses; administrative and educational offices; laboratories; satellite facilities owned or utilized by the institution for educational instruction, business, or institutional events; and public areas contiguous to any campus or facility that are regularly frequented by students, employees, or volunteers of the campus. This means that if the student newspaper is on the Internet, a press release given to the newspaper would not be authorized because it would go beyond the campus community. It also means that if the main campus has a satellite classroom in another location, persons working or attending school in the satellite location can be notified about a registered sex offender if he is a high-risk offender or an "other" sex offender. They can be notified about a serious offender if he is likely to encounter the people at the satellite location.
- F. Institution of Higher Education: Is defined by the Department of Education as being one that:
  - admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
  - 2. is legally authorized to provide a program of education beyond secondary education;
  - 3. provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;
  - 4. is a public or other nonprofit institution; and
  - 5. is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards. Alternately, the term "institution of higher education" also includes (1) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs 1, 2, 4 and 5, and is a public or nonprofit private educational institution that, in lieu of the requirement in 1 (requiring a high school diploma or its equivalent), admits as regular students persons who are beyond the age of compulsory school attendance in the state in which the institution

is located.

- G. Employed or Carries on a Vocation: Includes employment whether or not it is financially compensated, volunteered, or performed for government or educational benefit. The registrant must be employed, or carrying on a vocation, on the campus over 14 days in a calendar year or more than an aggregate of 30 days.
- H. Reasonably Suspects: Means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk.
- I. At Risk: means a person who is or may be exposed to a risk of becoming a victim of a sex offense committed by the offender.

#### IV. PROCEDURES:

#### A. REGISTRATION:

Penal Code Section 290.01, governing sex offender registration on campus, was enacted effective October 28, 2002. (Stats. 2001, c. 544 (A.B. 4), § 2.) The federal Jacob Wetterling Act (42 U.S.C. § 14071), as amended by the Campus Sex Crimes Prevention Act (the ``CSCPA"), Pub. L. 106 386, div. B, Sec. 1601, 114 Stat. 1464, 1537 (2000), required the states to mandate sex offender registration and notification at institutions of higher learning. In accordance with federal law, California law requires certain sex offenders to register on campuses of universities, colleges, community colleges, or other institutions of higher learning. The following guidelines are intended to assist campus police departments and local law enforcement agencies with jurisdiction over campuses which do not have campus police departments, as defined below. The guidelines address the law governing registering sex offenders on campus, and explains the law regarding notification to the campus community.

- 1. Persons who Must Register on Campus
  - a. Persons who have a duty to register pursuant to Penal Code Section 290 in the jurisdiction where they reside or are transient also have a duty to register with a campus police department under Penal Code Section 290.01 if:
    - 1) The registrant lives at a residence on campus.
    - 2) The registrant is enrolled at the campus, either full-time or part-time.
    - 3) The registrant is employed by the campus, either full-time or part-time (with or without pay).
    - 4) The registrant is carrying on a vocation on the campus.
      - a) "Carrying on a vocation" on the campus, means that the person works on the campus, even though he is not employed by the campus itself. For example, persons who are employed by an independent contractor which runs a printing press or cafeteria/other food services on the campus are persons who are "carrying on a vocation" on the campus. Similarly, persons working on a construction crew on campus, or in a campus

bookstore, are carrying on a vocation on the campus.

- 5) The registrant is a volunteer on the campus.
- 6) The registrant is a transient sex offender who is physically present on (living on), enrolled, employed, a volunteer, or carrying on a vocation on the campus. If his enrollment, employment, or vocational status requires it, a transient sex offender must register with the campus police department in addition to the local jurisdiction where he registers every 30 days. If the campus is a place a transient registrant occasionally frequents, but he is not living there and he does not have the status of being enrolled, employed, a volunteer, or carrying on a vocation on campus, the transient need only list the campus as a place he frequents on his registration with the local jurisdiction in which he registers every 30 days. Examples of places a transient may "frequent" on a campus are the track or other physical education facilities, as well as the library or eating establishment.
- b. Registration of out-of-state residents attending school in California under Penal Code § 290(a)(1)(G)
  - 1) Registered sex offenders who reside in states other than California, but who come into California to attend an institution of higher learning must register with the local police or sheriff's department having jurisdiction over the campus. Such students must register whether enrolled full-time or part-time. (Pen. Code, § 290, subd. (a)(1)(G).) The registrant must provide his or her out-of-state residence address on the registration form. Local agencies should send a copy of the registration form to the campus police department as a courtesy.
- c. Registration of persons living on campus under Penal Code § 290(a)(1)(A) or § 290(a)(1)(C)
  - If the campus is a place the registrant lives (has a residence address or is physically present as a transient), Penal Code Section 290, subdivision (a)(1)(A) or (C) requires him to register with the campus police department in addition to the jurisdiction where he resides or is physically present as a transient.
- d. Duty to register both in local jurisdiction and campus police department
  - 1) Campus registration is intended to ensure that the campus knows about all sex offender registrants connected with the campus. The registrant's primary registration duty is to register with the police or sheriff's department of the jurisdiction where he or she resides, or to register as a transient every 30 days. Thus, a registrant who additionally must register on campus has a duty to register in two places: campus and jurisdiction of residence (or where physically present as a transient). A registrant who has a duty to register on campus must register with the campus police department, or with the local jurisdiction (sheriff's department or police department) having jurisdiction over

- the campus if the college or institution of higher learning does not have its own police department, as defined by these guidelines. If a campus police department does not have CLETS update capability, it can mail the registration form (DOJ SS 8102) to DOJ, and DOJ will input the registration into VCIN.
- e. Limited registration duties at college police department are based on changes in the registrant's enrollment or employment status.
  - 1) Campus registration is a secondary duty, meaning that the registrant who is required to register on campus need fulfill only limited requirements. A registrant on campus must register with the campus police department within 5 working days of beginning his or her status requiring campus registration (i.e., enrollment, employment), and notify the campus police department within 5 working days when that status no longer exists. The registrant on campus has no duty to do the annual update, transient update, or sexually violent predator update at the campus police department. These should be done at the local police or sheriff's department having jurisdiction over the offender's place of residence. The registrant's primary duty at the campus police department is to notify it when his enrollment or employment, etc., status on campus begins and ends.
- f. Change of address, registration updates are done at the primary registering agency.
  - 1) Changes of address and registration updates should be done with the police or sheriff's department having jurisdiction over the area where the registrant lives or is a transient. Thus, the annual, transient or sexually violent predator updates are done at the primary registering agency, not the campus police department. If a registrant changes his residence address, the registrant must notify the police department or sheriff's department having jurisdiction over the residence address, and need not notify the campus police department. In other words, the registrant must notify the last registering agency that he is moving, and must register in the new jurisdiction, if any, within 5 working days, but he need not notify the campus police department of the address change. This is true even if the registrant lives or is a transient on the campus. His primary registering agency is the local law enforcement agency having jurisdiction over the area in which the campus is located. Campus police will be able to see the registrant's address change and updates by checking VCIN, the Megan's Law Web Application, or in 2005, on the Megan's Law Internet Web site if the registrant is in the category of offenders who have addresses displayed on the Internet. Additionally, local agencies doing address changes on registrants who are also registered at a campus police department should send a copy of the registration form showing the new address to the campus police department as a courtesy.
- g. Enrollment during a regular school year session.

- 1) A student is "enrolled," for purposes of the registration law, on the day the first quarter or semester of enrollment begins, and he or she must register within 5 working days of that date. Thereafter, if the student remains enrolled for the next regular semester or quarter, he does not need to notify the campus police department of any status change. The summer session does not count as a regular semester or quarter, and if a registrant is present spring semester/ quarter and will return fall semester/quarter, the registrant does not have to come in at the end of the spring term to notify the department he or she is leaving for the summer, nor does the registrant have to re register with campus police at the beginning of the next regularly-scheduled term. However, if the registrant does not re enroll for the next regular session during the school year (fall, winter, spring), he/she must notify the campus police department within 5 working days of the last day of the semester/quarter that he/she was enrolled that he will be absent the following semester or quarter.
- 2) Enrollment during or beginning in summer session:
  - a) A student may become enrolled just for a summer session, or may begin enrollment during the summer session. If so, he or she has a duty to register within 5 working days of the beginning of that summer session. If the registrant continues without a break into the next regular session (fall quarter or semester), he or she need not re-register on campus.

#### 3) Breaks in enrollment

- a) When the registrant re enrolls after a break in attendance (not just a vacation break over a holiday or spring break), he or she must re register with the campus police department within 5 working days of the first day of that new semester or quarter.
- b) A student is enrolled at the campus even if he takes a class on-line, and the class meets at a location off the campus. He has a duty to register due to his enrollment status. If a campus offers on-line classes, which never meet in person, the statute still requires students who have enrolled to register as sex offenders with the campus police department.

#### B. NOTIFICATION TO THE PUBLIC:

- 1. Megan's Law/public notification on Campus
  - a. Federal law now requires the states to post information about registered sex offenders, as to whom public information is available, on the Internet. (42 U.S.C. § 14071, subd. (e)(2).) The California Department of Justice will maintain an Internet Web site www.meganslaw.ca.gov, which will display the names, addresses and zip codes of specified registered sex offenders. (A.B. 488, enacting Penal Code, § 290.46, effective fall 2004.) Due to limitations in the sex offender registration computer database, Megan's Law is not able to disclose the fact of campus registration on the Internet Web site, so only law enforcement personnel will know whether a particular registrant has also registered at a

- campus, by checking its own registration records. Note that the fact of campus registration must be entered in the comment field on VCIN, and that a subsequent comment replaces the previous comment. Since the fact of campus registration can be overwritten, VCIN does not reliably indicate all the names or numbers of registrants on a particular campus. Thus, if a comment regarding campus registration does not appear on VCIN, the registrant may still be registered on a campus. (See Information Bulletin 03-14-BCIA, See Appendix)
- b. If this department determines that a disclosure should be made regarding a sex offender on campus, the statutory provisions for Megan's Law notifications on campus, as provided in Penal Code Section 290.01and 290.45 shall be followed.
- c. The campus police department and its employees, are immune from civil or criminal liability for good faith conduct in conducting notifications on registered sex offenders on campus. (Penal Code, § 290.01, subd. (d)(2).)
- d. The department may not simply hand out a list of all registered sex offenders on campus, even to the administration of the campus. Penal Code Section 290.45 still requires the campus police department to determine whether serious sex offenders are posing a risk, and to notify only those persons or organizations they are likely to encounter. This assessment must still be made before notification to anyone in the campus community, including administrators, can be notified about serious sex offenders on campus.
- e. There are no such limitations on disclosure on high-risk offenders under Penal Code Section 290.45, or to other offenders as to whom the campus police may make a disclosure to the campus community under Penal Code Section 290.01 (i.e., no risk determination or restriction of notice to those likely to encounter the offender.)
- f. However, Section 290.01 does limit the scope of disclosures about all campus registrants, which are made by the campus police agency, to the campus community.

#### 2. Subject to notification on campus

- a. Campus police departments are authorized to notify the campus community about any registered sex offender on campus. They are not required to do so under either state or federal law. The department provides a statement advising the campus community where law enforcement agency information provided by the state concerning registered sex offenders may be obtained in the Annual Clery Security Report and on our website as follows; www.sfsu.edu/~dps.
- b. Disclosures are currently governed by Penal Code Section 290.45 (serious and high risk offenders) and Penal Code Section 290.01 (other offenders).
- c. Record of Notification:
  - 1) When notification is made to the campus community on a serious or high-risk offender, a record of the dates of dissemination and means must be maintained for a period of five years. The Supervised Release File may be used to maintain this record. Entry may be made via JDIC into the Supervised Release File (SRF). The Dispatcher or Records/Communications Supervisor may enter the data at the direction of the Chief of Police or designee.

a) the record shall include documentation for the reasons for notification as well as the:

i. scope

ii. means

iii. dates of dissemination

b) the documentation is not a public record (so don't pull a case number) and should be kept in a locked confidential file on the registrant.

#### 3. Information to be disclosed

- a. High risk and serious sex offenders. The following information can be disclosed about high risk and serious sex offenders registered on campus, at the discretion of the disclosing agency: the offender's full name; known aliases; gender; race; physical description; photograph; date of birth; crimes resulting in registration under Section 290; home address, if verified prior to disclosure; description and license plate number of vehicles the offender is known to drive; type of victim targeted by the offender; relevant parole or probation conditions, such as one prohibiting contact with children; dates of crimes resulting in classification under Section 290; date of release from confinement; and enrollment, employment or vocational status with a college, university, or institution of higher learning. (Pen. Code, § 290.45, subd. (a).)
- b. Other sex offenders. The following information can be disclosed about other registered sex offenders on campus, at the discretion of the disclosing agency: the offender's full name; known aliases; gender; race; physical description; photograph; date of birth; crimes resulting in registration under Section 290; and the date of last registration or re-registration. (Penal Code, 290.01, subd. (d).) Note that under the campus notification law, the department or agency cannot disclose the home address and other information about an "other" sex offender which can legally be disclosed about serious and high risk offenders.
- 4. Why is notification broader for "Other" registrants on campus than It Is for serious registrants.
  - a. Federal law required that notification be available on all registered sex offenders on campus. Enacted later than the general Megan's Law notification statute, the authorization in Penal Code Section 290.01 for notification on "other" sex offenders does not contain the restrictions in Penal Code Section 290.45 that apply to notification about serious sex offenders. However, note that the type of information that can be given to the campus community about other sex offenders is more limited than the information that can be disseminated on high risk and serious offenders pursuant to Penal Code Section 290.45.

#### C. INQUIRIES:

1. All inquiries of sex offender information by the public are to be directed to the

- Commanding Officer of Investigations.
- 2. Before being provided any information by this department pursuant to Penal Code Section 290.01 (4)(A), a member of the campus community who requests sexual offender information, shall sign a statement, on the San Francisco State University/ BCIA 4078 (1/02) Department of Justice form (see attachment) stating that he or she is not a registered sex offender; that he or she understands the purpose of the release of information is to allow members of the campus community to protect themselves and their children from sex offenders; and that he or she understands it is unlawful to use information obtained pursuant to this subdivision to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant. The signed statement shall be maintained in a file in the agency's office for a minimum of five years.
- 3. The Commanding Officer of Investigations will notify the Chief, Deputy Chief and Director of Public Affairs of the inquiry and decision of the department to release the information.

#### D. RELEASE ASSESSMENT:

- 1. It is the policy of this department that an assessment will be made to determine if notification of the offender information is warranted for dissemination to the person or persons, or the University Community when:
  - a. If a serious or high risk offender is identified, who is either a serious or high risk sex offender, who either attends, works, resides, has been, or is present in the area of the University, Child Care Center, Child Study Center, or any other area within the boundaries of the University where minors are present, and
    - 1) Registrants are working with minors on campus
      - a) Penal Code Section 290.95 prohibits sex offender registrants whose sex crime was against a victim under age 16 from working with minors as an employee or volunteer, if the registrant will be working with minors directly and in an unaccompanied setting on more than incident or occasional basis or has supervisory or disciplinary power over the child. This pretty much eliminates professors, lecturers, graduate student teaching assistants, coaches, etc., with a conviction involving an under 16 victim, from working or volunteering on campus if there will be any minor in their class, T.A. Section or on a sports team. If the registrant's crime was not against a victim under age 16, the registrant must notify his employer (e.g., the campus or independent contractor) or the volunteer organization of his status as a registrant.
  - b. There is information that has come to the department's attention that creates a reasonable suspicion that a person or persons are at risk of becoming a victim of the above offender and the offender is likely to encounter the person or persons.
- 2. When the above criteria is met, the University Police Watch Commander is to be

notified immediately. The Watch Commander shall:

- a. Make administrative notification to the Commanding Officer of Investigations and Chief as soon as possible.
- b. Follow-up the administrative notification with a miscellaneous report or crime report, as appropriate, containing the information.
- c. The Chief will determine if notification is warranted for dissemination to the appropriate party, parties, or University Community.
- 3. Exception In exceptional circumstances where the commission of serious crime/ sex offense is imminent, and likely to occur without immediate intervention, and or, disclosure of the information, the Watch Commander is authorized to take immediate action to intervene or disclose the information to prevent the occurrence.
  - a. When such an action is taken, the Commanding Officer of Investigations and Chief of Police are to be notified as soon as possible.
  - b. A memorandum detailing the justification for the action is to be submitted to the Commanding Officer of Investigations with a copy to the Chief of Police and Deputy Chief by the end of that Watch Commander's work shift, with a copy of any and all reports attached.

#### 4. Department Notification:

- a. Notification shall be pursuant to Section IV, B of this policy and Penal Code Section 290.01 (d)(1)(A).
- b. California Penal Code Section 290.01 was amended to allow campus police to release sexual offender information.
  - 1) The following information regarding a registered sex offender on campus who is not described in paragraph (1) of subdivision (a) of Section 290.4 may be released to members of the campus community by any campus police department pursuant to 1092(f)(1)(I) of Title 20 of the United States Code:
    - a) The offender's full name.
    - b) The offender's known aliases.
    - c) The offender's gender.
    - d) The offender's race.
    - e) The offender's physical description.
    - f) The offender's photograph.
    - g) The offender's date of birth.
    - h) Crimes resulting in registration under Section 290.
    - i) The date of last registration or reregistration.
  - 2) Nothing in Penal Code Section 290.01 shall be construed to authorize this department to make disclosures about registrants intended to reach persons beyond the campus community.

- a) Campus community means those persons present at, and those persons regularly frequenting, any place associated with an institution of higher education, including campuses; administrative and educational offices; laboratories; satellite facilities owned or utilized by the institution for educational instruction, business, or institutional events; and public areas contiguous to any campus or facility that are regularly frequented by students, employees, or volunteers of the campus.
- c. Employees shall not give legal advice to the public or the media in reference to sex offenders.
- d. Release of information will be coordinated with Public Affairs and approved by the Chief.
- e. San Francisco State University form, Megan's Law Field Disclosure, shall be utilized to document release information (See Attachment).

#### E. INTERVIEWING CAMPUS REGISTRANTS:

- 1. Department officers may wish to interview a registrant regarding places he/she frequents on or near the campus. Registrants will often cooperate and respond to questions about their schedules or places they go on or near the campus.
- 2. If the registrant is a child molester, employer shall warn the registrant to avoid areas where children are present, such as a playground near married student housing or a campus day care center, in order to avoid any misunderstandings. However, the registrant is legally required to give only the information required by the DOJ registration forms, as specified in Penal Code Sections 290 and 290.01, so any additional information cannot be compelled by the campus police department.
  - a. FERPA may prevent the campus police department from obtaining the registrant's academic schedule, so if the registrant refuses to provide it voluntarily, the officer may have to find other legal ways to obtain relevant information about where the offender can be found on campus. For example, if the registrant is on probation or parole, the officer can work with the probation or parole officer, who has the right to compel a registrant to disclose his academic schedule.
  - b. Registrants often have conditions of probation or parole, which are relevant to their campus schedules. For example, if there is a condition that they stay away from minors, it could be a violation of parole or probation to take a class or act in a campus play in which minors are present.

#### F. DEPARTMENT REGISTRATION PROCESS:

- 1. The Investigations Unit will be responsible for the registration of all sexual offenders on campus and the files maintained in the Detectives' Office.
  - a. The Investigations Division Commander will ensure that the files are kept secure and the proper forms are utilized and forwarded to Dispatch Records for information to be sent to the Department of Justice via CLETS.

- 2. Registration Information sent to the Department of Justice via CLETS
  - a. The on duty dispatcher shall send the registration information via CLETS to the Department of Justice and forwarded to the Investigations Division Commander.
  - b. The Investigations Division Commander will telephone the Department of Justice and advise them that a new campus registration form has been mailed to expedite entry into VCIN so we can assist the Department of Justice in tracking offenders on campus until their system is upgraded.
  - c. The Investigations Division Commander will keep the original form in the secure files.

#### G. CLERY REPORT:

- 1. The department will include as part of its annual Clery Report, a description of where sex offender information maybe obtained. Public Information regarding sex offenders in California may be obtained through:
  - a. San Francisco Police Department at (415) 459-3100, 850 Bryant Street, San Francisco California 94103.
  - b. Department of Justice at www.caag.state.ca.us
  - c. www.meganslaw.ca.gov

#### V. APPENDICES:

- A. Campus Sex Offender Registration Guidelines
- B. State of California Public Notification of Sex Offender Information Suggested Guidelines (See Resource Table)
- C. Information Bulletin 03-14-BCIA

#### VI. ATTACHMENT:

- A. San Francisco State University/BCIA 4078 Request to View Sexual Offender Information
- B. San Francisco State University Police Department Megan's Law Individual Field Disclosure Form

#### ATTACHMENT A



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#### REQUEST TO VIEW SEXUAL OFFENDER IDENTIFICATION INFORMATION

Pursuant to California Penal Code Section 290.4, I am requesting access to sex offender registration information. I understand that:

- 1. The criminal information available only includes convictions of specified sex crimes; it does not represent an individual's complete criminal history;
- 2. The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders;
- 3. It is a crime to photocopy of photograph this information (handwritten notes are permissible), and;
- 4. The information is revised and updated regularly, and all reasonable steps have been taken to insure the accuracy and reliability of the information and photographs.

THE PURPOSE OF THE RELEASE OF THE FOLLOWING INFORMATION IS TO ALLOW MEMBERS OF THE PUBLIC TO PROTECT THEMSELVES AND THEIR CHILDREN FROM SEX OFFENDERS.

A MEMBER OF THE PUBLIC MAY NOT USE INFORMATION OBTAINED IN ACCORDANCE WITH MEGAN'S LAW TO HARASS OR COMMIT ANY CRIME AGAINST AN INDIVIDUAL. CRIMINAL MISUSE OF THE INFORMATION SUBJECTS THE PERSON WHO MISUSES IT TO A SENTENCE ENCHANCEMENT IN ADDITION TOT HE PUNISHMENT MANDATED FOR THE CRIME

NAME:									
	Last		First	Middle					
ADDRESS: _							_		
	Number and	l Street							
-	City		State	Zip Co	de		-		
CALIFORNIA [	•	ENSE / IDE	NTIFICATION N	·			_		
I AM REQUIRE	ED TO REGIS	TER AS A S	SEX OFFENDER	(Circle One):	YES	NO			
I have read the risk.	back of this f	orm, and I a	am aware that I a	m authorized to	use thi	s informati	on only to	protect a	person at
SIGNATURE _					DATE			_	
FOR LAW ENFO	RCEMENT USE	ONLY:							
ACCESS APPRO									
			Under 18 without pa	arent of quardian □	Regi	strant □			
			Ondor to Wandat pe	· ·	rtogi	oudin =			
REQUEST REVI	EWED BY						DATE:		

Penal Code section 290.4 provides, in part,

- "(b)(1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to, any other punishment, by a five-year term of imprisonment in the state prison.
- "(2) Any person who, without authorization, uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).
- "(c) The record of the compilation of offender information on each CD-ROM or other electronic medium distributed pursuant to this section shall be used only for law enforcement purposes and the public safety purposes specified in this section and section 290. This record shall not be distributed or removed from the custody of the law enforcement agency that is authorized to retain it. Information obtained from this record shall be disclosed to a member of the public only as provided in this section or Section 290, or any other statute expressly authorizing it.

"Any person who copies, distributes, discloses, or receives this record or information from it, except as authorized by law, is guilty of a misdemeanor, punishable by imprisonment in the county jail not to exceed six months or by a fine not exceeding one thousand dollars (\$1,000), or by both. This subdivision shall not apply to a law enforcement officer who makes a copy as part of his or her official duties in the course of a criminal investigation, court case, or as otherwise authorized by subdivision (n) of Section 290.

"Notwithstanding Section 6254.5 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Chapter 3.5 (commencing with Section 6250) of Title 1 of Division 7 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

- "(d) Unauthorized removal or destruction of the CD-ROM or other electronic medium from the offices of any law enforcement agency is a misdemeanor, punishable by imprisonment in a county jail not to exceed one year or by a fine not exceeding one thousand dollars (\$1,000), or both.
- "(e)(1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk. "This section shall not affect authorized access to, or use of, information Civil Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code and Section 432.7 of the Labor Code.
- "(2) Except as authorized under paragraph (1) or any other provision of law, use of any of the following information disclosed pursuant to this section is prohibited:
  - "(A) Health insurance.
  - "(B) Insurance.
  - "(C) Loans.
  - "(D) Credit.
  - "(E) Employment
  - "(F) Education, scholarships, or fellowships.
  - "(G) Housing or accommodations
  - "(H) Benefits, privileges, or services provided by any business establishment.
- "(3)(A) Any use of information disclosed pursuant to this section for purposes other than those provided by paragraph (1) of subdivision (e) or in violation of paragraph (2) of subdivision (e) shall make the user liable for the actual damages, and any amount that may be determined by a jury or a court sitting without a jury, not exceeding three times the amount of actual damage, and not less than two hundred fifty dollars (\$250), and attorney's fees, exemplary damages, or a civil penalty no exceeding twenty-five thousand dollars (\$25,000).
- "(B) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the "900" number in violation of paragraph (2) of subdivision (e), the Attorney General, and district attorney, or city attorney, or any person aggrieved by the misuse of that number is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provision of law, including Part 2 (commencing with Section 43) of Division 1 of the Civil Code."

#### ATTACHMENT B



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# MEGAN'S LAW INDIVIDUAL FIELD DISCLOSURE

DATE/TIME	OFFICER:	CASE #:			
SEX REGISTRATION INFORMATIO	N DISCLOSED REGARDING (REGISTF	RANT'S NAME)			
NAME:(LAST)	(FIRST)				
(LAST)	(FIRST)	(MIDDLE)			
DOB:	CLASSIFICATION: HIGH RISK	SERIOUS			
PERSON(S) TO WHOM INFORMAT					
NAME:					
NAME:(LAST)	(FIRST)	(MIDDLE)			
ADDRESS:					
NUMBER AND STRE	EET CITY	ZIP CODE			
DATE OF BIRTH:	TELEPHONE NUMBER: ()				
(LIST ADDITIONAL NAMES, IF APPLICABLE/AVAILABLE ON BACKOF FORM)					
MEANS OF NOTIFICATION:  □ VERBAL □ FLYER □ WRITTEN □ OTHER					
REASONS/FACTORS FOR NOTIFICATION:					
DETECTIVE OR LIEUTENANT APPROVAL:					
NAME:	DATE/TIME:				



APPROVED: Reginald Parson, Chief of Police NUMBER: 4-13

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: Oct. 10, 2006, May 2, 2013, Dec. 16, SUPERSEDES:F-3

SUBJECT: HANDLING OF LOST, FOUND AND UNCLAIMED PROPERTY

I. PURPOSE: To establish guidelines regarding the collection, storage, release, and disposal of lost property in compliance with California Civil Code 2080.9 (University Statutes).

II.POLICY: This Department is responsible for safeguarding found property and will attempt to locate and return such property to the proper Owners in accordance with the following procedures.

#### III. DEFINITIONS:

- A. Found Property: Is any property that is lost or abandoned, and is not known to be or suspected to be connected to a criminal offense.
- B. Property Room software: The software program used to assist in maintaining the chain of custody of all departmental evidence, lost and found property, and property for safekeeping.
- C. Barcode: A printed label that is physically attached to a piece of evidence noting a case number, evidence number, and a brief description of the evidence.
- D. Hand Wand: Is an electronically hand held device that reads barcode labels and is used in conjunction with the Property Room software to maintain evidence.

#### IV. PROCEDURES:

#### A. Responsibilities:

- 1. This department has the ultimate oversight of the Lost and Found program. This function shall be monitored and reviewed by the Chief of Police, with assigned responsibilities as needed.
- 2. Any University Police employee receiving or finding property shall be responsible for its booking, marking, and storage in accordance with these established procedures.
- 3. It shall be the responsibility of the Investigations Unit to utilize RIMS to maintain records of all found property obtained and the disposition of such items (i.e., stored, released, destroyed, or donated).
- B. Personnel Accepting Lost and Found Property:

- 1. CSS's and front counter personnel will be responsible for booking lost and found property when:
  - a. The Property Clerk is not available.
  - b. The found property does not contain any U.S. currency or high dollar value items (Over \$400 dollars).
  - c. Non bulk items that are collected from SFSU Lost and Found satellite sites
- 2. Property Clerk: will be responsible for booking ALL lost and found property when:
  - a. The found property does not contain any U.S. currency or high dollar value items (Over \$400 dollars).
  - b. Bulk items that are collected from SFSU Lost and Found satellite sites.
- 3. Sworn Police Officers: will be responsible for booking lost and found property when:
  - a. The front counter is closed or during non-business hours.
  - b. The Property Clerk is not available.
  - c. The items contains any U.S. currency or high dollar value items (Over \$400 dollars)
  - d. Non bulk items that are collected from SFSU Lost and Found satellite sites.
- C. Booking of Lost and Found Property:
  - 1. All property identified as belonging to any SFSU department, shall be returned to that department as soon as practical.
  - 2. CSS's and front counter personnel:
    - a. Obtain a case number from dispatch
    - b. Have finder complete the "Lost and Found Information" form
    - c. Place property and "Lost and Found Information" form into brown paper bag.
      - 1) Write the case number on the outside of the paper bag.
    - d. Will obtain a keycard and Found Property Locker key from Dispatch.
    - e. Place the packaged property into the temporary Lost and Found locker.
  - 3. Officers and the Property Clerk booking found property shall:
    - a. Obtain a case number from dispatch.
    - b. Properly identify the finder, (name and SFSU ID if a student, home address, home or department telephone number if SFSU faculty/staff member) and enter the information into RIMS.
    - c. Enter the date, time, location found, and a detailed description of the property into RIMS.
    - d. No written reports are required for any Lost and Found reports; just check the "No

- report required" in the narrative sections of RIMS.
- e. Complete the "Notice To Claim Property" form when the finder wishes to maintain an interest in the property and/or wishes to be contacted in the event an owner is located.
- f. From the Property Room software, print and affix a barcode label to the outside of the packaged found property.
- g. Place the property in the temporary Lost/Found locker.

#### D. Storage of Lost and Found Property:

- 1. No found property should be stored in a location other than in the temporary Lost and Found locker or the Lost and Found Container located to the rear the station.
- 2. Upon receipt of found property, the Property Clerk will:
  - a. Ensure the property obtained match the item(s) described in RIMS.
  - b. Enter the owner into RIMS, if identified.
  - c. Check-in the property received by utilizing the hand wand and entering the appropriate storage code.
  - d. Move the property from the Temporary Lost and Found locker to the Lost and Found Container.
  - e. This department will store lost and found property for a period of no more than six (6) months pursuant to California Civil Code 2080.9.

# E. Release of Lost and Found Property:

- 1. Property may be released to an owner when the person provides sufficient proof of ownership (i.e. manual, receipt, etc).
  - a. Property may be released to the owner after six (6) months if and when this department still has possession of the desired item(s) and proof of ownership has been established.
- 2. Property, except U.S. currency, may be released to the finder if an owner does not claim the lost property within the allotted six (6) months.
- 3. Lost property will be released only when satisfactory identification is presented (i.e., SFSU ID, picture ID, Driver's License, etc.).
  - a. The person taking possession of the property will be entered into RIMS.
- 4. The claimant will sign and date a "Property Invoice and Return" form releasing custody of the property from this to the Claimant.
  - a. The signed form will be placed in the "To Be Processed" box to be attached to the case.
- 5. In all cases, the Investigations Unit/Property Clerk must exercise good judgment and

utilize discretion when releasing both identifiable and non-identifiable property.

## F. Disposal of Lost and Found Property:

1. Unclaimed, lost, or abandoned property valued at or above three hundred dollars (\$300) shall be held by the campus for a period of "at least" three months. After such time, the property, except unclaimed cash, shall be offered at public auction to the highest bidder. Notice of such sale must be published once at least five days prior to the sale in a newspaper of general circulation in the county in which the property is held. Auction proceeds received and any related interest earnings shall be used for scholarships and loans to students enrolled at the campus where the sale is held. The campus may dispose of any property, except cash, upon which no bid is made at any sale.

Items valued under \$300 may be donated to another public institution or not-for-profit organization or otherwise disposed.

Unclaimed cash may be returned to the finder after the expiration of the six month period unless the property has been found by a University employee in the course of his/her employment.

- a. Unclaimed cash found by persons who are not University employees will upon demand, be returned to the finder after the six month holding period. If the finder cannot be located, the cash becomes the property of the campus to be used for scholarships or student loans.
- b. Unclaimed cash found by a University employee must be turned into the lost and found department. If the cash is not claimed within the six month period, it becomes the property of the campus to be used for scholarships or student loans.
- 2. If any property is not claimed by an owner or released to the finder within six (6) months after the date of submittal.
  - a. The Property Clerk will observe the following procedures:
    - 1) Destroy, or
    - 2) Donate to another public institution or not for profit organization, or other wise disposed of.
    - 3) All unclaimed money will be deposited into the General Fund.

#### V. APPENDIX: None

#### VI. ATTACHMENTS:

- A. Notice To Claim Property Form
- B. Lost and Found Information Form
- C. Barcode Sticker Sample

#### ATTACHMENT A



Palice Department - 1900 Hallanay Averace - San Francisco, Californio 941 32 4945 - Tet 41 9328-7200 - Par 41 9328-1905



# NOTICE TO CLAIM PROPERTY

	Carle:					
Dear						
You are hereby notified that the following item(s) that may be	e San Francisco State University Police Department is holding belong to you:					
Evidence:						
☐ Found Proper	ty:					
California Ci	Items are held for six months from the date of notice pursuant to Section 2080.9 of the California Civil Code, item(s) not claimed will be disposed of in accordance to department policy.					
☐ Property for S	iafekeeping:					
tiems will be held for no more than 60 days from the date of notice, item(s) not will be disposed of in accordance to Section 2000.10 of the California Civil Code						
Cother						
Case Number:	Bar Code Number(s):					
Item(s) Description:						
	30 Day Notice					
is is an official 30 day noti	ce to contact this department and/or claim your property.					

This is an official 30 day notice to contact this department and/or claim your property. Failure to contact this department and/or claim your property within 30 days will result in the destruction of the listed property. This department will not be liable or financially responsible for those items destroyed as a result of failure to comply with this 30 day notice.

#### Claim Appointment

Please call (415) 338-2306 to make an appointment to claim your property.

Address: San Francisco State University

Police Department 1600 Holloway Ave San Francisco, CA 94132

Appointments: Monday through Friday, 9:00 A.M. to 5:00 P.M.

\*\*\*Flease BRING this form and Proof of Ownership to claim property.

# ATTACHMENT B



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# LOST AND FOUND INFORMATION FORM

	CASE #:			
	DATE:			
NAME (PRINT) :	<del></del>			
ADDRESS (OPTIONAL):				
PHONE #:	-			
ID INFO (OPTIONAL):(CDL, SFSU ID)				
LOCATION ITEM FOUND:	DATE:			
		_		
Items will be held for six months from the date of notice of the California Civil Code, if not claimed the item(s) w department policy.		,		
*NOTE: If you want to claim property, you must complete the above section in full.				
☐ I am interested in claiming this property if no owner is not located after 6 months.				
☐ I want to be notified if property is not claimed.				
☐ I want to be notified if the owner is located.				
UPD PERSONNEL:	DATE:			

#### ATTACHMENT C

San Francisco State University Police Dept.

06-710-014

06/12/2006

Evidence

Officer: 809

DVD-R marked "OS 10.4 EXAMPLE



NUMBER: 4-14 APPROVED: Reguld Par

Reginald Parson, Chief of Police

EFFECTIVE: Feb. 15, 2007

SUPERSEDES: REVIEWED/REVISED: Sept. 1, 2011, Dec. 16, 2019

SUBJECT: IDENTITY THEFT

I. PURPOSE: To provide employees with protocols for accepting, recording, and investigating the crime of identity theft.

II. POLICY: To take the measures necessary to record criminal complaints, assist victims in contacting other relevant investigative and consumer protection agencies, and work with other federal, state and local law enforcement and reporting agencies to identify perpetrators.

#### III. DEFINITIONS:

A. Identity Theft: Identity theft is the wrongful use of another person's identifying information—such as credit card, social security or driver's license numbers—to commit financial or other crimes. Identity theft is generally a means for committing other offenses such as fraudulently obtaining financial credit or loans, among other crimes.

#### IV. PROCEDURES:

#### A. Legal Prohibitions

- 1. Identity theft is punishable under federal law "when any person knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a felony under any applicable state or local law and state law. [18 U.S.C. § 1028(a)(7)]
- 2. Identity theft is punishable under state law Cal. Penal Code §§ 530.5-530.7 which makes it a crime to obtain personal identifying of another person, and use that information for any unlawful purpose.

#### B. Taking Crime Reports

1. All sworn police personnel are authorized to take crime reports on identity theft.

Recording all relevant information and data in such reports is essential to further

investigation. Therefore, officers and/or supervisors should:

- a. Fully record information concerning criminal acts that may have been committed by illegally using another's personal identity as covered by state and federal law.
- b. Classify as identity theft fraudulent acts committed against an individual when there is evidence that the following types of unauthorized activities have taken place in the victim's name.
  - 1) Credit card charges, debit cards, ATM cards.
  - 2) Credit card checks written against their account.
  - 3) Credit card accounts opened or account addressed changed.
  - 4) Establishment of a line of credit at a store or obtaining a loan at a financial institution.
  - 5) Goods or services purchased in their name.
  - 6) Gaining access to secure areas.
  - 7) Used as computer fraud.
- c. Obtain or verify as appropriate identifying information of the victim to include date of birth, social security number, driver's license number, other photo identification, current and most recent prior addresses, and telephone numbers.
- d. Document the nature of the fraud or other crime committed in the victim's name.
- e. Determine what types of personal identifying information may have been used to commit these crimes (i.e., social security number, driver's license number, birth certificate, credit card numbers and state of issuance, etc.) and whether any of these have been lost, stolen or potentially misappropriated.
- f. Document any information concerning where the crime took place, the financial institutions or related companies involved and the residence or whereabouts of the victim at the time of these events.
- g. Determine whether the victim authorized anyone to use his or her name or personal information.
- h. Determine whether the victim has knowledge or belief that specific person or persons have used his or her identity to commit fraud or other crimes.
- i. Determine whether the victim is willing to assist in the prosecution of suspects identified in the crime.
- j. Determine if the victim has filed a report of the crime with other law enforcement agencies and whether such agency provided the complainant with a report number.
- k. If not otherwise provided, document/describe the crime, the documents or information used, and the manner in which the victim's identifying information was obtained.
- Forward the report through the chain of command to appropriate investigative
  officers and immediately to intelligence agencies and federal agencies, if it
  appears to have national security implications.

# C. Assisting Victims

1. Officers taking reports of identity theft should take those steps reasonably possible to

help victims resolve their problem. This includes providing victims with the following suggestions where appropriate.

- a. Contact the Federal Trade Commission (FTC) (1-877-IDTHEFT)—which acts as the nation's clearinghouse for information related to identity theft crimes—for assistance from trained counselors in resolving credit related problems.
- b. Cancel each credit and charge card and request new cards with new account numbers.
- c. Contact the fraud departments of the three major credit reporting agencies [Equifax (1-800-525-6285), Experian (1-888-397-3742), TransUnion (1-800-680-7289)], and ask them to put a fraud alert on the account and add a victim's statement requesting creditors to contact the victim before opening new accounts in his or her name. Also request copies of your credit report.
- d. If bank accounts are involved, report the loss to each financial institution, cancel existing accounts and open new ones with new account numbers. If deemed necessary, place stop payments on outstanding checks and contact creditors to explain.
- e. The Identity Theft form will be given to the victim and will be used to ask the creditors or other businesses for copies of applications and other business records relating to transactions or accounts that resulted from the theft of the victims identity during the investigation process.
- f. If a driver's license is involved, contact the state motor vehicle department. If the driver's license uses the social security number, request a new driver's license number. In such cases, also check with the Social Security Administration to determine the accuracy and integrity of your account.
- g. Change the locks on your house and cars if there is any indication that these have been copied or otherwise compromised.

# D. Investigations

- 1. Investigation of identity theft shall include but not be limited to the following actions where appropriate.
  - a. Review the crime report and conduct any follow-up inquiries of victims or others as appropriate for clarification/expansion of information.
  - b. Contact the FTC Consumer Sentinel law enforcement network and search the database for investigative leads.
  - c. Contact other involved or potentially involved law enforcement agencies for collaboration and avoidance of duplication. These agencies include but are not limited to
    - 1) Federal law enforcement agencies such as the U.S. Secret Service, the Federal Bureau of Investigation, and the U.S. Postal Inspection Service as appropriate whether or not the victim has filed a crime report with them.
    - 2) Any state and/or local enforcement agency with which the victim has filed a crime report or where there is an indication that the identity theft took place.

- E. Community Awareness and Prevention
  - 1. Where reasonable and appropriate, officers engaged in public education/ information forums, community crime prevention and awareness presentations or similar speaking or information dissemination efforts shall provide the public with information on the nature and prevention of identity theft.

V. APPENDIX: None

VI. ATTACHMENT:

A. Identity Theft Form

# ATTACHMENT A



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# Identity Theft Form Victim's Request For Fraudulent Transaction/Account Information

То:	Account No.:			
From:	Reference No.:			
Mailing Address:	Telephone No:  Social Security No.:			
To Whom It May Concern:				
I am a victim of identity theft. I am formally disputing a transaction or an account that I have learned has been made, opened or applied for with you. I did not make this transaction or open or apply for this account and have not authorized anyone else to do so for me. You may consider this transaction or account to be fraudulent. Above is my identifying information. I have filed a report of identity theft with my local police department and a copy is attached. Under federal and California laws, creditors and other business entities must provide a copy of application and business transaction records relating to fraudulent transactions or accounts opened or applied for using an victim's identity involved in this identity theft case.  A copy of the relevant federal and California law is enclosed. The victim is generally permitted to authorize your release of the account information to a specified law enforcement officer. I am designating the investigator listed below as additional recipient of all account information and documents. I authorize the release of all account documents and information to the law enforcement officer designated. I am requesting that you provide copies of the following records related to the disputed transaction or account:  Application records or screen prints of Internet/phone applications Statements Payment/charge slips Investigator's Summary Delivery addresses Any other documents associated with the account All records of phone numbers used to activate the account or used to access the account				
Agency:	Case No:			
Mailing Address:	Contact No.:			
	Fax No.:			
Investigator:	Star/ID:			
(Investigator Signature & Star)	( Victim Signature ) (Date Sent)			



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# Related Federal & California Laws

#### Federal Law: Fair Credit Reporting Act, 15 U.S. Code Section 609e

- (e) Information Available to Victims
- (1) In general. For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 30 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit
- to, provided for consideration products, goods, or services to, accepted payment from, or otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether

maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to –

- (A) the victim;
- (B) any Federal, State, or local government law enforcement agency or officer specified by the victim in such a request; or
- (C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.
- (2) *Verification of identity and claim.* Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, otherwise has a high degree of confidence that it knows the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity –
- (A) as proof of positive identification of the victim, at the election of the business entity—
- (i) the presentation of a government-issued identification card;
- (ii) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or
- (iii) personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and
- (B) as proof of a claim of identity theft, at the election of the business entity--
- (i) a copy of a police report evidencing the claim of the victim of identity theft; and
- (ii) a properly completed--
- (I) copy of a standardized affidavit of identity theft developed and made available by the Commission; or
- (II) an affidavit of fact that is acceptable to the business entity for that purpose.
- (3) Procedures. The request of a victim under paragraph (1) shall -
- (A) be in writing;
- (B) be mailed to an address specified by the business entity, if any; and
- (C) if asked by the business entity, include relevant information about any transaction alleged to be a result of identity theft to facilitate compliance with this section including –
- (i) if known by the victim (or if readily obtainable by the victim), the date of the application or transaction; and
- (ii) if known by the victim (or if readily obtainable by the victim), any other identifying information such as an account or transaction number.
- (4) No charge to victim. Information required to be provided under paragraph (1) shall be so provided without charge.
- (5) Authority to decline to provide information. A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that –
- (A) this subsection does not require disclosure of the information;
- (B) after reviewing the information provided pursuant to paragraph (2), the business entity does not have a high degree of confidence in knowing the true identity of the individual requesting the information;
- (C) the request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or
- (D) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.
- (6) Limitation on liability. Except as provided in section 621, sections 616 and 617 do not apply to any violation of this subsection.
- (7) *Limitation on civil liability*. No business entity may be held civilly liable under any provision of Federal, State, or other law for disclosure, made in good faith pursuant to this subsection.
- (8) No new recordkeeping obligation. Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.



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# Related Federal & California Laws

- (A) *In general*. No provision of subtitle A of title V of Public Law 106-102, prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.
- (B) *Limitation*. Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.
- (10) Affirmative defense. In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that (A) the business entity has made a reasonably diligent search of its available business records; and (B) the records requested under this subsection do not exist or are not reasonably available.
- (11) *Definition of victim*. For purposes of this subsection, the term "victim" means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, an identity theft or a similar crime.
- (12) Effective date. This subsection shall become effective 180 days after the date of enactment of this subsection.
- (13) *Effectiveness study*. Not later than 18 months after the date of enactment of this subsection, the Comptroller General of the United States shall submit a report to Congress assessing the effectiveness of this provision.

#### California Law: Penal Code Section 530.8

530.8. (a) If a person discovers that an application in his or her name for a loan, credit line or account, credit card, charge card, public utility service, mail receiving or forwarding service, office or desk space rental service, or commercial mobile radio service has been filed with any person or entity by an unauthorized person, or that an account in his or her name has been opened with a bank, trust company, savings association, credit union, public utility, mail receiving or forwarding service, office or desk space rental service, or commercial mobile radio service provider by an unauthorized person, then, upon presenting to the person or entity with which the application was filed or the account was opened a copy of a police report prepared pursuant to Section 530.6 and identifying information in the categories of information that the unauthorized person used to complete the application or to open the account, the person, or a law enforcement officer specified by the person, shall be entitled to receive information related to the application or account, including a copy of the unauthorized person's application or application information and a record of transactions or charges associated with the application or account. Upon request by the person in whose name the application was filed or in whose name the account was opened, the person or entity with which the application was filed or the account was opened shall provide copies of all paper records, records of telephone applications or authorizations, or records of electronic applications or authorizations required by this section, without charge, within 10 business days of receipt of the person's request and submission of the required copy of the police report and identifying information.

- (b) Any request made pursuant to subdivision (a) to a person or entity subject to the provisions of Section 2891 of the Public Utilities Code shall be in writing and the requesting person shall be deemed to be the subscriber for purposes of that section.
- (c) (1) Before a person or entity provides copies to a law enforcement officer pursuant to subdivision (a), the person or entity may require the requesting person to submit a signed and dated statement by which the requesting person does all of the following:
- (A) Authorizes disclosure for a stated period.
- (B) Specifies the name of the agency or department to which the disclosure is authorized.
- (C) Identifies the types of records that the requesting person authorizes to be disclosed.



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# Related Federal & California Laws

- (2) The person or entity shall include in the statement to be signed by the requesting person a notice that the requesting person has the right at any time to revoke the authorization.
- (d) (1) A failure to produce records pursuant to subdivision (a) shall be addressed by the court in the jurisdiction in which the victim resides or in which the request for information was issued. At the victim's request, the Attorney General, the district attorney, or the prosecuting city attorney may file a petition to compel the attendance of the person or entity in possession of the records, as described in subdivision (a), and order the production of the requested records to the court. The petition shall contain a declaration from the victim stating when the request for information was made, that the information requested was not provided, and what response, if any, was made by the person or entity. The petition shall also contain copies of the police report prepared pursuant to Section 530.6 and the request for information made pursuant to this section upon the person or entity in possession of the records, as described in subdivision (a), and these two documents shall be kept confidential by the court. The petition and copies of the police report and the application shall be served upon the person or entity in possession of the records, as described in subdivision (a). The court shall hold a hearing on the petition no later than 10 court days after the petition is served and filed. The court shall order the release of records to the victim as required pursuant to this section.
- (2) In addition to any other civil remedy available, the victim may bring a civil action against the entity for damages, injunctive relief or other equitable relief, and a penalty of one hundred dollars (\$100) per day of noncompliance, plus reasonable attorneys' fees.
- (e) For the purposes of this section, the following terms have the following meanings:
- (1) "Application" means a new application for credit or service, the addition of authorized users to an existing account, the renewal of an existing account, or any other changes made to an existing account.
- (2) "Commercial mobile radio service" means "commercial mobile radio service" as defined in section 20.3 of Title 47 of the Code of Federal Regulations.
- (3) "Law enforcement officer" means a peace officer as defined by Section 830.1.

Aso refer to California Financial Code sections 4002 and 22470, and California Civil Code section 1748.95.



APPROVED: Reginal Par NUMBER: 4-15

Reginald Parson, Chief of Police

EFFECTIVE: June 19, 2009

SUPERSEDES: REVIEWED/REVISED: Aug. 24, 2011, Dec. 16, 2019

SUBJECT: PHOTO LINE-UP IDENTIFICATION, COLD SHOW IDENTIFICATION AND COMPOSITE SKETCHES

I. PURPOSE: To provide employees with protocols for conducting cold show identifications, photo line-up identifications and arranging for composite sketches.

II. POLICY: To reduce the risk of wrongful conviction and aid in the detection and apprehension of the guilty, officers should adhere to procedures set forth here in order to maximize the reliability of witness identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms to established legal procedure.

#### III. DEFINITIONS:

- A. Cold Show/Show-up: An identification procedure in which an eyewitness is presented with a single suspect within a short time following the commission of a crime for the purpose of determining whether the eyewitness identifies this individual as the perpetrator.
- B. Photo Line-up: An identification procedure, in which an array of photographs, including a photograph of the suspect of an offense and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness either in hard copy form or via computer for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.
- C. Filler: Either a person or a photograph of a person who is NOT suspected of an offense and is included in an identification procedure.
- D. Facial Composite: A non-photographic pictorial representation such as a free hand sketch, Identi-Kit, or other computer-program generated image.

#### IV. PROCEDURES:

A. AVOIDING OFFICER AND WITNESS "SUGGESTION": Officers are to read the cold show admonition (Simmons Admonishment) to the witness and have him/her sign it. Officers must not, by word or gesture, suggest opinions to any witness concerning the guilt or innocence of a suspect in any identification procedure. Witnesses making inquiries about an officer's opinion shall be informed of this restriction. A witness who has taken part in an identification procedure must not be permitted to state conclusions within earshot of another person who is about to be, or has been, a viewer of the identification procedure.

- B. MULTIPLE WITNESSES/SUSPECTS: Each witness is to view any identification procedure separately. Witnesses shall not be permitted to communicate with each other until all identification procedures are completed, and should be instructed not to discuss their identifications with anyone else. When there are multiple suspects, each identification procedure shall include only one suspect.
- C. VIDEO AND/OR AUDIO RECORDING & DOCUMENTATION
  - 1. Whenever practical, officers are encouraged to video and/or audio record any witness identification procedure from start to finish. Video and audio recordings may be downloaded into the central computer system or stored on appropriate media based on the size of the video file, and the media used for the original recording.
  - 2. All information regarding any identification procedure shall be documented in the officer's written report, to include:
    - a. All identification and non-identification results.
    - b. Confidence or certainty statements made by the witness (these should be quoted).
    - c. Names of all persons present.
    - d. Date, time, and location.
    - e. Names of all persons and/or photos used, and source of the photos.
    - f. Any significant remarks made by an officer, lawyer, or suspect.
- D. WHEN IDENTIFICATION PROCEDURES MAY BE UNNECESSARY: The use of an identification procedure may be unnecessary under the following conditions:
  - 1. When the witness knows the identity of the suspect before the offense occurred or learned the suspect's identity without police assistance after the offense. A single photograph of the suspect named by the witness may be shown to the witness for confirmation that the person named is the perpetrator, or a photo line-up can be performed to establish additional probable cause.
  - 2. When the witness would be unable to recognize the suspect of the offense, such as when a suspects face is completely covered during the commission of a crime.

### F. WHEN COLD SHOWS ARE PERMISSIBLE:

- 1. An officer may arrange a "cold show" between a witness and a suspect whenever a potential suspect is located and detained within a reasonable length of time, in proximity to the location of the crime, and fits the specific description of the perpetrator given by the witness.
- 2. If an officer has reasonable suspicion to detain a suspect under the above circumstances, the officer may use such force as is reasonably necessary to stop the suspect from leaving, or to cause the suspect to remain in the officers' presence. If probable cause to arrest develops during the detention, an arrest should be made.
- G. CONDUCTING THE COLD SHOW: A suspect cannot be detained for longer than a reasonable period of time to confirm or refute whether the suspect is the perpetrator. When conducting a

cold show, officers will use the following guidelines:

- 1. Description: Officers at the scene and in contact with the witness will obtain a detailed description of the perpetrator before the suspect is shown to the witness. The witness must advise the officers that they will be able to recognize the person who committed the crime prior to the cold show.
- 2. Location: A suspect should not be taken to the police station for a cold show. The suspect should be detained at the place he/she was located, in the least restrictive manner possible that will ensure the suspect remains with the officer. The witness should be transported to the suspect's location for the cold show. Suspects should not be transported to the witness's location unless exigent circumstances exit.
- 3. Minimize Suggestiveness: If possible, do not show the suspect handcuffed, or in the back seat of a patrol car. If the suspect is handcuffed, take measures to conceal this fact from the witness when possible. Suspects may not be required to put on clothing worn by the perpetrator. However, they may be asked but not required to speak words uttered by the perpetrator, or perform other actions of the perpetrator. Advise the witness that the person detained may or may not be the perpetrator and the witness should not feel compelled to make an identification. If the witness makes identification, do not confirm or corroborate the identification.
- 4. Multiple Witnesses: Cold shows should not be conducted with more than one witness present at a time. If there is more than one witness, the cold show must be conducted separately for each witness, and witnesses should not be permitted to communicate before or after any cold show regarding the identification of the suspect. The same suspect should not be presented to the same witness more than once.
- 5. Witness Confidence: Assess witness confidence immediately following the cold show identification. Make note of witness confidence remarks for report documentation.
- 6. Multiple Suspects: If there are multiple suspects, the suspects must be separated and subjected to separate cold show procedures.
- 7. Photographing Suspects: Consideration should be given to photographing the suspect(s) in the field as documentation.
- 8. Emergency / Exigent Circumstances: In emergency circumstances, such as when a witness is in danger of imminent death or blindness, or when a suspect is in danger of imminent death, an immediate cold show may be arranged if medical authorities permit. In these situations, time and location limitations contained in the preceding guidelines can be disregarded. If there is any doubt about an emergency cold show, officers should contact a supervisor and/or the prosecutor immediately for guidance.
- 9. Cruising Area of Offense: Nothing in these guidelines prohibits the common procedure of transporting a witness in a patrol car to cruise the general area in which a crime has occurred in hopes of spotting the perpetrator and arranging a cold show identification procedure.
- 10. Right to a Lawyer: No person has a right to have a lawyer present at any cold show procedure.
- 11. Release After Show-up: If the detained suspect is not identified by a witness as the perpetrator, and officers lack any other probable cause for an arrest, the suspect should be released after obtaining basic information.

### H. CREATING AND CONDUCTING PHOTO LINE-UPS

- 1. SIMULTANEOUS PHOTO LINE-UP: The simultaneous photo line-up consists of showing a group of similar photos to a witness all at the same time. Witnesses should be advised the perpetrator may or may not be present in the photo line-up. Officers must complete the photo line-up form with the witness. A photocopy of the completed photo line-up form and the photo line-up must be attached to the police report and the original documents are to be entered into UPD property as evidence. All simultaneous photo line-ups shall be done using the following guidelines:
  - a. A minimum grouping of six (6) photos must be used to create the photo line-up, and must include five (5) filler photos with one (1) suspect.
  - b. The photo of the suspect must be contemporary, shall resemble as much as possible their appearance at the time of the offense, and shall reasonably resemble the witness's description of the perpetrator.
  - c. All filler photos should resemble the suspect photo as much as possible, including size, background, race and skin tone, facial features, weight, hair color and length, scars, tattoo, eyeglasses, etc.
  - d. If there is more than one suspect, each suspect photo will be placed in the grouping of six separately from any other suspect, and the grouping will be changed so that the suspect's photos are not always in the same position in the grouping.
  - e. If there is more than one witness each witness will be shown the line-up separately, the suspect photo shall be placed in a different position in the grouping for each witness, and witnesses will not be permitted to communicate with each other until after the line-up procedure has been completed.
  - f. If the witness has previously viewed a photo line-up in connection with the identification of another person suspected of involvement in the offense, the fillers in the line-up shall be different from the fillers used in any prior line-ups.
  - g. If an identification is made, the witness will be told to circle the identified photo, and write their initials and the date next to it.
  - h. If an identification is made, the officer shall assess witness confidence immediately following the identification, and clearly document witness confidence by quoting the witnesses remarks in the police report. If no identification is made, this fact must also be clearly documented.
  - i. Any and all photo line-ups created, viewed, identified or not identified must be kept, and secured with the officer's case.
  - j. No person has a right to have a lawyer present at any photo line-up whether it takes place before or after an arrest.
- 2. SEQUENTIAL PHOTO LINE-UP: The sequential photo line-up consists of showing a group of similar photos individually to a witness. Witnesses should be advised the perpetrator may or may not be present in the photo line-up. All sequential photo line-ups shall be done using the following guidelines:
  - a. A minimum grouping of six (6) individual photos must be used to create the photo

- line-up, and must include five (5) filler photos with one (1) suspect.
- b. The photo of the suspect must be contemporary, shall resemble as much as possible their appearance at the time of the offense, and shall reasonably resemble the witness's description of the perpetrator.
- c. All filler photos should resemble the suspect photo as much as possible, including size, background, race and skin tone, facial features, weight, hair color and length, scars, tattoo, eyeglasses, etc.
- d. Each photo will be placed in a separate folder, the folders will then be shuffled, and then each folder will be numbered, from one (1) to six (6).
- e. If there is more than one suspect, each suspect photo will be placed in the grouping of six folders separately from any other suspect, and the grouping will be changed so that the suspect's photos are not always in the same numbered folder in the grouping.
- f. If there is more than one witness each witness will be shown the line-up separately, the suspect photo shall be placed in a different numbered folder in the grouping for each witness, and witnesses will not be permitted to communicate with each other until after the line-up procedure has been completed.
- g. If the witness has previously viewed a photo line-up in connection with the identification of another person suspected of involvement in the offense, the fillers in the line-up shall be different from the fillers used in any prior line-ups.
- h. After explaining the procedure to the witness, give the witness one folder at a time, starting with number one, and give the witness sufficient time to look at each photo. When done viewing each folder, it should be handed back to the officer before viewing the next one.
- i. If an identification is made, the officer shall assess witness confidence immediately following the identification, and clearly document witness confidence by quoting the witnesses remarks in the police report. If no identification is made, this fact must also be clearly documented.
- j. Any and all photo line-ups created, viewed, identified or not identified must be kept, and secured with the officer's case.
- k. No person has a right to have a lawyer present at any photo line-up whether it takes place before or after an arrest.

# I. FACIAL COMPOSITES AND SKETCHES

1. COMPOSITE & SKETCH GENERAL CONSIDERATIONS: When there is no suspect, and the use of a photo line-up has been or is likely to be unsuccessful, a non-photographic pictorial representation such as a free hand sketch, Identi-kit composite, or other computer-program generated composite image may be used. Care must be taken not to unintentionally influence the description provided by a witness while developing such a composite image or sketch, and only those officers trained in the use of such techniques shall use them.

V. APPENDIX: None

VI. ATTACHMENT:

- A. Cold Show (Simmon's) Admonishment Form
- B. Photo Line-up Form

### ATTACHMENT A



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# San Francisco State University Police Department Cold Show (Simmon's) Admonishment

The SFSU Police Department personnel intend to take you to a location where you will be asked to look at a person(s) to help determine if that person(s) committed the crime.

- ► The person(s) you will see may or may not be the perpetrator(s) of the crime being investigated by the police.
- You should not assume that the person(s) you will look at committed the crime.
- You are under no obligation to identify anyone.
- You should not discuss this matter with any other victims/witnesses.

Print Name of Person Viewing

Date/Time

Does the person viewing the cold show wear eyeglasses or contact lenses?

If yes, did the person viewing the cold show wearing their corrective lenses at the cold show?

Was the person viewing the cold show wearing their corrective lenses at the incident?

What was the approximate viewing distance at the cold show?

How was the person(s) being viewed illuminated?

Spotlight \_\_\_ Flashlight

Streetlight \_\_\_ Other

Was the person(s) being viewed restrained?

If yes, how? \_\_\_\_\_.

# ATTACHMENT B



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# Photo Line-up



Case No					
On(Date) The Victim/Witness					a following
statement, and then allo				_ was read the	Tollowing
You will be asked	to look at a g	roup of	photo	graphs. The fa	ct that the
photographs are	shown to you	should not infl	uence your j	judgement. Yo	u should not
conclude or gues	s that the pho	tographs conta	ain the pictu	re of the persor	n who committed
the crime. You ar	e not obliged	to identify any	one. It is jus	st as important	to free innocent
persons from sus	picion as to id	entify guilty pa	ırties. Pleas	se do not discu	ss the
case with other w	itnesses nor iı	ndicate in any	way that you	u have or have	not identified
someone.					
The Victim/Witness was	then allowed	to view the pl	notographic	line-up.	
Identified Photo #		as t	ne suspect.		
Victim/Witness sig	gnature:			C	PR
Could not identify	Victi	m/Witness Signa	ture		
Line-up presented by $\frac{1}{(C)}$	Officer)		SFSL	J Police Departme	nt
Remarks:					

# General Order 4-1

# APPENDIX A

See Resource Table for The Criminal Intelligence System: A California Perspective by the California Department of Justice



# CALIFORNIA STATE UNIVERSITY POLICE DEPARTMENTS SYSTEMWIDE OPERATIONAL GUIDELINES



# Chapter 7 LAW ENFORCEMENT PROPERTY AND EVIDENCE CONTROL

Effective Date: August 2002 Last Revision: November 2007

This chapter is intended to provide standardized guidelines for the management of the property and evidence system and the processing of property and evidence. This is a generalized guideline and each CSU Police Chief must establish specific procedures for their departments that are in compliance with these guidelines. These guidelines are based on the California Commission on Peace Officer Standards and Training (POST) 2005 Property and Evidence Management Guide which is available at the POST website (www.post.ca.gov). Section seven of the guide provides references to various California statutes relating to property and evidence. This chapter also provides guidelines for the approval and control of police equipment.

# SECTION ONE PROPERTY AND EVIDENCE CONTROL

### L CLASSIFICATIONS OF PROPERTY

#### A Definitions

- Evidence: Property which may be related to a crime or which may implicate or clear a person of a criminal charge.
- Found Property: Non-evidentiary property which, after coming
  into the custody of the department, has been determined to be lost
  or abandoned and is not known or suspected to be connected with
  any criminal offense.
- Property Held for Safekeeping: Non-evidentiary property, which is in the custody of the department for temporary protection on behalf of the owner.
- Property/Evidence Record Form: A form that must be completed
  by the individual who takes property into custody that includes a
  description of the property, and has a section for noting chain of
  custody to include temporary release and final disposition.
- B. Departments with responsibility for University Lost and Found most establish procedures which account for the security, tracking, release and/or disposal of those items brought under their control.

C. Departments may establish separate facilities for housing and securing evidentiary property and found property or these items may be placed in the same facility which has meas defined for the separation of these items.

### IL FROPERTY/EVIDENCE ROOM SECURITY

- A. All in-custody property and evidence must be stored within designated, secure areas. To insure security, specialized locks, alarms and/or security cameras should control these areas.
- B. Separate areas inside the property/evidence room should be established to provide extra security for such items as money, jewelry, finearms and mucotics.
- C. Only authorized personnel have access to areas used by the department for storage of in-custody or evidentiary property.
  - 1. Each department must designate an evidence/property controller who will have primary responsibility for insuring compliance with all established procedures. If evidence and found property are maintained in separate secure facilities, different individuals can be assigned responsibility for each area.
  - Each department should designate a secondary evidence/property
    controller who also has access to the facility for intake and release
    of property in the absence of the evidence custodian.
- D. The primary and secondary evidence controllers will be issued the only sets of keys to the facility and in the event the facility is alarmed, they will be the only individuals with an access code.

# SECTION TWO PROCEDURES FOR HANDLING PROPERTY

## L FROCEDURES FOR DEPOSITING PROPERTY

- Duties of employees who take property into custody
  - The employee shall, in every instance, place all property obtained in the course of his or her employment in the department's property system prior to going off duty. In no instance shall an employee stare property in a personal locker or other unauthorized location.
  - The employee shall prepare a report describing the details of how be/ she came into possession of the property as well as a Property/

Evidence Record Form. All items booked into the evidence system will have an appropriate connecting report.

- Each item will be properly packaged, identified individually, marked and tagged before it is placed in the department's property system.
- The employee shall make appropriate inquiries to the State
  Department of Justice computer regarding serialized items of
  property to determine if the property is reported states.
- In the absence of the property/evidence controller, the employee shall place small property items, together with the Property/Evidence Record Form, in a temporary storage property locker.
- Items that are too large to be placed in the temporary storage lockers will be placed in an identified secured area. These items will be properly tagged and secured with additional locks when necessary.

# B. Items requiring special bandling:

#### Finearms

- a. Use extreme continue in unloading any weapon. Firearms should be unloaded and made safe for bandling unless the evidentiary value of the weapon could be comparaised through excessive handling. Officers unfamiliar with the operation of a weapon will seek assistance from an officer more familiar with the weapon's functioning.
- The original condition will be noted in the report, including position of the clip or cylinder, position of the safety, hammer, live and empty rounds in the weapon.
- Check and enter finearms in the Automated Finearms
   System (AFS) prior to submission to the evidence room.
   Attach the information to the case report.
- Package related ammunition separately from firearms.

# Money

- Money must be counted and verified by two officers.
- b. Currency and coin must be packaged in an envelope and scaled. The verified total amount of currency and coin will be written on the outside of the envelope, and initialed by both officers.

# 3. Flammables

- The employee shall not bring flammables into the department facility.
- The department should outline procedures for the storage of flammables in accordance with local and state fire regulations.

# 4. Explosives and Hazardous Materials.

- The department should outline procedures for the handling and disposing of suspected explosives.
- Employee should not book bazardous materials into the agencies evidence system.
- Appropriate authorities should be contacted for advice on the proper handling of these materials.

### Perisbable Items

- a. The department should have access to a secure lockable refrigerator for storage of perishable items such as blood or unine specimens or sexual assault evidence. Use of this refrigerator must be restricted to in-custody property and evidence.
- HazMat stickers must be placed on all items containing body fluids.
- Evidence requiring chemical analysis should be transported.
   as soon as possible to the lab.
- d. The department, in consultation with local prosecuting attorneys, should outline procedures, which would allow for photographing of perishable items such as shoplified food, in lieu of retaining and refrigerating these items.
- The department should develop contingency plans for the bandling, storage and disposition of large perishable items and/or large quantities of perishables items.

### Narcotics

- a. Narcotics should be stated in a separate room or vault within the property/statage area, equipped with the proper ventilation as mandated by Section 66261.4(g) of the California Code of Regulations.
- Officers will weigh narcotic substances in grams or pounds prior to packaging. The weight will be noted on the package.

# Knives and Sharps Objects.

- a. Knives and sharps objects such as needles must be packages so as to prevent the property/evidence controller from being injured by the items.
- Proper packaging should be provided for this purpose.
- Label with a cantionary warning on the outside, i.e. sharps.

# C. Duties of the Property/Evidence Controller

- The property/evidence controller shall insure that information is entered in the appropriate State Department of Justice computer file concerning each item of serialized property that is placed in the department's property section.
- The property controller shall notify the Special Services Section of the State Department of Justice regarding all non-serialized property that has unique characteristics or inscriptions.
- The property/evidence controller shall note on the Property/Evidence Record Form the storage location for each item of property placed in the property/evidence section.
- The property/evidence controller shall maintain a records system that reflects the status of all property held by the department.
- The property/evidence controller shall attempt to locate the owner of found property and return it to the owner as soon as possible.
- 6. In order to maintain a high degree of evidentiary integrity over agency controlled property and evidence, the following inspections, inventory and audits should be completed:
  - The property/evidence controller shall conduct a semiannual inspection to determine adherence to procedures used for the control of property.
  - A supervisor not routinely directly connected with control
    of property shall conduct an annual audit of property held
    by the department.
    - The audit should be a random sampling of property held to ensure that policies and procedures are being followed.
    - The modit should be sufficient to insure the integrity of the continuity of custody.

- Unannounced inspections of property storage areas shall be conducted at least once a year as directed by the department's Chief of Police.
- d. A newly designated property controller shall conduct an inventory of property whenever the person responsible for the property and evidence is reassigned or transfers from the position. This inventory should be conducted jointly with the newly designated property controller and a designee of the Chief of Police.

### IL WITHDRAWAL/RETURN OF PROPERTY

- A. Business hours for the release of property shall be advertised to the public and may be established as by appointment only.
- B. Personnel authorized to release property: Only the primary and secondary property/evidence controller may release items from the department's property facility.
- C. Procedures for the temporary withdrawal of property: The following procedures shall be completed in all instances:
  - Items may be temporarily withdrawn from the facility for submission to the lab for analysis, for use in court or for other official investigative use.
  - An authorized employee of the department shall sign his/her name on the Property/Evidence Record form beside each item that is withdrawn.
  - The property/evidence controller shall note in the spaces provided on the form the item number, destination, date and time, and shall sign his/her name beside each item that is withdrawn.
  - If either the lab or the court retains the item, a receipt will be signed by the individual receiving the property/evidence noting the transfer of custody of the item.
- D. Property withdrawn from the property storage areas, but not retained at its destination, shall be returned to the property system as follows:
  - When the property/evidence controller is present, the person returning the property shall sign his or her name in the space provided on the back of the Property/Evidence Record form. The property/evidence controller shall countersign for each returned property item.

 When the property/evidence controller is absent, the person returning the property shall place the returned property, in a temporary storage property locker.

# III. DISPOSAL OF PROPERTY, GENERAL PROVISIONS

A. The property/evidence controller shall ensure that the final disposition of all found, recovered, and evidentiary property is accomplished following notification that all legal requirements have been satisfied. Each agency should develop a method to routinely review property/evidence for disposition. Disposition shall be in accordance with applicable state laws.

# B. Authorized Methods of Property Disposal

- Return to owner or finder
- Sale in accordance with law
- Use by department or other public use, upon obtaining permission from the court with jurisdiction.
- Destruction.

# C. Procedures Applicable To All Methods of Property Disposal:

- The employee handling the case, upon receipt of the disposition of arrest and court action shall notify the property/evidence controller of the disposition.
- When there are two or more defendants involved, property shall not be disposed of until there is a final disposition of all defendants' cases.
- Property shall not be disposed of until the period for appeals has closed and all appeals have been concluded.
- 4. The property/evidence controller shall update information in the appropriate State Department of Justice computer file concerning each item of serialized property that is authorized for disposal. The property controller shall notify the Special Services Section of the State Department of Justice regarding all non-serialized property, which has unique characteristic or inscriptions, and that is authorized for disposal.

# D. Return of Property to Owner

 If the owner of recovered or found property can be determined, the owner will be notified to claim the property as soon as it is no longer of evidentiary value.

- With prior approval from the District Attorney, some recovered evidentiary property may be photographed and released to the lawful owner.
- The owner must prove ownership and sign for the property upon receipt.
- Disposal of unclaimed property will be in accordance with Section.
   2080.9 of the California Civil Code which states in part
  - The university shall hold such unclaimed property for a period of at least six months.
  - Abandoned property shall be sold at auction to the highest bidder or destroyed in the case of items with little or no value.
  - Notice of the auction must be made in a newspaper with general circulation in the county where the university is located.
- Property found in the course of employment by an employee of any public agency shall be sold at public anction unless the item of property is illegal to possess, in which case, the property item shall be destroyed.
- E. Unclaimed Money: Notwithstanding an order from the court to the contrary, money, which is in the possession of the Property Section, and which cannot be lawfully returned to its owner, after consultation with the CSU attorney, shall be deposited in the CSU's general scholarship fund, pursuant to Title 5, California Code of Regulations, Section 42376.
- Finearms: A felony or qualifying misdemeanor conviction (pursuant to Penal Code Section 12021 (c) (1) precludes the return of any finearm. Owners seeking return of a finearm must submit a Law Enforcement Gun Release Application to DOI (available on their website) and present the DOI Release Authorization form to the property custodian before a finearm can be released.

### IV. DESTRUCTION OF PROPERTY

- A. Controlled Substances and Assorted Paraphernalia
  - Destruction Pursuant to a Court Order.
    - a. The property/evidence controller shall make an application for a court order to destroy all controlled substances and associated paraphernalia.

- The application shall list descriptions, quantities and weights of all separate items to be destroyed.
- Upon receipt of the court order the material shall be destroyed (or delivered for destruction to the Department of Justice) as specified by the order.
- Destruction of the material shall be witnessed by the property /evidence controller and one other employee.

# Destruction not Pursuant to Court Order

- a. In instances when the weight of suspected controlled substance is substantial, and it is not reasonably possible to preserve the material in place or move it to another location, the controlled substance in excess of ten pounds, or bazardous chemical in excess of two conces and its container, which were used or intended for use in the unlawful manufacture of controlled substances, may be destroyed without a court order when all of the following conditions have been met:
  - At least five random and representative samples of the suspected controlled substance (ten or more pounds) have been taken for evidence; and
  - At least one 2-ounce sample has been taken from each suspected hazardous chemical; and
  - Photographs have been taken which reasonably demonstrate the total amount of the suspected controlled substance or suspected bazardous chemical container; and
  - 4) The gross weight of the suspected controlled substance or suspected hazardous chemical has been determined by either weighing or estimate after dimensional measurement;
  - 5) The Chief of Police has determined that it is not reasonably possible to preserve all of the suspected controlled substance or suspected bazardous chemical in place or to move it to another location.
- b. An affidavit stating that the conditions stated above have been met shall be filed in court within thirty calendar days following the destruction of the suspected controlled substance or suspected hazardous chemical.

# B. Firearms and Weapons.

 Weapons defined as "missinces." The property/evidence controller shall make an application for a court order authorizing the destruction of weapons, which are subject to disposal, and are defined by California Penal Code Section 12029 as unisances. The application shall list the weapons to be destroyed by make, model, caliber and serial number.

- 2. California Penal Code Section 12032 requires that when a firearm is in the possession of an officer of the CSU and the firearm is an exhibit in any criminal action or proceeding which is no longer needed or is unclaimed or abandoned property and has been in the possession of the officer for at least 180 days, the firearm shall be destroyed as provided in California Penal Code Section 12028.
- 3. Weapons defined as destructive devices by the California Penal Code Section 12301, and machine guns described in California Penal Code Section 12251, which were unlawfully possessed, must be surrendered to the Department of Justice unless a certificate, signed by a judge or district attorney stating that the preservation of such destructive devices or machine guns is necessary to serve the ends of justice, is filled with the Department of Justice. (Penal Code Section 12307).
- Destruction of finearms and weapons shall be accomplished pursuant to California Penal Code Section 12028 in the presence of the property/evidence controller and one other department employee who shall act as a witness.
- The property/evidence controller shall update information regarding all property destroyed, which is serialized, from in the appropriate state computer.
- The property controller shall maintain a list of all property that has been destroyed and a copy of this report shall be forwarded to the department bead, or his or her designee.
- C. Property seized pursuant to a search warrant must have a court order to release or destroy pursuant to California Penal Code Section 1536.

# IV. PROPERTY RETAINED FOR DEPARTMENT OR OTHER PUBLIC USE

California Penal Code Section 12030 provides that certain unclaimed property beld in the custody of the department may be retained for department or other public use, rather than being sold or destroyed. The campus attorney should be consulted before any property is retained for department or university use.

A. Requests for acquisition for department or other public use of unclaimed property held by the department shall be made in writing and forwarded to the Chief of Police. All requests shall include complete justification for acquiring the property and copies of all relevant department documents describing how the requested property came into possession of the department.

- B. After a request has been approved by the Chief of Police, additional documents shall be obtained as described below when the property to be acquired it a firearm:
  - A certificate of weapon retention obtained from and signed by a judge or district attorney; and
  - A letter, describing the make, model, caliber, and serial number of the firearm, prepared for the Chief's signature to the California Department of Justice.
- C. Unclaimed property, which has been acquired by the department, shall be included on the department equipment and supplies inventory. The property controller shall maintain a list of property that has been acquired for department use, and a copy of the list shall be farwarded to the Chief of Police.
- No property so acquired shall be used for personal purposes.

# SECTION THREE APPROVAL AND CONTROL OF POLICE EQUIPMENT

All police equipment shall be properly authorized and controlled.

# I APPROVAL OF EQUIPMENT

- A. Provision 10.6 of the Unit 8 Collective Bargaining Agreement requires that the following equipment, when required by the campus president, shall be provided to each police officer:
  - Mace and bolder
  - Shotgan
  - Riot helmet and visor
  - Gas mask and cartridge
  - Coveralls
- B. Written authorization from the president or his/her designee shall be obtained for issuing the above equipment to officers. If the president has delegated this authority to a designee, such delegation needs to be in writing and kept on file in the department.

C. CSU equipment issued to employees shall be kept on an inventory list and the employee and supervisor issuing the equipment shall sign and date the day the equipment was received. When the property is returned the employee and supervisor should sign and date the inventory list. The employee inventory list shall be kept current.

# IL CONTROL OF POLICE EQUIPMENT

The department shall comply with campus policies of control and inventory of equipment assigned to the department. To the extent possible, unused equipment shall be kept secure. Inventory lists shall be maintained for nonstandard and potentially dangerous equipment such as flares, ammunition and chemical agents to prevent theft and to ensure the property is not outdated.

Victims of sexual assault who need counseling may also contact the following:

#### OFF-CAMPUS RESOURCES

Rape Treatment Center - 821-3222 (24hr.crisis line)
San Francisco General Hospital
995 Potrero Avenue Ward 87
San Francisco, California 94110

San Francisco Police Department Sex Crimes Detail-553-0123 (24 hr.crisis)
553-1361 (office)
850 Bryant Street

San Francisco Police Department

<u>Victim/Witness Assistance Program</u> - 553-0123 (24 hr. crisis line)

553-9044 (office)

850 Bryant Street San Francisco, California 94102

San Francisco, California 94102

San Francisco Women Against Rape - 647-RAPE (24 hr. crisis line) 861-2024 (office) 3543 18th Street San Francisco, Californi a94110

Bay Area Women Against Rape - 845-RAPE
Post Office Box 240
Berkeley, Californi a94701

Rape Crisis Center of San Mateo County - 692-RAPE (24 hr crisis line)
692-6662 (office)

1811 Trousdale Boulevard Burlingame, California 94010

Bay Area Women Against RAPE (BAWAR) - 796-8838 (24 hr. crisis line)
796-7273 (office)
2140 Peralta Boulevard, #111
Fremont, California 94536

Bay Area Women Against RAPE (BAWAR) - 845-RAPE (24 hr. line) 465-3890 (office)

1515 Webster Street Oakland, California 94612 Chapter 4 ATTACHMENT B

See Resource Table for SFSU Death Resource Guide

# APPENDIX A

The California State University System

Office of the Chancellor Public Safety

# Memorandum

To:

Directors of Public Safety

Date: March 4, 1993

From:

Jon Fitzatrick Tom Fitzpatrick

Public Safety Administrator

Phone: 310-985-2697

Subject:

Clarification of Hate Violence Reporting Guidelines

Having reviewed the initial responses to AAES 93-07/BA 93-03, it is obvious that an element of confusion remains regarding the appropriate methodology for classifying occurrences of hate violence. In retrospect, it appears the confusion may be the result of terminology used in the materials provided with the original memorandum. What follows is both a clarification of terms for future use and suggested criteria that should be helpful in classifying and reporting hate type occurrences; the ultimate goal being systemwide consistency of reporting.

To minimize the potential for confusion that results from using multiple terms to characterize hate type occurrences, this office will henceforth utilize only two terms for this purpose, either HATE CRIME or HATE INCIDENT. These terms replace "criminal" and "non criminal" on the system report form (attached). You will note that designations for ARREST and CASE NUMBER which were inadvertently excluded have also been added to the revised

For ease in classifying reportable hate occurrences, the following definitions are restated:

HATE CRIME --shall be defined as any act of intimidation, harassment, physical force, or the threat of physical force, directed against any person or family, or their property or advocate, motivated either in whole or in part by hostility to their ethnicity, race, national origin, religion, sex, sexual orientation, physical or mental disability, or political/religious beliefs with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of California, whether or not performed under color of authority.

HATE INCIDENT - shall be defined as any of the types of acts defined above, where one or more of the elements of 422.6 PC may be missing, against any person or family or their property or advocate, motivated either in whole or in part by bias to their ethnicity, race, national origin, religion, sex, sexual orientation, physical or mental disability, or political or religious belief.

# San Francisco State University Hate/Violence Occurrence Report (Use one form for each occurrence)

Reporting Party		Date of Incident		
Location				
HATE CRIME	HATE INCIDENT_	ARREST		
Case #	Offense	Description		
Number of Victims				
LOCATION				
CLASSROOMLABOR. OFFICE LIBRARY RESIDENCE HALL/DC CAFETERIA/RESTRAI BOOKSTORE PARKING LOT/GARAC ATHLETIC FIELDS GYMNASIUM/SWIMM THEATER/AUDITORIL STADIUM STUDENT HEALTH CE STUDENT UNION	DRMITORY/APT. URANT GE ING POOL JM	SORORITY/FRATERNITY HOUSE ARBORETUM/GREENHOUSE PLANT OPERATIONS YARDS BUS/TRAIN TERMINAL HWY/ROAD/ALLEY FIELD/WOODS BAR BANK HOTEL/MOTEL CONVENIENCE STORE COMMERCIAL OFFICE BUILDING OTHER (SPECIFY)		
BIAS MOTIVATION RACIAL ANTI-WHITE ANTI-BLACK ANTI-AMERICAN INI ALASKAN NATIVE ANTI-ASIAN/ PACIFIC ISLANDER ANTI-MULTI-RACIAL		RELIGIOUS  ANTI-JEWISH  ANTI-CATHOLIC  ANIT-PROTESTANT  ANTI-ISLAMIC  ANTI-OTHER RELIGION  ANTI-MULTI-RELIGIOUS GROUP  ANTI-ATHEISM/AGNOSTICISM/ETC.		
ETHNICITY/NATIONAL O ANTI-ARAB ANTI-HISPANIC ANTI-OTHER EHTNIC NATIONAL ORIGIN OTHER		ANTI-MALE HOMOSEXUAL (GAY)  ANTI-FEMALE HOMOSEXUAL (LESBIAN)  ANTI-HOMOSEXUAL (GAY OR LESBIAN)  ANTI-HETEROSEXUAL  ANTI-BISEXUAL  ANTI-MALE		
ANTI-DISABLED ANTI-POLITICAL BEL	IEF	ANTI-FEMALE		
MALE FEMALE FACULTY	STAFF ADMINISTRATOR NON-STUDENT	above, check all applicable victim types.  RELIGIOUS ORGANIZATION POLITICAL ORGANIZATION SOCIAL ORGANIZATION OTHER		
OFFENDER INFORMA MALE FEMALE	TION: Check all appl STUDENT NON-STUDENT			
Number of offenders (use "C	00" for unknown)			
	RACE AS GROUPS (C AMERICAN INDIAN/ ASIAN/PACIFIC ISL/	ALSAKAN NATIVE MULTI-RACIAL		
VICTIM RACE:		Submitted by		
		93-03		

Given the two listed definitions, the determination of whether an activity is reportable as a HATE CRIME or HATE INCIDENT can be made by answering the following questions:

- Was the <u>hate activity</u> directed at a specific target or victim (person, institution, business, etc.); and
- 2. Does the occurrence contain all necessary elements to constitute a violation of 422.6 PC?

If the answer to each of these questions is YES, then the determination will be that the incident is reportable as a HATE CRIME! If the answer to either of these questions is NO, the determination will be that the incident is reportable as a HATE INCIDENT!

Criminal violations that include elements of hate activity but are not directed at a particular person, institution, or business (do not have a specific target or victim) are only reportable as HATE INCIDENTS. The most common example of such hate incidents involve verbal comments or acts of vandalism (graffiti on walls, sidewalks, etc.) which reflect hate/bias feelings but are only directed generally and not at an identifiable victim. Although such incidents may constitute other criminal violations, for the purpose at hand they are reportable only as HATE INCIDENTS.

The ultimate test remains, did the incident in question include all the necessary elements to constitute a violation of 422.6 PC, in addition to any other criminal violation? If the elements of 422.6 PC have not been met then all such incidents are HATE INCIDENTS.

Hopefully, this added information will be helpful and serve to further simplify the procedure for accurately recording hate activities on CSU campuses. As an added measure, I am requesting that you review the previously submitted hate information and resubmit new reports for calendar year 1992 based on these revised guidelines.

I greatly appreciate your cooperation in clarifying these reporting guidelines. If either you or your staff have additional questions, please feel free to call this office.

cc: Kenneth Simms

Attachment

# THE CALIFORNIA STATE UNIVERSITY Office of the Chancellor 400 Golden Shore Long Beach, California 90802-4275 (310) 985 -2933/2734

**AAES 93-07** BA 93-03

Date:

January 15, 1993

Response Requested by: February 15, 1993

To:

Vice Presidents, Academic Affairs Vice Presidents/Deans, Student Affairs Vice Presidents, Administration

From:

Charles W. Lindahl Assistant Vice Chancellor Academic Affairs, Educational Support

Vice Chancellor Business Affairs

Subject

AB 1094 (Polanco): Postsecondary Education: Hate Violence

The subject bill was chaptered in October 1991 (Chapter 585, Statutes of 1991, copy attached as Attachment A) and requires several actions by CSU at the campus and systemwide levels:

- 1. That "appropriate officials at each campus within their respective jurisdictions . . . compile records of all occurrences reported to police or campus authorities and arrests for crimes involving hate violence, as defined, and all occurrences of noncriminal acts of hate violence."
- 2. That such campus officials report all such occurrences and crimes to the "appropriate governing body of the institution of higher education."
- 3. That these governing bodies (e.g., the Board of Trustees) report annually to the California Postsecondary Education Commission (CPEC) by January 1 (commencing January 1, 1993) for the previous calendar year. CPEC in turn is to report to the Governor and Legislature by July 1, 1993, and every two years thereafter.

Distribution: Presidents

Directors, Public Safety Chairs, Campus Senates/Councils Presidents, Associated Students Chancellor's Staff

Legislative Analyst

AAES 93-07/BA 93-03 January 15, 1993 Page Three

Reports of non-criminal hate violence may be reported to personnel on campus other than campus public safety officers. To limit confusion, each campus should consider providing all students with an explanation of this alternative reporting option, complete with a list of campus officers to receive such information. This list, along with the referenced reporting procedure, should be included with other safety/crime information contained in already mandated Student Right-to-Know publications.

We urge student affairs, academic affairs, and other campus personnel who may be notified of such occurrences to review the circumstances of the incident with public safety to insure that the appropriate report is completed. For the sake of consistency, we suggest that reports of both criminal and non-criminal occurrences be reviewed, finalized, and reported by the campus department of public safety.

Beginning January 1, 1993, or as soon as possible thereafter, we request that campuses include with their monthly report of crime statistics to the Chancellor's Office a summary of hate violence statistics occurring during the month just completed. Such statistics should also be included, using the definitions provided, as part of published reports of crime data called for in the state and federal legislation referenced earlier. By February 15, 1993, or as soon as possible thereafter, a report of hate crime statistics on the campus for the previous calendar year should be filed with this office.

The statistical reports should be sent to Mr. Thomas Fitzpatrick, Public Safety Administrator, in the Chancellor's Office. Questions on the reports or legislation should be directed to Mr. Fitzpatrick at (310) 985-2697, or to Mr. Kenneth Simms, Associate Dean, Academic Affairs, at (310) 985-2949.

CWL/LVM/ks

#### Assembly Bill No. 1094

#### CHAPTER 585

An act to amend Section 67380 of the Education Code, relating to postsecondary education.

 (Approved by Governor October 5, 1991. Filed with Secretary of State October 7, 1991.)

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1094, Polanco. Postsecondary education: hate violence.

Existing law requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, and the Regents of the University of California to require the appropriate officials at each campus within their respective jurisdictions to compile records of all occurrences reported to police or campus authorities, and arrests for crimes involving violence, theft or destruction of property, or illegal drugs or alcoholic intoxication that occur on the campus.

This bill would require the governing bodies of these institutions of public higher education to require the appropriate officials at each campus to also compile records containing specified information of all occurrences reported to police or campus authorities and arrests for crimes involving hate violence, as defined, and all occurrences of noncriminal acts of hate violence.

The bill would also require the appropriate officials at each campus to report all occurrences and crimes involving hate violence to the appropriate governing body of the institution of public higher education. The bill would require these governing bodies to transmit a report regarding this compiled information to the California Postsecondary Education Commission no later than January 1 of each year, commencing January 1, 1993, and to submit a report containing specified information to the Legislature and the Governor on July 1, 1993, and every 2 years thereafter.

The people of the State of California do enact as follows:

SECTION 1. Section 67380 of the Education Code is amended to read:

67380. The governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, and the Regents of the University of California shall do all of the following:

(a) Require the appropriate officials at each campus within their respective jurisdictions to compile records of both of the following:

(1) All occurrences reported to campus police or safety

# HATE MOTIVATED CRIMES/INCIDENTS

#### POLICY AND PROCEDURE

### I. PURPOSE

A. The campus Department of Public Safety is charged with ensuring that the rights guaranteed by state law and the U.S. Constitution are protected for all people regardless of their ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political/religious beliefs.

#### II. GENERAL

- A. When such rights, as described in I.A. above, are infringed upon by violence, threats, or other harassment, the Department will use every necessary resource to identify the perpetrators, arrest them, and bring them before the court.
- B. All acts of hate-motivated violence or threats will be viewed as serious, and the investigations will be given priority attention. Such acts generate fear and concern among victims and the public, and have the potential for recurring, escalating, and possibly causing counter-violence.

### III. DEFINITION

- A. Hate-Motivated Crime (criminal occurrences of hate violence) shall be defined as any act of intimidation, harassment, physical force, or the threat of physical force directed against any person or family, or their property or advocate, motivated either in whole or in part by hostility to their ethnicity, race, national origin, religion, sex, sexual orientation, physical or mental disability, or political/religious beliefs with the intention of causing fear or intimidation, or to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution or the laws of the United States or the State of California, whether or not performed under color of authority.
- B. Hate-Motivated Incident (non-criminal occurrences of hate violence) shall be defined as any of the types of acts defined above,

- Respond to the scene, interview the patrol officer and confirm whether or not a Hate-Motivated Crime or Incident has occurred.
- b. Take whatever steps are necessary to ensure that the situation does not escalate.
- Assist in stabilizing the victim.
- d. Supervise the preliminary investigation.
- e. Ensure the patrol officer initiates the police report and reviews the completed report.
- The field supervisor shall notify the Director of Public Safety of the incident in a time manner.
- The field supervisor shall also notify the investigator as appropriate for possible follow-up action.

# D. Investigator

- 1. The investigator shall:
  - Conduct a thorough follow-up investigation consistent with Department policy and procedure, if required.
  - Keep the Patrol Sergeants informed of the progress of the investigation.
  - Prepare the case for prosecution in court or monitor its preparation.

#### E. Records Division

- 1. The Records Manager shall:
  - Ensure that all Hate-Motivated Crime or Incident statistics are reported in accordance with State and federal law.
  - Maintain a file and log of all Hate Crimes and Incidents.

# RESPONSE TO HATE MOTIVATED CRIMES AND INCIDENTS

### I. INTRODUCTION

- A. Investigation of hate motivated crimes and incidents is a priority with the Department of Public Safety as outlined in Department policy \_\_\_\_\_. Such a response is necessary to assure our community that racism and violence will not be tolerated, and that perpetrators of such crimes will be brought to justice.
- B. This training bulletin provides:
  - 1. Guidelines for identifying and investigating reportable crimes and incidents.
  - The outlines of the criminal and civil statutes involved.
  - 3. The resources to which victims can be referred for assistance.

#### II. DEFINITIONS

- A. Reportable Hate Motivated Crime: Any criminal act or attempted criminal act intended to cause physical injury, emotional suffering, or property damage which is or appears to be motivated, all or in part, by race, ethnic background, national origin, religious belief, sex, age, disability, sexual orientation, or political affiliation.
- B. Reportable Hate Motivated Incident: Any non-criminal act directed at any person or group based upon any of the nine categories listed in II.A. above.
- C. Motivation: Incentive, inducement, desire, emotion, or similar impulse resulting in some type of action.
- D. Race: Any group or class of individuals with common characteristics distinguished by form of hair, color of skin and eyes, stature, bodily proportions, etc., that are genetically transmitted to classify it as a distinct human type.

- 7. Interrupting or disturbing religious, ethnic/cultural, political, or other meetings: directed at person(s) because of their race, religion, ethnic background, etc.
- 8. Possession of a firearm in proximity of public demonstration: which occurs at a public demonstration for racial religious, ethnic, etc., purposes.
- 9. Unlawful use of the telephone: which is directed at person(s) because of their race, religion, ethnic background, etc.
- D. A non-criminal act or incident, while not criminal, is done with the apparent intention to:
  - 1. Harass,
  - 2. Intimidate,
  - 3. Threaten,
  - 4. Retaliate,
  - Create conflict,

because of any person's race, religion, ethnic background, etc. *The key criterion* in determining whether or not any crime or incident fits into the definition of bias based upon race, ethnic background, national origin, religion, gender, age, disability, sexual orientation, or political affiliation is the motivation behind the incident. Reports of such incidents are taken because there is a potential for reoccurrence and/or escalation into a criminal act. Have there been any civil rights violations as detailed in the California Civil Code sections 51, 51.5, 51.7, or 52?

contact SDAG Janet Neeley for further information janet.neeley@doj.ca.gov 916-324-5257

### Campus Sex Offender Registration Guidelines

Penal Code section 290.01, governing sex offender registration on campus, was enacted effective October 28, 2002. (Stats. 2001, c. 544 (A.B. 4), § 2.) The federal Jacob Wetterling Act (42 U.S.C. § 14071), as amended by the Campus Sex Crimes Prevention Act (the ``CSCPA"), Pub. L. 106-386, div. B, Sec. 1601, 114 Stat. 1464, 1537 (2000), required the states to mandate sex offender registration and notification at institutions of higher learning. In accordance with federal law, California law requires certain sex offenders to register on campuses of universities, colleges, community colleges, or other institutions of higher learning. The following guidelines are intended to assist campus police departments and local law enforcement agencies with jurisdiction over campuses which do not have campus police departments, as defined below. The guidelines address the law governing registering sex offenders on campus, and explains the law regarding notification to the campus community.

### 1. Who Must Register on Campus

### A. Penal Code section 290.01 Registration

Persons who have a duty to register pursuant to Penal Code section 290 in the jurisdiction where they reside or are transient<sup>1</sup> also have a duty to register with a campus police department under Penal Code section 290.01 if:

- 1. The registrant lives at a residence on campus.
- 2. The registrant is enrolled at the campus, either full-time or part-time.
- The registrant is employed by the campus, either full-time or part-time (with or without pay).
  - 4. The registrant is carrying on a vocation on the campus.
    - a. "Carrying on a vocation" on the campus means that the person works on the

<sup>&</sup>lt;sup>1</sup>The transient registration law (Pen. Code, § 290, subd. (a)(1)(C)) was amended by A.B. 2527 in 2004, and the new law is effective on January 1, 2005. These Guidelines were written in September 2004, but they refer to the provisions of the new transient registration law.

campus, even though he is not employed by the campus itself. For example, persons who are employed by an independent contractor which runs a printing press or cafeteria/other food services on the campus are persons who are "carrying on a vocation" on the campus. Similarly, persons working on a construction crew on campus, or in a campus bookstore, are carrying on a vocation on the campus.

b. The terms "employed or carries on a vocation" include employment whether or not it is financially compensated, volunteered, or performed for government or educational benefit. The registrant must be employed, or carrying on a vocation, on the campus over 14 days in a calendar year or more than an aggregate of 30 days.

- 5. The registrant is a volunteer on the campus.
- 6. The registrant is a transient sex offender who is physically present on (living on), enrolled, employed, a volunteer, or carrying on a vocation on the campus. If his enrollment, employment, or vocational status requires it, a transient sex offender must register with the campus police department in addition to the local jurisdiction where he registers every 30 days. If the campus is a place a transient registrant occasionally frequents, but he is not living there and he does not have the status of being enrolled, employed, a volunteer, or carrying on a vocation on campus, the transient need only list the campus as a place he frequents on his registration with the local jurisdiction in which he registers every 30 days.

Examples of places a transient may "frequent" on a campus are the track or other physical education facilities, as well as the library or cafeteria.

7. The Department of Education defines an institution of higher education as being one that (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate; (2) is legally authorized to provide a program of education beyond secondary education; (3) provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree; (4) is a public or other nonprofit institution; and (5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted pre-accreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards. Alternately, the term "institution of higher education" also includes

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(1) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4) and (5), and is a public or nonprofit private educational institution that, in lieu of the requirement in (1) (requiring a high school diploma or its equivalent), admits as regular students persons who are beyond the age of compulsory school attendance in the state in which the institution is located.

# B. Registration of Out-of-State Residents Attending School in California Under Penal Code § 290(a)(1)(G)

Registered sex offenders who reside in states other than California, but who come into California to attend an institution of higher learning must register with the local police or sheriff's department having jurisdiction over the campus. Such students must register whether enrolled full-time or part-time. (Pen. Code, § 290, subd. (a)(1)(G).) The registrant must provide his or her out-of-state residence address on the registration form. Local agencies should send a copy of the registration form to the campus police department as a courtesy.

# C. Registration of Persons Living on Campus under Penal Code § 290(a)(1)(A) or § 290(a)(1)(C)

If the campus of the University of California, California State University, or community college is a place the registrant lives (has a residence address or is physically present as a transient), Penal Code section 290, subdivision (a)(1)(A) or (C) requires him to register with the campus police department in addition to the jurisdiction where he resides or is physically present as a transient.

2. Duty to Register Both in Local Jurisdiction and Campus Police Department

Campus registration is intended to ensure that the campus knows about all sex offender registrants connected with the campus. The registrant's primary registration duty is to register with the police or sheriff's department of the jurisdiction where he or she resides, or to register as a transient every 30 days. Thus, a registrant who additionally must register on campus has a duty to register in two places: campus and jurisdiction of residence (or where physically present as a transient). A registrant who has a duty to register on campus must register with the campus police department, or with the local jurisdiction (sheriff's department or police department) having jurisdiction over the campus if the college or institution of higher learning does not have its own police department, as defined by these Guidelines. If a campus police department does not have CLETS update capability, it can mail the registration form (DOJ SS 8102) to DOJ, and DOJ will input the registration into VCIN.

# 3. Limited Registration Duties at College Police Department Are Based on Changes In the Registrant's Enrollment or Employment Status

Campus registration is a secondary duty, meaning that the registrant who is required to register on campus need fulfill only limited requirements. A registrant on campus must register with the campus police department within 5 working days of beginning his or her status requiring campus registration (i.e., enrollment, employment), and notify the campus police department within 5 working days when that status no longer exists. The registrant on campus has no duty to do the annual update, transient update, or sexually violent predator update at the campus police department. These should be done at the local police or sheriff's department having jurisdiction over the offender's place of residence. The registrant's primary duty at the campus police department is to notify it when his enrollment or employment, etc., status on campus begins and ends.

# 4. Change of Address, Registration Updates Are Done at the Primary Registering Agency

Changes of address and registration updates should be done with the police or sheriff's department having jurisdiction over the area where the registrant lives or is a transient.

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Thus, the annual, transient or sexually violent predator updates are done at the primary registering agency, not the campus police department. If a registrant changes his residence address, the registrant must notify the police department or sheriff's department having jurisdiction over the residence address, and need not notify the campus police department. In other words, the registrant must notify the last registering agency that he is moving, and must register in the new jurisdiction, if any, within 5 working days, but he need not notify the campus police department of the address change. This is true even if the registrant lives or is a transient on the campus. His primary registering agency is the local law enforcement agency having jurisdiction over the area in which the campus is located. Campus police will be able to see the registrant's address change and updates by checking VCIN, the Megan's Law Web Application, or in 2005, on the Megan's Law Internet Web site if the registrant is in the category of offenders who have addresses displayed on the Internet. Additionally, local agencies doing address changes on registrants who are also registered at a campus police department should send a copy of the registration form showing the new address to the campus police department as a courtesy.

### 5. Campus Police Department Defined

A campus police department is a POST-certified police department, which has primary responsibility for investigating crimes occurring on the campus on which it is located. The University of California, California state universities and community colleges are authorized by statute to maintain campus police departments. (See Educ. Code §§ 72330, 89560, 92600; see also Pen. Code, § 13507.) In contrast, some colleges contract for security services. Security officers cannot conduct sex offender registration; registrants must be sent to the local police or sheriff's jurisdiction to register. If the campus contracts with a local law enforcement agency, which provides sworn peace officers to the campus, those officers may conduct registration provided there is a campus police department office at which registration can be conducted. If there is no on-campus police department, the registrant will not know he was supposed to go to the contract agency to register, and cannot be required to do so. In the absence of an on-campus

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police department staffed by peace officers or deputized or appointed personnel with peace officer status (Pen. Code, § 830.6), the registrants must register with the local agency having jurisdiction over the campus. Few campuses at private institutions have police departments which meet these requirements.

### 6. Duty to Register On Campus When Enrolled On Campus

### a. Enrollment During a Regular School Year Session

A student is "enrolled," for purposes of the registration law, on the day the first quarter or semester of enrollment begins, and he or she must register within 5 working days of that date. Thereafter, if the student remains enrolled for the next regular semester or quarter, he does not need to notify the campus police department of any status change. The summer session does not count as a regular semester or quarter, and if a registrant is present spring semester/quarter and will return fall semester/quarter, the registrant does not have to come in at the end of the spring term to notify the department he or she is leaving for the summer, nor does the registrant have to re-register with campus police at the beginning of the next regularly-scheduled term. However, if the registrant does not re-enroll for the next regular session during the school year (fall, winter, spring), he must notify the campus police department within 5 working days of the last day of the semester/quarter that he was enrolled that he will be absent the following semester or quarter.

### b. Enrollment During or Beginning in Summer Session

A student may become enrolled just for a summer session, or may begin enrollment during the summer session. If so, he or she has a duty to register within 5 working days of the beginning of that summer session. If the registrant continues without a break into the next regular session (fall quarter or semester), he or she need not re-register on campus.

### c. Breaks in Enrollment

When the registrant re-enrolls after a break in attendance (not just a vacation break over a holiday or spring break), he or she must re-register with the campus police department within 5 working days of the first day of that new semester or quarter.

A student is enrolled at the campus even if he takes a class on-line, and the class meets at a location off the campus. He has a duty to register due to his enrollment status. If a campus offers on-line classes which never meet in person, the statute still requires students who have enrolled to register as sex offenders with the campus police department.

### 7. Interviewing Campus Registrants

A campus police department may wish to interview a registrant regarding places he frequents on or near the campus. Registrants will often cooperate and respond to questions about their schedules or places they go on or near the campus. If the registrant is a child molester, you may want to warn the registrant to avoid areas where children are present, such as a playground near married student housing or a campus day care center, in order to avoid any misunderstandings. However, the registrant is legally required to give only the information required by the DOJ registration forms, as specified in Penal Code sections 290 and 290.01, so any additional information cannot be compelled by the campus police department. Federal law may prevent the campus police department from obtaining the registrant's academic schedule, so if the registrant refuses to provide it voluntarily, the campus police department may have to find other legal ways to obtain relevant information about where the offender can be found on campus. For example, if the registrant is on probation or parole, the campus police department can work with the probation or parole officer, who have the right to compel a registrant to disclose his academic schedule. Registrants often have conditions of probation or parole which

are relevant to their campus schedules. For example, if there is a condition that they stay away from minors, it could be a violation of parole or probation to take a class or act in a campus play in which minors are present. In one case, a registrant with violent offenses against women was found to be taking a bra-making class, in violation of a parole condition. If the college holds classes on high school campuses, the registrant may also be in violation of a parole or probation condition for attending a class there.

### 8. Registration Information Sent to DOJ via CLETS

In most cases, the campus police department or local registering agency should send the registration information via a CLETS (California Law Enforcement Telecommunication System) terminal to the Department of Justice. (See above where agency is both primary registering agency and college registering agency for exceptions.) The agency must maintain hard copies of the registration records in a secure, locked file. If the campus police department has no CLETS terminal, it must arrange with another law enforcement agency to send the information on a daily basis via CLETS to DOJ. Alternatively, the campus police department can fax or send the registration form to DOJ if it has no CLETS update capability. Be aware that if the information is sent via another agency's CLETS terminal, it will bear the ORI (originating agency identifier), which is the number of the transmitting agency, making it more difficult for DOJ to statistically determine the number of registrants at a particular campus. Be aware that mailing a registration form will delay the entry into VCIN. A telephone call to DOJ advising it that the agency has mailed a new campus registration on a registrant may help expedite processing when it arrives.

### 9. Penalties for Violation of the Campus Sex Offender Registration Law

Violations of the campus sex offender registration law are misdemeanors. The first violation is punishable by a fine not to exceed \$1,000. The second violation is punishable by imprisonment in county jail not to exceed six months, or by a fine not to exceed \$1,000, or both. Third and subsequent violations are punishable by imprisonment in county jail not to exceed a year, by a fine not to exceed \$1,000, or by both. (Pen. Code, § 290.01, subd. (d)(1)(A).)

### 10. Megan's Law/Public Notification on Campus

Federal law now requires the states to post information about registered sex offenders, as to whom public information is available, on the Internet. (42 U.S.C. § 14071, subd. (e)(2).) Beginning on or before July 1, 2005, the California Department of Justice will maintain an Internet Web site which will display the names, addresses and zip codes of specified registered sex offenders. (A.B. 488, enacting Pen. Code, § 290.46, effective fall 2004.) While registering agencies will continue to receive the Megan's Law Intranet web application, it is anticipated that legislation in 2005 may eliminate the public side of the web application, since it is being replaced by the public Internet Web site.

Due to limitations in the sex offender registration computer database, Megan's Law is not able to disclose the fact of campus registration on the Internet Web site, so only law enforcement personnel will know whether a particular registrant has also registered at a campus, by checking its own registration records. Note that the fact of campus registration must be entered in the comment field on VCIN, and that a subsequent comment replaces the previous comment. Since the fact of campus registration can be overwritten, VCIN does not reliably indicate all the names or numbers of registrants on a particular campus. Thus, if a comment regarding campus registration does not appear on VCIN, the registrant may still be registered on a campus. (See Information Bulletin 03-14-BCIA, available to law enforcement agencies on the California Law

Enforcement Web (CLEW) under Publications.)

If the campus police department determines that a disclosure should be made regarding a sex offender on campus, the agency must follow the statutory provisions for Megan's Law notifications on campus, as provided in Penal Code section 290.01 and 290.45. The campus police department or agency acting as such, and its employees, are immune from civil or criminal liability for good faith conduct in conducting notifications on registered sex offenders on campus. (Pen. Code, § 290.01, subd. (d)(2).)

As of fall 2004, campus police may **not** simply hand out a list of all registered sex offenders on campus, even to the administration of the campus. This is because Penal Code section 290.45 still requires the campus police department to determine whether serious sex offenders are posing a risk, and to notify only those persons or organizations they are likely to encounter. This assessment must still be made before notification to anyone in the campus community, including administrators, can be notified about serious sex offenders on campus. There are no such limitations on disclosure on high risk offenders under Penal Code section 290.45, or to other offenders as to whom the campus police may make a disclosure to the campus community under Penal Code section 290.01 (i.e., no risk determination or restriction of notice to those likely to encounter the offender.) However, section 290.01 does limit the scope of disclosures about all campus registrants, which are made by the campus police agency, to the campus community.

### a. Who is Subject to Notification on Campus?

Campus police departments are authorized to notify the campus community about any registered sex offender on campus. They are **not** required to do so under either state or federal law. However, the college must provide a statement advising the campus community

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where law enforcement agency information provided by the state concerning registered sex offenders may be obtained. (Draft, Handbook on Clery Act Compliance, U.S. Department of Education.) Thus, the campus community should be advised of where it can view the Megan's Law Intranet Web application currently, and when operative, of the address of the DOJ Internet Web site. Disclosures are currently governed by Penal Code section 290.45 (serious and high risk offenders) and Penal Code section 290.01 (other offenders). The department should document its reasons for notification on a registered sex offender, as well as the scope, means and dates of dissemination, and keep the record for a minimum of five years. The documentation is not a public record (so don't pull a case number) and should be kept in a locked confidential file on the registrant. The law in this area may change in 2005, but at the time of this writing, the following criteria apply:

- (1) <u>High risk sex offenders</u>. The campus police department/local registering agency with jurisdiction over the campus may notify the campus community about high risk sex offenders registered on campus. (Pen. Code, §§ 290.01, subd. (d)(3); 290.45, subd. (b) .) High risk offenders are those who have committed a serious sex offense listed in Penal Code section 290.4, subdivision (a), and who have also committed other violent offenses, as defined in Penal Code section 290.45, subdivision (b). Note that notification on all sex offenders by campus police departments (or agencies acting as campus police) is limited to the campus community—so the area of notification is much narrower than if the disclosure on a high risk offender is being made by the agency having jurisdiction over his or her residence.
- (2) <u>Serious sex offenders</u>. The campus police department/local registering agency with jurisdiction over the campus may notify the campus community about a serious sex offender registered on campus if a peace officer reasonably suspects, based on information provided by a

peace officer or member of the public, that a child or other person may be at risk from the offender. Serious sex offenders are those whose offenses are listed in Penal Code section 290.4, subdivision (a). Notification is limited to persons the offender is *likely to encounter*. For example, the department can post fliers on areas of campus which the offender is likely to frequent, or personally notify teachers or students in the registrant's classes, or notify agencies and organizations that primarily serve individuals likely to be victimized by the offender (e.g., a campus child care center when the offender is a child molester). The department may also give in-person notice to persons at risk. For example, if a registrant lived in on-campus housing, the department could personally notify persons living or working in that housing. (Pen. Code, § 290.45, subd. (a).) Again, notice is limited to the campus community.

(3) Other sex offenders. Effective January 1, 2004, California law authorizes campus police departments, or local agencies acting as a campus police department, to notify the campus community regarding registrants who are not otherwise subject to public notification. These offenders are displayed on the law enforcement side of the Megan's Law web application and includes any offender who is not classified as high risk or serious in Penal Code section 290.4, subdivision (a). "Other" sex offenders are required to register pursuant to Penal Code section 290 but are not displayed on the public side of the Megan's Law web application. A similar category of offenders will not be displayed on the Internet Web site. The department should document its reasons for notification on a sex offender in this category, and keep the documentation in its files.

### b. What Information Can Be Disclosed?

(1) <u>High risk and serious sex offenders</u>. The following information can be disclosed about high risk and serious sex offenders registered on campus, at the discretion of the disclosing agency: the offender's full name; known aliases; gender; race; physical description; photograph; date of birth; crimes resulting in registration under section 290; home address, if verified prior to disclosure; description and license plate number of vehicles the offender is known to drive; type of victim targeted by the offender; relevant parole or probation conditions, such as one prohibiting contact with children; dates of crimes resulting in classification under section 290; date of release from confinement; and enrollment, employment or vocational status with a college, university, or institution of higher learning. (Pen. Code, § 290.45, subd. (a).)

(2) Other sex offenders. The following information can be disclosed about other registered sex offenders on campus, at the discretion of the disclosing agency: the offender's full name; known aliases; gender; race; physical description; photograph; date of birth; crimes resulting in registration under section 290; and the date of last registration or re-registration.

(Pen. Code, 290.01, subd. (d).) Note that under the campus notification law, the department or agency cannot disclose the home address and other information about an "other" sex offender which can legally be disclosed about serious and high risk offenders.

### c. What Is the "Campus Community"?

The campus sex offender registration law defines the "campus community." (Pen. Code, § 290.01, subd. (d)(5).) A campus police department or agency acting as a campus police department can make notifications under Megan's Law **only** to the campus community. "Campus community" means those persons present at, and those persons regularly frequenting, any place associated with an institution of higher education, including campuses; administrative and educational offices; laboratories; satellite facilities owned or utilized by the institution for educational instruction, business, or institutional events; and public areas contiguous to any

Federal law required that notification be available on *all* registered sex offenders on campus. Enacted later than the general Megan's Law notification statute, the authorization in Penal Code section 290.01 for notification on "other" sex offenders does not contain the restrictions in Penal Code section 290.45 that apply to notification about serious sex offenders. However, note that the type of information that can be given to the campus community about other sex offenders is more limited than the information that can be disseminated on high risk and serious offenders pursuant to Penal Code section 290.45.

### 11. What About Registrants Working With Minors On Campus?

Penal Code section 290.95 prohibits sex offender registrants whose sex crime was against a victim under age 16 from working with minors as an employee or volunteer, if the registrant will be working with minors directly and in an unaccompanied setting on more than incident or occasional basis or has supervisory or disciplinary power over the child. This pretty much eliminates professors, lecturers, graduate student teaching assistants, coaches, etc., with a conviction involving an under-16 victim, from working or volunteering on campus if there will be any minor in their class, T.A. section or on a sports team. If the registrant's crime was not against a victim under age 16, the registrant must notify his employer (e.g., the campus or independent contractor) or the volunteer organization of his status as a registrant.

### 12. Contact Information

For more information or questions about specific cases, contact the Sex Offender Tracking Program at the Department of Justice, (916) 227-3288. For legal questions, contact Supervising Deputy Attorney General Janet Neeley at (916) 324-5257 or send e-mail to janet.neeley@doj.ca.gov.

California Department of Justice DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES Nick L. Dedier, Director/CIO



# INFORMATION BULLETIN

Violent Crime Information Network (VCIN) -Entry of Sex/Arson Registration Information

03-14-BCIA

Contact for information:

DeeAnn Mendoza (916) 227-5211 Violent Crime Information Center

9/24/03

### TO: ALL CALIFORNIA LAW ENFORCEMENT AND OTHER CRIMINAL JUSTICE AGENCIES

This is to inform you of changes made to the Violent Crime Information Network (VCIN) by the California Department of Justice (DOJ), which affect the entry, update, and inquiry of sex and arson registration information.

As background, in 1996, the DOJ implemented an interface between the California Law Enforcement Telecommunications System (CLETS) and VCIN to enable agencies to directly enter, update, and inquire on sex/arson registration information. Effective January 1, 1999, Penal Code (PC) section 290(a)(1)(F) required all agencies to enter sex offender registrations, annual updates, and changes of address directly into VCIN via CLETS. As a result of subsequent legislation and revisions to the sex offender registration process, conforming changes have been made which impact the use of the VCIN/CLETS interface for submitting and inquiring on registration information.

### "Miscellaneous (MIS)" Data Field Comment

Agencies are required to enter a specific comment into the VCIN/CLETS MIS field under certain conditions. This applies when the entries of either ASC (associate) and BUS (business) are made to the "Type of Address (TAD)" field, and the "Source of Address (SAD)" is REG. This requirement also applies when "290" is entered into the "Offense (OFF)" field. Following are guidelines:

TAD/ASC - This TAD shall be used whenever a sex offender is registering a concurrent address pursuant to section 290(a)(1)(B) PC. Because of the importance of establishing a date connected with this concurrent address, enter the following comment:

### MIS/CONCURRENT REGISTRATION DATE IS MM/DD/YYYY

TAD/BUS - This TAD shall be used for either address information for a registrant's employer or a campus registration address if the registration is pursuant to section 290.01 PC. Because such information is important in monitoring a sex offender's whereabouts, enter one of the following comments as applicable:

(Employer Address)

MIS/EMPLOYMENT DATE IS MM/DD/YYYY (date of signature on the SS-8102 form) REGISTRANT EMPLOYED BY (enter name of employer)

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(Education registration address/attending - sex registration only)
MIS/CAMPUS REGISTRATION DATE IS MM/DD/YYYY (date of signature on the SS-8102 form) REGISTRANT ATTENDING (name of the educational institution)

(Education registration address/employed on campus - sex registration only)
MIS/CAMPUS REGISTRATION DATE IS MM/DD/YYYY REGISTRANT EMPLOYED BY
(name of educational institution)

**"290" Offense** - A "290" offense should <u>only</u> be entered when a sex offender who is required to register has one of the following: 1) an out-of-state conviction; 2) a court ordered registration for an offense not listed in section 290 PC; or 3) a juvenile court conviction with a CYA commitment. Select the most appropriate comment to enter:

MIS/OUT OF STATE CONVICTION (enter state where conviction occurred and the literal description of the conviction offense)

MIS/COURT ORDERED REGISTRATION PER 290 (a)(2)(E) PC (enter conviction charge and court of conviction)

MIS/JUVENILE COURT CONVICTION CYA COMMITMENT (enter the conviction charge)

Failure to enter a comment in the MIS field in these instances will result in one of the following messages being displayed:

AN ADDRESS WITH TAD OF ASC OR BUS AND SAD OF REG REQUIRES A COMMENT

OFFENSE CODE OF 290 REQUIRES A COMMENT

### Fingerprint (FP) Card Notation

A new notation appears at the top of all VCIN inquiry responses indicating whether or not a registration FP card has been received by the DOJ for that sex offender record. This notation serves to inform agencies if they should submit a fingerprint card as part of the registration process. One of the two following messages will be displayed:

DOJ FP CARD REQUIRED

DOJ FP CARD NOT REQUIRED

Note: Only the BCII-5 (Registration Fingerprint Card) is to be used for sex/arson registration.

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### Termination of Record

In certain cases, a sex offender's VCIN record may be removed by DOJ based on court documents indicating that the offender is no longer required to register. One of the following VCIN messages will appear when an agency attempts to either: 1) update a removed record, or 2) inquire on a removed record.

UNABLE TO UPDATE RECORD. LATEST REG EVENT IS DEATH/REMOVED

NO HIT - RECORD REMOVED

### Registration/Update Dates

Agencies no longer need or are able to simultaneously enter registration and update events with the same date. This has occurred when a sex offender reports both for an annual update and to change his/her address. The agency will need to enter only the new registration address with the "Date of Registration (DOR)" data field as reflected at the bottom of the SS-8102. Supplemental information should not be entered into the "Date of Annual Update (DAU)" in VCIN. The VCIN will recognize the DOR transaction as an update, as well as a change of address.

One of the following VCIN messages will appear when an agency attempts to either: 1) enter the same date into the DAU field that has been entered in the DOR field; or 2) enter the same date into the DOR field that has been entered in the DAU field:

UPDATE HAS SAME EVENT DATE AS REGISTRATION

REGISTRATION HAS SAME EVENT DATE AS UPDATE

Agencies that do not currently have access to CLETS for the purpose of submitting registration information to VCIN should contact DOJ's Communications Administration Section at (916) 227-3677 or by using e-mail via the California Law Enforcement Web (CLEW) at <a href="http://justice.hdcdojnet.state.ca.us/clew">http://justice.hdcdojnet.state.ca.us/clew</a>. If necessary, agencies may obtain a CLEW user account at this Web site. In addition, CLEW contains copies of registration forms, as well as the VCIN/CLETS User Guide.

If you have any questions regarding this Bulletin, please contact DeeAnn Mendoza, Sex Offender Tracking Program, at (916) 227-5211 or via e-mail at DeeAnn.Mendoza@doj.ca.gov.

Sincerely,

DOWG SMITH, Deputy Director

Division of California Justice Information Services

For

BILL LOCKYER Attorney General



# San Francisco State University Police Department

NUMBER: 4-16

APPROVED: Reginald Parson, Chief of Police

EFFECTIVE: July 1, 2021

SUPERSEDES: REVIEWED/REVISED:

SUBJECT: GUN VIOLENCE RESTRAINING ORDERS

#### I. **PURPOSE:**

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

#### POLICY: Ш.

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

#### III. **DEFINITIONS:**

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of anyfirearms or ammunition, including an ammunition magazine (Penal Code § 18100).

#### IV. PROCEDURES:

### A. GUN VIOLENCE RESTRAINING ORDER COORDINATOR:

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

- a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
  - 1. A temporary emergency gun violence restraining order.

- 2. An ex parte gun violence restraining order.
- 3. A gun violence restraining order issued after notice and hearing.
- b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
  - 1. Whether threats have been made, and if so, whether the threats are credible and specific.
  - 2. Whether the potential victim is within close proximity.
  - 3. Whether the person has expressed suicidal tendencies.
  - 4. Whether the person has access to firearms.
  - 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
  - 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
  - 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
  - 8. Whether the person has any history of drug or alcohol abuse.
- c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
  - 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
  - 2. Forwarding orders to the Records Supervisor for recording in appropriatedatabases and required notice to the court, as applicable.
  - 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
  - 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
  - 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- d) Coordinating with the Services Division Commander or their designee to provide officers who maybe involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking anorder, and the service of such orders.
- e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
- g) Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- h) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

### **B. GUN VIOLENCE RESTRAINING ORDERS**

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

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code

§ 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

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

### **ADDITIONAL CONSIDERATIONS**

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.
- c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

### C. SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- c) Take into temporary custody any firearm or other deadly weapon discovered in plainview or pursuant to consent or other lawful search (Penal Code § 18250).
- d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- f) As soon as practicable, but by the end of his/her shift, submit proof of service to the

Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

### D. TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- b) Serve the order on the restrained person if the person can be reasonably located.
- c) Forward a copy of the order to the Records Supervisor for filing with the court and appropriate databases.

### E. SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

- a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
  - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
  - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

### F. RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

a) Proof of service of any gun violence restraining order served by an officer or received

from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

- b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
- e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

### G. COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- a) Record the individual's name, address and telephone number.
- b) Record the serial number of the firearm.
- c) Prepare an incident report and property report.
- d) Provide a property receipt to the individual who surrendered the firearms and ammunition.
- e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

### H. RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Unit supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

### I. RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

### J. TRAINING

The Services Division Commander or their designee should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

- V. APPENDIX: None
- VI. ATTACHMENT: None



NUMBER: 5-1 APPROVED:

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: Jun. 14, 2011, Jan. 19, 2016, Dec. 10,

Reginded Pa

SUPERSEDES: G-6 2019

SUBJECT: COMMUNICATIONS CENTER EQUIPMENT AND OPERATIONS

I. PURPOSE: To provide effective security measures to protect communications personnel, facilities and equipment.

- II. POLICY: It is the policy of this agency to maintain communications in emergency and nonemergency situations by maximizing the security of all communications personnel, facilities, and equipment.
- III. DEFINITIONS: Refer to General Order 5-3 for appropriate definitions.

### IV. PROCEDURES:

- A. Security of the Communications Center:
  - 1. Access to the Communications center will be limited at all times to protect personnel, equipment and the facility.
  - 2. The Communications Center is centrally located off the main lobby with security doors restricting entry to the interior part of the Police Department to the following personnel.
    - a. All authorized department employees who have been issued the required key or access code.
    - b. Persons admitted by the dispatchers or front desk personnel who control entry electronically.
  - 3. Only the following authorized personnel are allowed in the Dispatch Center:
    - a. All on-duty dispatchers;
    - b. On-duty Watch Supervisor;
    - c. Any dispatch or police personnel trained and designated to relieve the on-duty dispatcher for scheduled breaks;
    - d. Records and or Communications Supervisors for official duties
    - e. Sworn/Non-Sworn Personnel as deemed necessary;

- f. Alarm or equipment technicians upon authorization and
- g. Chief of Police
- h. Student receptionists who are working at the front counter
- 4. Transactions with the public shall be made via the front counter during normal business hours AND when a receptionist attends the counter. All other transactions shall be conducted through the pass-through window.
- 5. The door to the dispatch center is to remain closed at all times.

# B. Security of Automated Systems:

- 1. All Police Department personnel shall log off the Records Information Management System (RIMS) and CLETS automated systems when they are no longer using such systems or prior to leaving a system unattended.
- 2. Police Department personnel shall not share passwords on any automated system.
- 3. Users of the RIMS and CLETS systems are prohibited from leaving these systems in a logged-on condition when not in use.
- 4. Dispatchers requiring relief are to log off the RIMS and CLETS systems and have their relief log on using their own passwords.

## C. Backup Resources:

- 1. Backup Radio In the event that the main channel (SFSU1) on the Motorola radio console becomes inoperable, the use the backup channel (SFSU3) shall be implemented. If this channel does not work, the backup radio in the Emergency Operations Center located in the Administration Building on the 5th floor shall be used.
- 2. Portable Radio The use of a portable radio by the dispatcher shall be used if all other options have been exhausted.
- 3. In the event of the failure of any radio system, the on-duty dispatcher shall notify the Watch Commander and the 24-hour City of San Francisco Emergency Communications Division help desk.
  - a. The dispatcher will call the help desk at the radio shop for repairs.
- 4. The Watch Supervisor shall determine if the Mobile Command Unit's radio or the Emergency Operations Center Radio is necessary to support dispatch until normal radio communications are restored.
- 5. The Watch Supervisor shall notify the Records and or Communication Supervisors of the situation immediately.
- D. Security for transmission lines, antennas and power sources:
  - 1. The transmission lines and antennas are to remain secured by police personnel at all times.

- a. The antennas are installed on roof areas where access is limited. Only qualified and approved personnel shall have entry to these locations.
- b. Transmission lines are secured within conduit and are not readily accessible.
- c. Alternative power sources (generators) are secured within a fenced area.
- d. Normal electric power sources are provided through underground conduit. Any power disruptions are to be reported immediately to Facilities Management.
- 2. The 911 equipment closet will remain secure within the Communications Center.
- 3. Access to the above listed areas is restricted. Access is permitted according to job duties of on-duty personnel or authorized equipment technicians.

# E. Alternate source of electrical power:

- Emergency generator Provides an alternate source of electrical power that is sufficient to ensure continued operation of emergency communication equipment in the event of the failure of the primary source of power.
  - a. Testing under full load and maintenance of the Police Department's emergency generator is in conformance with the manufacturer's recommendations and conducted once a month by the University Plant Operations personnel
- 2. The Dispatch Center has the following resources available to sustain transmissions at all times:
  - a. A permanently mounted/installed generator;
  - b. A portable generator that can be installed if the main generator fails;
  - c. Uninterruptible Power Supply (UPS) protects all the equipment and computers in the Dispatch Center;
  - d. For continued radio transmission, a back up base station and a second radio console are in place
  - e. A fully equipped Emergency Operations Center that includes an alternate dispatch point.
- 3. Procedure in the Event of a Power Failure.
  - a. By using the Dispatcher Portable, Confirm if emergency power to the main 800MHz repeater is engaged. If not engaged change the radio base station from Primary to Secondary (A-1).
  - b. If the Dispatch console has power, then emergency power is available and the generator is operating. Note the start time. The generator has 48 hours of operational time before refueling needs begin. Alert Plant Operations, if after hours, notify the person on the call out list.

# F. Multi-channel mobile radio equipment:

1. Police vehicles are equipped with multi-channel radios capable of two-way

communications with other police departments.

- 2. Departments presently covered include:
  - a. SFPD
  - b. SFFD
  - c. SF CO Mutual Aid
  - d. OES
  - e. SF Sheriff
  - f. UCSF PD
  - g. CRU (Critical Response Unit)

## G. Primary Duties of Communications Personnel:

- 1. Answer incoming emergency/911 and non-emergency telephone calls.
- 2. Receive, monitor and broadcast all radio communications for on duty personnel.
- 3. Monitor the location and status of all on-duty personnel.
- 4. Monitor the San Francisco Police Department radio frequencies to assure our officers are aware of any activities in or around our service areas that might necessitate their response.
- 5. Notifying the San Francisco Police/Fire Departments when needed.
- 6. Notifying tow services when requested by field units.
- 7. Handling Security and Fire alarm activations.
- 8. Accessing local, state, and Federal Criminal Justice information systems to provide NCIC, SVS, APS, AFS, WPS, ROS, AWSS, SRF, MPS, DOJ and DMV checks as requested. Preparing necessary reports/documents as required.
- 9. Controlling the authorized access keys located at Dispatch for University property.
- 10. Provide SF CABLE/RIMS information to Daly City Police Department via landline when requested.

# H. Campus Security Alarms:

- 1. The police dispatcher monitors campus security alarms. Upon the activation of a security alarm the dispatcher shall:
  - a. Acknowledge the alarm computer by silencing the alarm;
  - b. Identify the type of alarm and the specific location;
  - c. Dispatch a peace officer to the location;
  - d. Initiate a CAD/RIMS entry for the call;
  - e. Enter the disposition of the alarm call into the CAD/RIMS entry as well as the alarm computer as appropriate; and
  - f. Report any alarm or alarm computer malfunction to the Phase One alarm technician via facsimile. These reports shall be forwarded to the Records Supervisor once they are faxed.

2. Campus departments desirous of an alarm installation are to obtain authorization and approval from the Chief of Police at the University Police.

V. APPENDIX: None

VI. ATTACHMENT: None



APPROVED: Reguld Pa NUMBER: 5-2

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Dec. 15, 2005, Feb. 16, 2006,

SUPERSEDES:

Jan. 25, 2007, Oct. 15, 2007, May REVIEWED/REVISED: 20, 2008, Sept. 8, 2008, Jan. 7,

2010, Dec. 16, 2011, Jan. 19,

2016, Dec. 10, 2019

SUBJECT: TELEPHONE PROCEDURES

- I. PURPOSE: To provide a written guideline for telephone and 911 operations related to the Communications Center.
- II. POLICY: The University Police Department shall provide for staffing in the Communications Center 24-hours a day, seven days a week to answer emergency calls for service. The campus community is notified of Emergency Phone service via the University Police Department website and through Crime Prevention Presentations to the campus community in which the Crime Prevention Coordinator informs community members of our Emergency phone Service.
- III. DEFINITIONS: Refer to General Order 5-3 for appropriate definitions.

### IV. PROCEDURES:

- A. 911 and emergency telephone systems:
  - 1. The VESTA 911 and the campus telephone systems are utilized to provide the campus community with 24-hour, toll-free telephone access for emergency calls.
    - a. The department will continually provide a single Emergency Telephone Number: 911. The prior campus emergency telephone number, 8-2222 is still available to anyone who may still use this number in an emergency.
    - b. Originating point of 911 calls displayed on the Automatic Location Identification (ALI) screen are:
      - 1) Campus pay telephones
      - 2) "Blue Light" and red emergency phones
      - 3) Elevator emergency phones
      - 4) Housing telephones
      - 5) All other Campus landline telephones
    - c. Originating points of emergency calls received via the campus telephone system

and displayed as a digital readout on the dispatch telephone are:

- 1) Campus telephones
- 2) Housing telephones
- d. The 911 system continuous coverage.
- e. The VESTA unit is monitored for equipment failure with notification from AT&T.
  - 1) If the system fails, the Dispatcher should advise the AT&T repair center that a 911 PSAP (San Francisco State University) has an alarm condition.
  - 2) An entry will be made into the CAD/RIMS system listing information regarding the outage.
- 2. The following resources are to be used by the Dispatcher to help identify the location of the caller, particularly when the caller is unable to speak for themselves:
  - a. An emergency cross-reference list containing campus telephone numbers and their respective locations.
  - b. A campus directory; and
  - c. AT&T's 24-hour security hotline number
- 3. The SFSU PD 911 has an Alternate Answering Location System, which allows 911 calls to be transferred to the San Francisco Police Department in the event the University Police Department's 911 equipment has a total system failure.
  - a. The Dispatcher will call the San Francisco Police Department Communications Center via telephone and request they turn the 911 control switch to divert all San Francisco State University 911 calls to their department.
  - b. Upon termination of the incident, the Dispatcher will request SFPD return the control switch to its normal position. This feature should be used when the problem is an in-house equipment failure and not a failure in off-site switching facilities of the ATT.
- 4. Phone system designated to separate emergency from non-emergency calls.
- B. Receiving Emergency Calls: Upon receipt of an emergency call the Dispatcher shall:
  - 1. Identify the nature of the call.
  - 2. Obtain the location of the incident and the caller.
  - 3. Obtain the telephone number of the caller.
  - 4. Obtain pertinent information such as suspect description, vehicle description, whether or not a weapon was involved and if the suspect had been drinking or doing any drugs.
  - 5. The location of the suspect.
  - 6. Extent of any injuries.
  - 7. Immediately dispatch appropriate police units to the location.

- 8. Continue to obtain updated information from the caller.
- 9. Immediately disseminate the updated information to the responding police units keeping them apprised of the situation.
- 10. Describe any pertinent background noises to the police units.
- 11. Notify the fire department and paramedics as appropriate, advising them of the circumstances. For safety, fire and paramedic units may stage away from the location awaiting clearance from the police that it is safe to approach.
- 12. Provided it does not compromise the safety of the caller, keep the caller on the telephone until they are contacted by police.

# C. Misrouted Emergency Calls:

- 1. Upon receipt of a misrouted emergency call the dispatcher shall:
  - a. Identify the nature of the call.
  - b. Obtain the location of the incident and caller.
  - c. Obtain the telephone number of the caller.
  - d. Transfer the call to the appropriate agency via the 911 transfer system.
  - e. Remain on the line to insure that the call has been successfully transferred to another agency.
- 2. In the event that the dispatcher is unable to transfer the emergency call to the appropriate agency via the 911 system the dispatcher shall:
  - a. Obtain all necessary information from the caller as they would for all emergency calls to the department.
  - b. Advise the caller that they will be placing them on hold while they establish contact with the appropriate agency via the dispatch landlines. Additionally, the dispatcher is to advise the caller not to hang up and to remain on the line unless the caller's safety would be compromised.
  - c. Contact the appropriate agency via landline and advise them of the details of the call.
  - d. Relay any additional information to and from both the caller and the agency as necessary until the call is terminated by the handling agency.
  - e. Fill out an AT&T 911 misroute form and fax or mail it to the AT&T 911 coordinator.
  - f. Make an additional call to AT&T 911 repair to enable AT&T to reprogram that telephone number to the appropriate Police Department Answering Point (PSAP).
  - g. Subsequently enter the complete details of the call and subsequent actions into the radio log via the Computer Aided Dispatch (CAD/RIMS).

# D. Handling Abandoned or Misdialed Calls:

- 1. Abandoned Calls Upon receipt of an abandoned call via the CASSIDIAN phone systems the Dispatcher shall:
  - a. Check the telephone number that appears on the 911 ALI screen; or

- b. Once the dispatcher has identified the callback number, a callback is to be placed to that number immediately.
  - 1) The dispatcher shall identify themselves and advice the person that answered the telephone that they received a call from the location. The dispatcher shall ask if there is any emergency at the location and verify the information on the ALI screen such as the address and telephone number.
  - 2) If the dispatcher has any indication that there may be a problem at the location a police unit is to be dispatched immediately to the location on a 911 unknown trouble/welfare check call to include the details of the callback.
  - 3) Upon callback if the dispatcher is unable to establish contact because of an open line creating a busy signal the dispatcher shall dispatch a police unit to a 911 unknown trouble/welfare check busy on callback call.
  - 4) The dispatcher shall make additional attempts to establish contact with the caller's location during the police response.
  - 5) For abandoned calls that result in an open line the dispatcher shall listen for background noises and dispatch a unit to a 911 unknown trouble/welfare check – open line.
- 2. Misdialed Calls If the dispatcher, based on their experience with emergency calls, is satisfied that a misdial has occurred then verification of the ALI screen information with the caller shall be conducted prior to the dispatcher terminating the call.
- 3. Subsequent to any misdialed or abandoned emergency call a complete CAD/RIMS radio log entry using the "911" incident code shall be made, to include the name, address, and telephone number of the caller along with a brief disposition of the call in the narrative field.
- 4. Under no circumstances will a dispatcher fail to assist a caller reporting an emergency, despite jurisdiction.

# E. Handling Less Common Type of Calls:

- 1. Receiving a TDD call on the CASSIDIAN phone:
  - a. CASSIDIAN automatically detects TDD calls and launches the TTY program.
  - b. The dispatcher will use the preprogrammed questions or type freely during the conversation.
- 2. Receiving a call from a non-English speaking caller on the CASSIDIAN phone:
  - a. Push the "translate" button, and then dial the AT&T Language Service Line number
  - b. Once connected to AT&T, advise the translator which language is needed.
  - c. Once connected the dispatcher will remain on the line to ask the questions and get the answers from the translator.
- 3. Receiving annoying, obscene, or threatening phone calls:

- a. The Dispatcher will immediately notify the Shift Supervisor.
- b. If the call is judged to be of a serious nature by the Shift Supervisor, or if the call involves a threat to the University, the Department, or University personnel, an incident report will be written.
- c. The Operations Division Commander will be notified as soon as possible in the event of a serious incident.

### F. Police Business Telephone Line:

- 1. The police department's business line has been designed to help separate emergency from non-emergency calls for service.
- 2. Personnel at the service counter area will answer the Police Department's nonemergency/business number during business hours (Monday through Friday). This does not preclude the Dispatcher from answering non-emergency telephone calls when the front counter personnel are unavailable, or are busy.
- 3. The business line will be answered, "University Police, this is ."
- 4. Phone calls for patrol officers will be transferred to their individual voice mailboxes. Under no circumstances will anyone give out officer's schedules, or home/cell phone/pager numbers to callers.
- G. Responding to calls for information or services:
  - 1. The Communication Center personnel are often the first to respond to a caller requesting information or services. When this call is received the dispatcher shall:
    - a. Determine whether an emergency or non-emergency response is required;
    - b. Determine if a police response is warranted, and if so, the call shall be dispatched as prescribed in Department Order Radio Operations, Section 5-3;
      - 1) Considerations in level of response required include:
        - a) Immediate threat present not present;
        - b) Demeanor of the victim
        - c) Request from the victim for immediate assistance
        - d) Past contact, if any, with the victim;
        - e) Any information known by the Dispatcher relative to the victim and the offense.
    - c. If the caller's request is for information only, transfer them to the appropriate party's extension/voice mail (i.e. Investigations, particular patrol officer)
    - d. Inform the caller of the agency's response be it direct law enforcement service and/or the referral to other appropriate agencies - for support. This would include any of the following as appropriate:
      - 1) the name of the department employee who will be responding to the call in person or by telephone;

- 2) campus department who will be notified (i.e., Student Health Center); and
- 3) outside agency service to be contacted (i.e., law enforcement agency, counseling service, etc.).
- e. Initiate a CAD/RIMS radio log entry with the caller's information entered in the confidential section of the log.
- 2. Field officers and patrol supervisors shall:
  - a. Place a callback to the victim or witness as soon as possible; and
  - b. Demonstrate the utmost care and compassion when interacting with victims and witnesses to help provide the needed support through police action or referrals to other appropriate agencies.
- 3. Available referral resources are maintained by the Investigations Division and provided to the public via brochures with hard copies available in the department lobby and electronically on the department website.
- H. Incoming Crime/Incident Reports:
  - 1. When receiving telephone calls to report a crime or incident, the Dispatcher will assign an incident number in CAD/RIMS and dispatch an Officer to the scene.
  - 2. It will be the standard practice to have a reportee/victim file a report of a crime or incident in person.
  - 3. In those circumstances where it may not be possible due to extenuating circumstances to file a report in person, a report may be taken by an officer over the telephone, provided the incident does not require the physical collection of evidence.
  - 4. Reports received by mail or e-mail will be routed to the appropriate unit for response and follow-up.
- I. Instant Playback/Continuous Recording of Telephonic Conversations/Radio Traffic:
  - The department utilizes the CASSIDIAN 24-hour logger to maintain a continuous recording of all emergency/non-emergency telephone conversations and all SFSUPD radio traffic within the communications center.
  - 2. The immediate playback capability via the IRR (Instant Recall Recorder) is to be utilized by the police dispatcher when a caller is difficult to understand or unable to repeat their information.
  - 3. Recordings are retained for a minimum of 1 year.
  - 4. The audio is recorded to the systems hardware and kept in digital format.
  - 5. The CASSIDIAN 24 hour logger machine shall normally remain secured or "logged off" and is only accessible to specific users. Each user will have there own unique password. The Records Supervisor will issue these to dispatchers.
- J. Reviewing Recorded Conversation:

- The dispatcher shall immediately review recorded conversation in the event of an emergency, where delay of such review would cause undue danger to the victim, the officers or the public. The Watch Commander or Records and or Communications Supervisors may assist if available.
- 2. Under normal circumstances, written requests to review recorded conversations will be completed and submitted to the Records Supervisor for approval.
- 3. The Request for Dispatch Records form must be filled out. (Attachment A)
- 4. A file of these requests shall be maintained by the Records Supervisor
- 5. Requests from private attorneys or the Office of the Public Defender should be made via official subpoena.

# K. Security Alarms:

All alarms on campus are installed in compliance with the University Alarm Policy.
 No outside alarm vendors are permitted on campus without the written authorization of the Chief of Police.

All on campus alarms are monitored and received at the University Police Dispatch Center via the alarm receiver. When an alarm signal comes in the dispatcher will:

- a. Verify the location of the alarm activation.
- b. If the location is out of the UPD primary jurisdiction, contact the appropriate agency for response.
- c. Verify the type of alarm activation.
- d. Dispatch a police unit with the pertinent information.
- e. Initiate a CAD/RIMS entry.

# L. Emergency Messages/Notifications:

- 1. Emergency notifications shall be conducted with the utmost sensitivity. All guidelines pursuant to FERPA (Family Educational Rights and Privacy Act) must be followed.
- 2. Classification of circumstances that may require emergency notifications include:
  - a. Medical Emergency a situation in which an individual is ill, injured and/or a situation related to pregnancy which requires immediate medical assistance;
  - b. Family Emergency a situation in which a member of the person's immediate family should be notified due to a serious incident involving a family member, home fire, water leak, or auto accident;
  - c. Death Notifications notification of a death of an immediate family member, significant other, close relative or friend; and
  - d. General Emergency any other situation in which emergency circumstances exist and is considered grave in nature by the Dispatcher or a police officer.
- 3. For an emergency notification the police Dispatcher shall:
  - a. Obtain all pertinent information from the caller to determine if an emergency

- notification is appropriate based on the above criteria;
- b. The name of the person to be notified;
- c. The location of the person, if known;
- d. The status of the person to be notified such as Student, Faculty, or Staff;
- e. The social security number of the person to be notified, if known;
- f. The date of birth of the person to be notified, if known;
- g. Advise the caller that a Police Department employee will call them back to inform them of the outcome in locating the person to be notified;
- h. Notify the Watch Supervisor of the emergency notification; and
- i. Access the following resources to locate the person to be notified:
  - 1) The SFSU Telephone Directory if the person to be notified is a faculty or staff member;
  - 2) The SIMS database, if the person to be notified is a student:
  - 3) If the student resides in Campus Housing, the on-duty RA should be notified
- 4. In the event of a death notification a police officer shall be dispatched.
- 5. For all other emergencies, an available UPD employee may make the notification.
- 6. For all emergency notifications Police Department personnel shall:
  - a. Respond promptly to the location;
  - b. For a student or faculty member, when possible, notify them at the beginning or end of the class;
  - c. For classes that are in session, notify the instructor of the emergency notification;
  - d. Under all circumstances, exhibit professionalism and sensitivity when making an emergency notification;
  - e. Make the emergency notification in private when possible, by calling the person outside of the classroom when appropriate; and
  - f. Cause the least amount of disruption to a class in session.
- M. Blue Light/Emergency Telephones and Courtesy Telephones on University property:
  - 1. The Community Service Specialists will conduct a monthly inspection and test of all Blue Light/Emergency Telephones on University property. The campus elevator phones are checked monthly by the elevator technician.
    - a. All inspections will be documented in the SFSU Campus Phone Survey form and if need be Telecommunications will be contacted for repairs. The SFSU Campus Phone Survey Telecommunications Repair form will be used to log all repair requests.
    - b. All inspections will be logged in the Daily Activity Log in dispatch. If a phone is found to be defective and non-working, the CSS will notify dispatch and have that logged via date and time.
    - c. When the University either acquires a new property or constructs/remodels an existing building on the SF State campus, the campus Capital Planning Office will notify the University Police department to have a representative attend the

pre-construction meeting. The University Police Department at that time will make recommendations on optimal locations for the installation or removal of new Blue Light/Emergency Telephones.

V. APPENDIX: None

VI. ATTACHMENT:

A. Request for Review of Recorded Conversations Form

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

#### Records Division

# Request for Dispatch Records (For Internal Use Only)



All requests must be approved by your Manager or Commanding Officer				
Date of Request:				
Record(s) Requested: CAD Printout	Telephone Audio Radio Audio			
VIDEO*  Case or Incident Number:	Other:			
	Time of Incident:			
Incident Location:				
Phone position(s):	_ Dispatch position(s):			
Radio talkgroup(s):	Time Frame: (start) (stop)			
Other identifying information or details (be specific	c):			
Reason for Request:				
Requested by:	Title:			
Assignment/Station:	Department:			
Phone/Contact number:				
Approved by:	Signature:			
(				
*Video records: 2 signatures needed.				
Approved by: (Captain or Deputy Chief, Investig	gations Division)			
	For Office Use Only			
Request Completed By:	Date Completed:			
Comments:				



APPROVED: Reginald Parson, Chief of Police NUMBER: 5-3

**EFFECTIVE:** September 1, 2004

Feb. 24, 2006, Jan. 19, 2016, Dec. 10, REVIEWED/REVISED: SUPERSEDES: G-1

SUBJECT: RADIO OPERATIONS

I. PURPOSE: To establish a written guideline for the Communications Unit to satisfy the immediate information needs of the Department in the course of normal daily activities and during emergencies.

II. POLICY: Handling pertinent information efficiently is an essential element of the communications center. The radio communication system provides our on-duty personnel with the necessary tools to ensure a comprehensive field-reporting program and enhance the safety of all officers in the field.

#### **III. DEFINITIONS:**

- A. Computer Aided Dispatch: Records Information Management System (CAD/RIMS) is a real time incident tracking system. It is designed to allow police Dispatchers the ability to enter, track, and close multiple incidents as they occur throughout the day.
- B. Emergency Situation: An actual or potential condition that poses an immediate threat to life or property.
- C. General Assistance: Services of a non-emergency nature provided by agency personnel, such as providing information or directions and assisting motorists.
- D. Incident: An event that requires law enforcement action or the dispatching of officers in response to law enforcement services. This includes any incident, whether criminal or noncriminal, for which there has been a response to the scene, an investigation, or the preparation of an oral or written report.
- E. Mobile unit: The radio equipment mounted in a police vehicle.
- F. Neighboring Jurisdiction: A law enforcement agency in an adjoining city or other unit of government.
- G. Outside Jurisdiction: Another municipality, county or state.
- H. Peace Officer: As related to this directive, an officer, who through their own observation, a citizen contact, or by the receipt of an emergency or routine call for service via the Dispatcher, who responds to the scene and takes appropriate police action as required by law and the policies of the University Police Department.
- I. Police Dispatcher: The communications person who receives all emergency and routine calls

for service, and through a logical line of questioning determines the nature of the call and the appropriate initial response. The Dispatcher is usually the first person contacted by a victim or witness.

- J. Portable Unit: A Personal Inter-Communications (PIC) radio that can be carried by Officers.
- K. Provider Agency: An agency that provides service, equipment, or supplies to another agency.
- L. Radio communication console: The main radios utilized by the Dispatchers located in the Communications Center.
- M. Repeater/Base Station: The 800 MHz repeater and VHF base station located at Thornton Hall, which enable the repeater stations, mobile, and portable units to have reliable communications in our geographical area.
- N. Service Community: Those persons working or residing in the agency's jurisdiction.
- O. Single Point of Contact: A specific person, position, organizational component, or phone number.
- P. Statewide, Regional, or Area Law Enforcement Radio System: A radio communications network that permits the law enforcement agencies' communication centers within a state, region, or area to communicate with each other.
- Q. Victim: A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his or her person or property.
- R. Witness: A person who has information or evidence relevant to the investigation of a specified crime.

#### IV. PROCEDURES:

- A. All radio operations of this Department shall be conducted in accordance with the Federal Communications Commission's procedures and requirements.
  - 1. The use of the radio frequency should be limited to the communications essential to conduct official activities.
  - 2. The conservation of on-air time shall be observed to permit accurate, brief and rapid transmission of essential information, preventing any delays, confusion, and unnecessary transmissions.
  - 3. The Department shall provide 24–hour two-way radio capability on a 800MHz/VHF multi-channel two-way radio system providing continuous communications between the communications center and the officers on duty.
  - 4. The use of profane, indecent, or obscene language is prohibited.
  - 5. The Communications Center will be identified as "Dispatch". Dispatch will always identify any transmission it sends or responds to with their assigned radio number. All radio transmissions to Dispatch or other officers will began with the transmitting officer's identification number.
  - 6. The Communications Center will be automatically supplied with power from a generator outside the building should there be a failure of the primary power source. All essential equipment inside the Communications Center will also be connected to separate battery back-ups. This equipment will be tested once a month.
  - 7. The rules and regulations of the Federal Communications Commission are available online.

- B. Obtaining and Recording Information:
  - 1. The department shall provide 24-hour, toll-free voice and TDD telephone access for emergency calls for service through the communications center.
  - 2. The department will continually provide a single Emergency Telephone Number: 911.
  - 3. Upon receipt of each request for criminal and non-criminal service or self-initiated activity the police dispatcher shall obtain and record all relevant information.
    - a. A radio log entry shall be made in the Computer Aided Dispatch (CAD) system, which is part of the Records Information Management System (RIMS). The radio log entries are to include the following:
      - 1) A RIMS sequential incident (control) number.
      - 2) The date and time of the request.
      - 3) The name, address, and phone number of the complainant, if possible.
      - 4) The type of incident reported.
      - 5) The location of the incident reported.
      - 6) Identification of the officer(s) assigned as the primary and backup units.
      - 7) The time the call was dispatched.
      - 8) The time of officer arrival.
      - 9) The time the officer returned to service.
      - 10) A plain-text summary of the incident; and
      - 11) The disposition or status of the reported incident.
    - b. In the event that the RIMS system is inoperable, the dispatcher, without delay, shall resort to use of a dispatch card to record the above-indicated information. As soon as possible the dispatcher shall notify the Watch Commander and the network systems support personnel of the automated system failure. Upon restoration of the RIMS system, the on-duty Dispatcher shall, as soon as possible, enter all dispatch cards into the automated system.
- C. Radio Communications To and From Field Officers:
  - 1. Critical circumstances which require radio communications to and from field officers:
    - a. Officer needs assistance
    - b. Felony in progress
    - c. Life saving situations
    - d. Vehicle or foot pursuits
    - e. Responding to a call "Code 3" (lights and siren)
  - 2. Radio broadcasting must be accurate, brief, and clear. Under any circumstance in which the use of radio codes becomes impractical, the field officers and Dispatchers may resort to the use of plain language.

#### a. Dispatching a call

- 1) Listen before broadcasting a call to insure the channel is clear.
- 2) Use Department Radio Codes.
- 3) Use the Phonetic Alphabet for spelling unusual names or locations.
- 4) Do not attempt to transmit while another unit is transmitting, unless it is an emergency.
- 5) Do not monopolize the air with lengthy transmissions
- 6) Use the ABC's (accuracy, brevity, clarity) of radio broadcasting.
- b. Calling out information Field officers shall call out over the radio the following information which the Dispatcher shall enter into the radio log via the CAD/RIMS system as appropriate:
  - 1) Their acknowledgement of the dispatched call.
  - 2) In route to the call.
  - 3) Any delay in response and subsequent in route to the call.
  - 4) Their arrival on scene.
  - 5) Their status on the call.
  - 6) Their clearing of the scene and disposition of the call.
  - 7) Whenever going in and out of service.
- c. In the interest of officer safety, officers will notify the Dispatcher of their location and other relevant information on traffic stops, pedestrian and building checks.

#### 3. Identification of Officers

- a. Officers shall use their assigned call signs when initiating any radio transmission to assist with proper identification of the officer and unit.
- b. A cross-referenced list containing the officers' names and call signs shall be posted in dispatch for immediate reference.
- c. If at any time, contact cannot be established, another unit shall be dispatched to the officer's last known location to conduct a welfare check.
- 4. All SFSUPD police vehicles and handheld radios shall be programmed with the capability to provide communication with interacting agencies. The following frequencies are to be used for incidents requiring mutual aid and special events support:
  - a. SFPD A-8
  - b. OES channels, as assigned
- 5. Assignment of Officers and Patrol Supervisors
  - a. All available officers shall be assigned to the following calls that are deemed critical in nature. The presence of a patrol supervisor at the scene for the purpose

of assuming command is required at, but not limited to, the following calls:

- 1) An officer needs help call
- 2) A felony in progress call such as a robbery
- 3) A life-threatening or serious medical emergency
- 4) Fire
- 5) Hazardous material incident
- 6) Bomb Threat
- 7) Traffic accidents involving on-duty personnel or department-owned vehicles
- 8) Potentially volatile situations; or
- 9) Major incidents requiring response of Investigators or outside agency personnel, such as homicides, suicides, riots or hostage situations.
- b. Available officers include officers and patrol supervisors who may be on a low priority call such as a routine report. Officers shall advise the person they are with of their need to respond to a high priority call and explain that they or a designee will contact them to complete the report or interview as soon as possible.
- c. For calls deemed serious in nature requiring additional units, notification of the Watch Commander shall be made. Watch Commander discretion shall be used to determine the number of units to be deployed until such time as the incident(s) has/have been contained or controlled. If it is determined that the situation requires additional officers to be called in for duty the Watch Commander shall immediately notify the Operations Division Commander of the situation and proceed as directed.
- d. Upon an emergency request for mutual aid by a field officer or patrol supervisor, the Dispatcher shall as directed notify the appropriate agencies such as the San Francisco Police Department, the San Francisco Fire Department, the California Highway Patrol or the Daly City Police Department.
- D. Communications personnel shall have immediate access to the following resources:
  - 1. Immediate contact with the Watch Commander (officer in charge) shall be established using the following methods (listed in priority order):
    - a. Vehicle or Handheld Radio
    - b. Station Telephone
    - c. Cellular Telephone; and
  - 2. A current duty roster of all personnel shall remain posted in the dispatch center at all times.
  - 3. An updated hardcopy listing of residential telephone numbers of every salaried agency member shall be maintained in the dispatch center.
  - 4. Visual maps detailing the agency's service areas are to be displayed in the Dispatch Center for quick reference by the Dispatcher.
    - a. Maps of the entire San Francisco and San Mateo Counties will also be available.

5. Officer status indicators shall be available to the Dispatcher through the CAD/RIMS screen.

#### E. Procuring External Services:

- 1. The procurement of emergency and necessary external services to the agency shall be conducted in the following manner:
  - a. Dispatcher shall determine the nature of the call; and contact the appropriate external service agencies as follows:
    - 1) Critical Police Emergency Coordinate with Watch Commander the necessary mutual aid deployment. If the Watch Commander and Field Officers are unable to address the issue, discretion of the Dispatcher may be employed, particularly in situations in which officer safety has been compromised.
    - 2) Medical Emergency Requiring Paramedics Initiate or transfer a call to the San Francisco Fire Department.
    - 3) Campus-wide Emergency In the event of a major disaster or campuswide power outage, and provided radio communications are operational; the Dispatcher shall conduct a role call of all units. If radio communications have been compromised, the field officers are to check in with the Dispatcher as soon as they are able by either telephoning or going to the police station to determine the welfare of the Dispatcher(s) and the status of the station.
      - -The Watch Commander is to report to the dispatch center to assess the situation. If it is determined that the police dispatch center is inoperable, the Watch Commander will provide transportation of the Dispatcher to the Emergency Operations Center (EOC) located in the Administration Building to activate the EOC Police Radio.
    - 4) Physical Plant/Facilities Emergencies When it is determined that the safe operation of a building or the safety of the occupants in a building is compromised, and after appropriate police and fire notifications have been made, the Dispatcher shall notify the appropriate Facilities personnel. For a serious incident that compromises building operations the Building Coordinator for that building shall be notified during regular or after business hours.
- 2. The Emergency Contact Book complete with a comprehensive listing of telephone numbers for procuring emergency and necessary external services shall be maintained and secured in the Dispatch Center for the immediate use by the Dispatcher or personnel assigned to support dispatch during an emergency.

#### F. Tactical Dispatch Plans:

1. The Tactical Dispatch Resource Book is to be secured in the Dispatch Area and includes:

- a. The procedures to be followed in directing resources and for obtaining information on crimes in progress such as: multiple simultaneous arrests, critical incidents and special operations, police vehicle pursuits, media relations, critical response unit.
- b. Ground plan drawings of campus buildings and high risk areas such, but not limited to, the SFSU Bookstore, Cashier's Office (One Stop) and Admin), ATM's, Student Health Center, Counseling and Psychological Services, the President's Office and Credit Union layouts.
- c. Command posts, staging areas and evacuation procedures and contacts.
- d. Maps of University Park North and University Park South.
- e. General Orders and procedures for major incidents
- G. The department, via the Communications Center, shall access and participate in any local, state, and federal information systems required by the California State University system. The minimum accessed operationally at the SFSU Police Department are:
  - 1. NCIC;
  - 2. SVS (Stolen Vehicle System);
  - 3. APS (Automated Property System);
  - 4. AFS (Automated Firearms System);
  - 5. WPS (Wanted Person Systems);
  - 6. DVROS (Domestic Violence Restraining Order System);
  - 7. AWS (Automated Warrants System);
  - 8. SRF (Supervised Release File Probation);
  - 9. MUPS (Missing Unidentified Persons System);
  - 10. DOJ (Department of Justice)
  - 11. DMV (Department of Motor Vehicles)
  - 12. VCIN (Violent Crime Information System); and
  - 13. CABLE (SFPD Criminal Record System)

V. APPENDICES: None

VI. ATTACHMENT: None

APPROVED: Reginald Parson, Chief of Police NUMBER: 5-4

EFFECTIVE: September 1, 2004

Feb. 16, 2006, May 9, 2008, July 2, REVIEWED/REVISED: 2010, Jan. 16, 2016, Dec. 10, 2019 SUPERSEDES:

SUBJECT: RECORDS ADMINISTRATION

I. PURPOSE: The purpose of this directive is to establish the policy and procedures of the Records Unit administrative functions that are basic to the management, operational, and information needs of the agency.

II. POLICY: The Records Unit of the University Police shall function in accordance with agency policy, local ordinance, and state and federal laws pertaining to the privacy and security precautions as they relate to agency records and criminal history information.

#### III. DEFINITIONS:

- A. Authorized Person or Agency: Any person or agency authorized by court order, statute, or decisional law to receive CORI.
- B. CORI: Criminal Offender Record Information.
- C. Criminal Justice Agency: Any person or component thereof, which performs a criminal justice activity as its principal function.
- D. Criminal Justice Information: Records and data compiled by criminal justice agencies for purposes of identifying criminal offenders and summaries of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation and release.
- E. Juvenile Records: Juvenile records are those records pertaining to an individual under the age of eighteen (18). Welfare and Institutions Code Section 827 gives the juvenile court control over the release of all juvenile information to be disclosed to third parties by any law enforcement official.
- F. Need to Know: CORI is essential to complete official duties.
- G. Records Check: Means obtaining automated records from the California Department of Justice via CLETS.
- H. Records Supervisor: The employee of the department who is given the authority and responsibility to enforce record security regulations.
- I. Right to Know: Individual, group, or entity entitled and authorized to obtain CORI.
- J. Data Ticket: The parking citation online management system for the processing of the parking citations.

#### IV. PROCEDURES:

- A. Privacy and security precautions for agency records:
  - 1. Separation of Juvenile Records from Adult Records in RIMS.
    - a. For any incident or case involving juveniles, the RIMS system will display their record in white lettering over a gray highlighted background to indicate their juvenile status. Adult arrests are displayed in white lettering over red highlighted background for contrast.
    - b. After a subject becomes of legal adult age, any contact they had prior as a juvenile will be remain in their person record in the contrasting white lettering over gray highlighted background unless sealed by order of the court.
    - c. If a case or incident involving a juvenile is printed in hard copy for release or distribution to authorized personnel, it shall be marked with a red "juvenile" stamp, and marked as a controlled document so as not to make unauthorized duplicates.
    - d. Crime reports containing juvenile information that are entered into RIMS initially by police officers can only be viewed by those with access to view juvenile records. Access levels of RIMS are established and controlled by the Records Supervisor or system administrator
  - 2. Procedures for the collection, dissemination, and retention of fingerprints, photographs, and other forms of identification pertaining to juveniles.
    - a. The Records Supervisor will be responsible and accountable for the maintenance, dissemination, retention, and destruction of juvenile records.
    - b. Juvenile records are not to be released under the same state and federal laws that pertain to adult records. The exception would be if the juvenile committed what is deemed a serious offense.
    - c. All juvenile arrest and identification records will be collected, retained, disseminated, and destroyed in strict compliance with existing statutes, decisional law, and policies or orders by the Juvenile Court.
    - d. Juveniles will not be fingerprinted and photographed on a routine basis. If the Officer determines that fingerprinting and photographing of the juvenile offender could be necessary (e.g. serious offenses and felonies) he or she will obtain approval from the Watch Commander.
    - e. All juvenile arrest and/or identification records (fingerprints, photographs or physical descriptions) will be affixed to the original report and clearly marked JUVENILE prior to copying or filing.
    - f. The collection, dissemination, and retention of fingerprints, photographs, and any other form of identification pertaining to juveniles shall be strictly limited and controlled.
      - Access to juvenile records will be limited to those with both "a right and a need to know." This will be in strict compliance with all existing State and Federal Laws.
      - 2) The Records Supervisor will control dissemination of any juvenile records.
      - 3) Juvenile records that are disseminated will be documented in written form

within the case file indicating information disseminated, receiving authority, date, and agency representative authorizing release.

- g. A juvenile upon reaching adult age may petition to have his or her record sealed. A request may be sent directly to the department from the court.
- h. Upon receipt of a court order to seal the juvenile's record the Records Supervisor shall comply with the court order and forward a copy of such order to all agencies that participated in the arrest.
  - 1) The Records Supervisor shall immediately provide a copy of the court order to the California Department of Justice (DOJ).
  - 2) The court order and case materials shall be sealed in an envelope and the date of destruction shall be clearly indicated.
  - 3) Upon reaching the destruction date the record shall be shredded.
- 3. Security and controlling access to agency files:
  - a. Effective July 2014, The University Police Department transitioned to digital record storage versus hard copy storage in the Records Cabinet.
    - Cases are maintained and monitored through the RIMS program, which also includes an audit feature to show activity. Any attachment normally kept on hard file for a case is scanned and attached to the case in the RIMS database.
    - 2) After being scanned, original hard copies are put into a secured shred bin for proper disposal. CLETS printouts are not kept in digital or hard copy and are subsequently placed for disposal at the completion of the Records Supervisor's review.
    - 3) Only the Records Supervisor or system administrator is able to delete cases, attachments, narratives, etc. from RIMS or modify locked and approved cases. The records supervisor is also able to restrict access to certain cases on a case by case basis upon the approval of the Chief of Police or Investigations Division.
    - 4) No copies of reports in Dispatch, Investigations, or those in possession of officers shall be disseminated outside of this agency without the approval of the Records Supervisor or the Chief of Police.
- 4. Procedures and criteria for the release of agency records.
  - a. Release of adult criminal records shall be in accordance with agency policy, local ordinance, and state and federal laws.
  - b. The privacy and security of criminal history record information shall be in accordance with the U.S. Department of Justice Regulations, 2B Code of Federal Regulations Part 20, "Criminal Justice Information Systems" regarding the dissemination, completeness, and accuracy, audits, security requirements, access and review.
  - c. Defined in California Public Records Act "public records include any writing

- containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." Based upon this definition, the report of crimes and incidents written in the daily course of business of a law enforcement agency are public records and subject to release under the Act, with certain exemptions.
- d. The agency maintains the security information of agency records according to the California Public Records Act, Government Code 6250-6265, requiring that specific information be released unless the release would endanger the safety of a person or endanger the successful completion of an investigation.
- e. The Records Supervisor shall refer to the Commission on Peace Officer's Standards and Training (POST) Law Enforcement Records Management Guide and/or consult the POST Management Counseling Services Bureau for issues surrounding records management that may require additional research.
- f. Request for Release of Information.
  - 1) Police Reports: All requests must be accompanied by payment and the proper request form as outlined in 5-5, Records Overview
  - 2) Juvenile Records: Welfare and Institutions Code 827 give the juvenile court control over the release of all juvenile information to be disclosed to third parties by any law enforcement official.
  - 3) All student records at San Francisco State University are kept in accordance with the provision of the Family Educational Rights and Privacy Act (FERPA). The university defines as "directory information" and normally makes public the following information from a student's record: student name, e-mail, major field of study, dates of attendance, class level, enrollment status (e.g., undergraduate or graduate, full-time or part-time), degrees earned, honors and awards received. The university does not release any other information, including courses, grades, address, and telephone number to the general public unless a student requests it in writing.

Two special provisions are available to students

- You can request that any or all of the above listed "directory information" not be made public under the provisions of FERPA.
- ii. You can request that non-directory information, including your address, be released to agencies of the State of California when requested for employment recruitment purposes under the provisions of Assembly Bill 771 (Chacon).

To request either of these provisions, submit your written request to the Registrar's Office Counter at the One Stop Student Services Center.

- 4) Release of CAD Incident Reports
  - i. The Records Supervisor shall only release CAD incident

reports after receiving a valid subpoena issued by a court. The declaration form shall be filled out by the Records Supervisor and sent along with the copy of the requested CAD incident report.

#### B. Record Retention Schedule:

- 1. A record retention schedule shall be consistent with legal requirements as outlined in the POST Records Management Guide.
- 2. The record retention schedule shall include:
  - a. records to be retained;
  - b. retention period reference suggested by government agencies such as the DOJ, CHP, Courts, and Government and Penal Code Sections; and
  - c. campus suggested retention periods should also be indicated.

#### C. Collecting and Submitting Crime Data:

- 1. The department participates in the Uniform Crime Reporting (UCR) process by reporting crime statistics to the California Department of Justice on a monthly basis this information is subsequently included in the national system such as the Federal Bureau of Investigations data base.
- 2. The Records Supervisor will review reports submitted by police officers and dispatch that have been entered into the RIMS system for completeness and accuracy in reporting. Crime code usage is also scrutinized. If an error involving a crime code has been made, notification of the correction to the officer is made via RIMS.
- 3. Statistics are captured through the RIMS database and statistical reports are generated at the end of each month for submission to DOJ in accordance with UCR standards. As a backup, the Records Supervisor maintains a written log of crime statistics.

#### D. Central Records Information (RIMS):

- 1. Records Information Management System (RIMS) is accessible to operations personnel twenty-four hours a day, seven days a week on a read only basis, with the exception of the report writing module.
- 2. Dispatchers have access to RIMS twenty-four hours a day, seven days a week with modified access, not including administrative access.
- 3. The Records Supervisor and Information Technology Consultant have full access and administrative access to RIMS.
- 4. To account for the status of reports, the Records Supervisor shall audit the RIMS system on a weekly basis, or as often as needed, to ensure that the correct case numbers are being assigned and accounted for.
- 5. Sergeants shall:
  - a. ensure that follow-up reports are prepared on a specified schedule not to exceed

the officer's work week, or a designated date assigned by the Commanding Officer of Investigations;

b. ensure that report corrections are completed by their designated date.

#### E. Annual Audit of Central Records:

- 1. Each year the Records Supervisor shall conduct an audit of the RIMS system for verification of user levels, passwords and access violations.
- 2. The audit shall include a review of user list information and access levels.
- 3. The Information Technology Consultant will review the list of current network system users and verify proper access levels.
- 4. A written report shall be provided to the Chief of Police in reference to annual audit findings.

# F. Introduction of Outside Computer Software:

- All computers maintained by the University Police shall have anti-virus software installed on them, which scans all disks or devices each time they are mounted on each computer.
  - a. This software is updated by the Information Technology Consultant regularly.
  - b. All computers will have limited access for downloading/installing software without the approval of the Information Technology Consultant.
  - c. The Information Technology Consultant will maintain proper licensing of all software owned by the Department.
- 2. Absolutely no software program (including shareware and screensavers) shall be used, installed, or otherwise loaded onto any department computer, the network or the hard drive of any department computer without the authorization of the Information Technology Consultant.
- 3. No software will be authorized or installed unless properly licensed for use at the San Francisco State University Police Department.
- 4. The Information Technology Consultant shall maintain a record of software installed on the network and each computer. The information shall include the program name, software manufacturer, revision number, whether it is an upgrade, the software license or registration number and the date of purchase.
- G. Network Servers and Central Records Systems for the Police Department and Parking/ Transportation:

#### 1. Police Department

- a. The RIMS database is backed up on an daily basis to a secondary server.
- b. Network files are backed up nightly to a secondary server.
- c. Vital Records DVD/Hard disk backups of RIMS files and the network files are put in a safe that is keep in the exterior bulk container located at the rear of the

station.

- d. Recovery restore best version of RIMS data backup.
- 2. Parking and Transportation Department
  - a. The Parking Division is on the police server.
- 3. All Computers in the Parking Division require a password for access.
  - a. The Parking & Transportation Manager and the Citation Process Coordinator have access to the online Citation Management System.
  - b. The Parking & Transportation Manager and the Citation Process Coordinator have full level administrator access, all others have restricted access.
  - c. User names, passwords and the level of access each user is allowed into the system, is assigned by the Information Technology Consultant.
  - d. The level of access is determined by what the job duties are of each individual user.
  - e. Shared passwords are changed when any employee leaves their position and or the Parking Division.
  - f. Individual passwords are terminated when an employee leaves their position and or the Parking Division.
  - g. The Parking & Transportation Manager is responsible for maintaining the list of authorized users.
- 4. All computers in the Parking Division are set on a 15 minute password protection non-use program.
  - a. Users must log back on to continue usage.
- 5. Software can only be installed on computers by a system administrator.
- 6. Information Technology Consultant is responsible for the annual password audits.
- 7. The University Police Departments' RIMS (Records and Information Management System) houses our CAD (Computer Aided Dispatch) system as well as or RMS (Record Management System).
  - a. In the event of a major disaster, including but not limited to a major earthquake or fire, in which the University Police Department building is destroyed and the severs which run our RIMS (Records and Information Management System) are untreatable or irreparably damaged, the first priority from an Information Technology perspective is to activate a backup system for RIMS so that the CAD system is available as soon as possible.
  - b. As indicated in General Order 5-4, section IV, sub-section G, The RIMS database is backed up to an external hard disk and stored in a fire and water resistant safe located in the exterior, bulk container located at the rear of the station. In the event of a major disaster, this backup will be retrieved from the safe and taken to

- the Mobile Command Vehicle.
- c. As indicated in General Order 5-7, the Mobile Command Vehicle will be used in times of disaster. The Mobile Command Vehicle will be used as backup-up communications and dispatch center. The RIMS backup retrieved from the safe will be restored to computers located in the Mobile Command Vehicle as soon as possible following a disaster in order to bring the CAD system online.

#### H. Criminal History Records:

- 1. Computerized criminal history records can be accessed via the California Law Enforcement Telecommunications System.
- 2. Upon the arrest of a suspect, officers may request a criminal history (CII) print out to include with their report.
- 3. Police Dispatchers and Investigators have access to the CLETS terminals located in the Dispatch Center and the Investigations Office, respectively, for the purposes of running a CII.
- 4. An entry in the Criminal History Log Book shall be made by the dispatcher or the investigator indicating the date, name, and reason for the inquiry for audit purposes.
- 5. Printouts of criminal history information are to remain secured with the requesting officer or investigator, and subsequently forwarded to the Records Supervisor's report processing box.
- 6. After the approval and review of a case by the Records Supervisor, the Records Supervisor places the criminal history printouts into the secured shred bin for proper disposal.
- 7. Criminal history printouts are not released to the public, nor are they computerized for use in the RIMS system.

# I. University SIMS Records Requests:

Campus Police dictates that all sworn external Law Enforcement officers are referred to the Chief of Police to ensure they have the proper court order.

- 1. Directory information may be released by the Chief or designee without a subpoena as defined as:
  - a. Student name
  - b. E-mail address
  - c. Field of study or major
  - d. Dates of attendance
  - e. Lease or student level
  - f. Enrollment status
  - g. Degree awarded
  - h. Honor and awards received
- 2. The Associate Vice President and University Counsel can be contacted in the absence of the Chief of Police if assistance is needed on the request for information

# on staff and faculty records.

# V. APPENDIX:

A. University Police Records Retention Schedule

# VI. ATTACHMENTS:

- A. SFSUPD Request for Copy of Police Report Form
- B. Declaration form

#### ATTACHMENT A



# San Francisco State University Police Department

1600 Holloway Avenue • San Francisco, California 94132 Tel: 415-338-7200 • Fax 415-338-0905

# Request for Records/Report Release

~ Payments of \$10 per report may be made via credit/debit in person at UPD UPD does not accept cash or checks.

~ No fee for log incidents

Police reports will be released unless exempt per sections of the California Public Records Act, 6250 of the California Government Code. Police reports will not be released if, by the release, the report could endanger the safety or privacy of a witness or involved party in the investigation, endanger the successful completion of an investigation, or if the case involves juveniles. Investigative supplemental reports are for Department use only and may not be released. If you are not involved in the case, you may still have access to the log entry.

RECORD INFORMATION (Plea						ase Print)				
Date Requested	Date of In	ident	Case/Incider	nt#	Incident T	Гуре:				
						Crime		Log	Incident Only	
Reason for Request:					ī	Traffic Collision		_ Othe	er	
Requestor Information					Agency Information					
Full Name					Agency and Contact Name					
Mailing Address					Mailing Address					
City	Sta	ate	Zip			City	Stat	te	Zip	
Driver's License		Phon	e		Phone	!				
			Requesting Party	of Int	erest (Che	ck One)		ı		
Person Invo	lved		Attorney	Authorized Representative of Victim						
Parent/Gu	ardian of Ju	venile		Insurance Company Representative						
Other										
Note: 1) Juvenile reports must be approved for releas					the Juven	nile Court				
2) Arrested parties get a copy of their report through the discovery process/trial in court										
I declare under the penalty of perjury, that I am, or that I represent the party of interest in the report recorded							ecorded			
hereon. Digital Signature:  Date:							ccoraca			
Department Use Only										
Date Received:				Reason for Denial						
Received By:					fidential Active Investigation Juvenile ilable at trial Not Entitled Other					
Date Processed:					~ c		Cu			

TITLE OF ACTION: \_\_\_\_\_

# ATTACHMENT B



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



#### **DECLARATION**

NUMBER OF ACTION:
DATE OF SUBPOENA:
NAME OF PARTY OBTAINING SUBPOENA:
,, the undersigned say:
<ol> <li>I am the duly authorized custodian of records of the San Francisco State University Police Department;</li> <li>I have authority to certify copies of these records;</li> <li>Check either a. or b. :</li> </ol>
<ul> <li>a. ( ) The copies transmitted herewith are true and correct copies of all the original records described in the above-named subpoena, insofar as the San Francisco State University Police Department has such records.</li> <li>b. ( ) No copies are transmitted herewith because the San Francisco State University Police Department has none of the records described in the above-named subpoena.</li> </ul>
The records referred to above were prepared by personnel of the San Francisco State University Police Department in the ordinary course of business at or near the time of the act, condition, or event.
Executed on 20, at
declare under penalty of perjury that the above is true and correct.



NUMBER: 5-5 APPROVED: Regarded Plan

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Feb. 24, 2006, Nov. 21, 2008, Jun.

13, 2009, Jun. 13, 2014, Jan. 19,

SUBJECT: RECORDS OVERVIEW 2016, Dec. 13, 2019

I. PURPOSE: To establish a policy and procedure concerning records management.

II. POLICY: The Records Cabinet is secured within the secure Communications Center. All record requests must be authorized by the Records Supervisor or personnel assigned to records.

#### III. DEFINITIONS:

A. Other Authorized Agency: Other authorized agencies are defined as those agencies located within the County Of San Francisco who are involved with the prosecution or police investigation of subjects named in SFSUPD criminal or incident reports.

#### IV. PROCEDURES:

- A. Primary report system:
  - Initial data recording RIMS (Records Information Management System).
    - a. Shift Bulletin: Used as the primary document for recording initial data. They are accessible through RIMS. The logs are retained for a period of seven years
    - b. The four time elements are entered into the log along with a narrative description of the incident including appropriate identifying information, property, disposition, report number and assigned officer. Each separate shift is identified.
    - c. Media Bulletin/Crime Log: In accordance with the Public Records Act (Government Code Sections 6250-6265), a copy of the media bulletin/crime log is available for viewing during normal business hours, Monday through Friday.
  - 2. Report numbering system
    - a. Numbered reports are formal, operational reports that must be prepared to meet legal requirements & are subject to retrieval. The report numbering system

consists of the last two digits of the current year and a sequential number (for example, 04-1, 04-1200). All documents relating to a single event will have this uniform number.

#### 3. Type of reports

- a. Crime/incident reports
- b. Property reports
- c. Supplemental reports
- d. Traffic accident reports
- e. Lost parking permit reports

#### 4. Preparation of reports

- a. All reports must be completed in a timely manner.
- b. Sworn officers will write all crime/incident reports.
- c. Non-sworn personnel may assist with Property and Lost parking permit reports.

#### 5. Report approval process

- a. Dispatch shall place all printouts (APS entries, criminal histories, driver license and registration printouts, etc) in the "Printouts" mailbox located outside the Communications Center. Officers shall retrieve their respective printouts from the mailbox.
- b. Once the officer has submitted a report for approval in RIMS, all attachments (with the report number clearly marked on the upper right corner) will be placed in the "Report Approval" box located in the wall outside the Sergeants' office in the Squad Room.
- c. Sergeants will review all report attachments when approving cases. If report corrections are needed, the report attachments will be placed in the "Pending Report" box (also located on the wall outside the Sergeants' office in the Squad Room). When the officer has made the necessary corrections, the officer will return the report attachments to the "Report Approval" box.
- d. Once the report has been approved all report attachments will be placed in the "To Be Processed" box located in the hallway outside the Communications Center for Records to process. In cases where In-custody arrest has been made, all report attachments will be given to dispatch to fax accordingly to the appropriate agencies. After faxing the report, dispatch will place the report attachments in the "To Be Processed" box for Records.
- e. The Records Supervisor will scan all report attachments with the digital scanner located in the Communications Center. The scanned image will be placed in the "Attachment" index in RIMS reports with the corresponding report. The Records Supervisor will then properly destroy the hardcopy of the attachment.
- f. Records will be responsible for creating re-booking packets for Investigations. The "Re-Book" box in the hallway outside the Communications Center will be used only by Records.

#### 6. Report processing/distribution

- a. A report that has been approved by the Supervisor is routed to Records for processing and to ensure all the necessary fields are utilized within the RIMS system.
- b. Records will then photocopy and distribute the reports to the proper sources.
  - 1) Dispatchers will fax in custody reports to the District Attorney's office and the OR (Own Recognizance) Project.
  - 2) Reports which have been designated for other entities, i.e., EH&S, Housing, Risk Management, Plant Operations, or other agencies, will be forwarded to the Records Supervisor for review.
- c. Department of Justice Penal Code Section 11107 identifies the reports local agencies are required to send to the Department of Justice. California Highway Patrol Vehicle Code Section 20008 identifies the traffic accident reports that must be sent to the California Highway Patrol. Other Federal and State Distribution: Federal Bureau of Investigation, bomb incidents/bank robberies; Treasury Department/Secret Service, counterfeiting; Department of Motor Vehicles/Alcohol Beverage Control, Alcohol related incidents. Refer to Business and Professions Code.
- d. The Records Supervisor shall disseminate information to agencies or companies conducting background investigations on current or former students, staff members, or members of the campus community if a signed and notarized "authorization to release information" waiver is provided by the requestor. Information released will be subject to the retention policies of the San Francisco University Police Department of the CSU system.

#### 7. Filing

a. The names of juveniles in cases are highlighted in gray with white lettering whereas adults are highlighted in red with white lettering.

#### 8. Purging

a. Records are purged according to state and federal laws. (See Attachment B for schedule of purge dates). A certified shredding service is utilized.

#### B. Security Of Information:

- 1. The Records Cabinet is secured within the secure Communications Center. Only authorized personnel are allowed to enter the area or access the cabinet.
- 2. The Records Supervisor maintains the security of information according to the Public Records Act (Government Code Sections 6250-6265). The Public Records Act requires that specific information be released, unless the release would endanger the safety of a person or endanger the successful completion of an investigation.

The categories of information that must be released are:

#### a. Calls for Service

- 1) Time, substance and location of all complaints or requests for assistance.
- 2) Time and nature of response.
- 3) Date, time and location of occurrence.
- 4) Date and time of report.
- 5) Victim's name age, and current address. Victims of specific abuse and sex crimes or their parents or guardians (if the victim is a minor) may request that this data be withheld.
- 6) Factual circumstances surrounding the crime or incident.
- 7) General description of any injuries, property, or weapons involved.

#### b. Arrestees

- 1) Full name, current address and occupation of every individual arrested by the agency.
- 2) Date of birth and physical description: sex, height, weight, color of eyes and hair
- 3) Date and time of arrest.
- 4) Location of arrest.
- 5) Factual circumstances surrounding arrest.
- 6) Date and time of booking.
- 7) Amount of bail.
- 8) All charges, including warrants and parole or probation holds.
- 9) Location where arrestee is being held.
- 10) Time and manner of release.
- c. Crime Reports shall be released to the victim of an incident or an authorized representative thereof; an insurance carrier against which a claim has been or might be made; and any person suffering bodily injury or property damage or loss as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, vandalism, vehicle theft, or a crime as defined by subdivision (c) of Government Code Section 13960.
  - Names and addresses of victims, arrestees, and witnesses, EXCEPT confidential informants. Victims of specific abuse and sex crimes or their parents or guardians (if the victim is a minor) may request that this data be withheld.
  - 2) Description of any property involved.
  - 3) Date, time and location of incident.
  - 4) All diagrams.
  - 5) Statements of involved parties.
  - 6) Statements of all witnesses, EXCEPT confidential informants.

- d. Law enforcement agencies are required to comply with a number of laws, which either permit or require them to refuse to disclose information in their files. Government Code Section 13968, Subdivision (d) requires that law enforcement agencies provide copies of some of the otherwise protected documents to the State Board of Control or its designated local witness centers upon request. Compliance with this section facilitates the operation of the Victims of Crime Act, which provides reimbursement to crime victims who incur expenses as a result of crimes which result in physical injury and sex crimes resulting in either physical or mental injury. The records provided under subdivision (d) of Government Code Section 13968 are only to submit and determine a claim under the Victims of Crime Act. Any further dissemination of the information is a misdemeanor.
  - 1) Documents to be released by law enforcement agencies include:
    - a) Complete copies of the original report;
    - b) Supplemental reports regarding the incident; and
    - c) The petition filed in a juvenile court proceeding.
  - 2) The law enforcement agency may withhold the names of witnesses and informants if the release of the names would be detrimental to the parties or to an investigation currently in progress.
- C. Exemptions to the Release of Information:
  - 1. There are certain exemptions to the release of information which are specified in Government Code Section 6254 or interpreted by court decision.
    - a. Withholding disclosure of names, addresses and identifying information of:
      - 1) Juvenile (under 18 years of age). Westcott v. Yuba County (104 CAL APP 3d 103 and T.N.G. v San Francisco Superior Court [4c 3d 767]).
      - 2) Upon request, adult victims of any crime defined by Penal Code Sections 220, 261, 262, 264, 264.1, 273a, 273d, 273.5 286, 288, 288a, 289, 293, 293.5, 422.6, 422.7, 422.75, or 646.9 or their parents or legal guardians (if the victim is minor), may request that their names be withheld in addition to address and identifying data. Government Code Section 6254(f)(2). Pursuant to Penal Code Sections 293 and 293.5 the officer must document that confidentiality was offered to the victim, and the victim's response.
      - 3) Confidential informants. Government Code Section 6254(f).
      - 4) Individuals taken into custody under Welfare and Institutions Code Section 5150 (dangerous or gravely disabled persons). Government Code Section 6254(c).
    - b. No law enforcement officer or employee of a law enforcement agency shall disclose to any arrested person, or to any person who may be a defendant in a criminal action, the address or telephone number of any person who is a victim

or witness in the alleged offense (PC 841.5). This section does not affect the release of information contained in an accident report.

- 1) The defendant may obtain necessary information through the discovery process.
- 2) The attorney for a client may obtain the address and telephone number of victims and witnesses where the client may be a defendant in a criminal action in the alleged offense.
- c. Criminal offender record information. Younger v. Berkeley City Council (1975).
- d. Information that may endanger the safety of a witness or other person involved in the investigation. Government Code Section 6254(f).
- e. Information that may jeopardize an investigation, related investigation, or law enforcement proceedings. Government Code Section 6254(f).
- f. Any portion of a report, which reflects the analysis, recommendations, or conclusion of the investigating officer. Government Code Section 6254(f).
- g. Confidential information provided only by a confidential source. South Coast Newspapers, Inc. v City of Oceanside (1984).
- h. Information that may disclose investigative techniques and/or procedures. South Coast Newspapers, Inc. v. City of Oceanside (1984).
- i. Information that may deprive a person of a fair trail. South Coast Newspapers, Inc. v. City of Oceanside (1984).
- j. Preliminary drafts, notes, or memoranda, which are not retained in the ordinary course of business. Government Code Section 6254(a).
- k. Records pertaining to pending litigation to which the public agency is a party until litigation is adjudicated or otherwise settled. Government Code Section 6254(b).
- I. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy. Government Code Section 6254(c).
- m. This section does not prevent a law enforcement agency from opening its records concerning the administration of the agency to public inspection unless disclosure is otherwise prohibited by law.

#### D. Selective Disclosures Prohibited:

- Court decisions have held that the selective release and selective exemption of information beyond legal exemptions is prohibited. Once information is released to a member of the public, it becomes a public record and cannot be withheld from another member of the public or the news media. Black Panther Party v. Kehoe (1974).
- E. The following records are subject to limited access by authorized personnel only:
  - 1. Crime and Incident Reports
  - 2. Juvenile Records
  - 3. Accident Reports
  - 4. Personnel Files/Training Records

- 5. Information Received from CLETS
- 6. Criminal Offender Record Information (CORI)
- 7. 290 PC Sex Registration Files
- 8. Citations
- 9. Warrants
- 10. DMV Information
- 11. Other Agency Documentation/Medical Reports
- F. Documents to be released by the custodian of records:
  - 1. Complete copies of the original report
  - 2. Supplemental reports regarding the incident.

#### G. Police Report Requests:

- 1. Requesting party must complete an SFSU PD Request For Copy Of Police Report form. (See Attachment 3) The request form will be filled out completely, to include the mailing address where the requester wishes the report to be sent. Police reports will not be available for pick-up unless there are extenuating circumstances.
- 2. Routine requests will be mailed within 7-10 working days. If the case is currently under investigation, the report may not be released until the investigation is complete.
- 3. A check or money order for \$10 payable to "SFSU" must be paid for at the time the request is submitted. The requester will be provided with a receipt. Their payment will be placed in the cash box in the reception filing cabinet.
  - a. The requester may also make payment via other methods at the University Bursar's Office or One Stop.
- 4. The completed form will be placed in the Records Supervisor's mailbox.
- 5. Whenever a report is released, the Report Release Record inside its designated folder is filled out and the Request For Copy Of Police Report Form is attached to the original report.

#### H. Juvenile Records:

1. Juvenile records are those records pertaining to an individual under the age of eighteen (18). Welfare and Institutions Code Section 827 gives the juvenile court control over the release of all juvenile information to be disclosed to third parties by any law enforcement official.

#### I. Accident Reports:

1. Under California Vehicle Code 20012, accident reports taken are released to the driver or drivers involved, any person injured in the accident, and the owners of the vehicles or property involved and their authorized representatives. The exception to release is all collision coding data determined by statistical means rather than

- through physical evidence. (Vehicle Code Section 20015.)
- 2. Requests for copies of accident reports shall be accompanied by the payment of the report request fee. (Vehicle Code Section 20012.)

#### J. Sex Registrant (290 Compliance) Files:

- 1. Will be secured in the Investigations Office.
- 2. These files are classified as confidential (Civil Code 1798.3 (a) and Penal Code 290 (I) (Sex Offender Registration Information).
- 3. This files are exempt from public disclosure by Government Code Section 6254 (c) (f) and (k).

#### K. Citation Files:

- 1. Original copies of SF County citations will be sent to the SF County Courts.
- 2. DA's copies will be attached to the corresponding police reports and sent to the DA's office.
- 3. The Citizen's Copy (for non-citizen's arrests) will be filed in the citation copy box under the corresponding issuing officer's name.
- 4. Any additional copies will be shredded.

# L. Personnel and Training Files:

- 1. Personnel matters are not public information. (Government Code Section 6254[c]). Penal Code Section 832.7, describes peace officer personnel records as confidential records, not to be disclosed in any criminal or civil proceeding except as required by Evidence Code Section 1043 (Pitchess Motion). Effective January 1, 1991, Penal Code Section 832.8, incorporates the home address as part of a peace officer personnel record.
- 2. The information becomes a confidential record under P.C. 832.7. Effective January 1, 1991, Penal Code Section 13300(k) and Labor Code Section 432.7(b) permit law enforcement agencies to release arrest, detention and past diversion program information to a peace officer's employing agency.
- 3. Training files are secured within the training manager's office.
- 4. Personnel Files are secured within the Chief's Office.

#### M. CJIS/NCIC Audits:

- 1. The Department of Justice and NCIC have established policies to ensure the integrity of their databases. Records are audited at the agency. They are examined for supporting documentation; record keeping procedures, accuracy, completeness timely and current information and compliance with CJIS and NCIC standards.
- N. Criminal Offender Record Information Release Log Audits:
  - 1. The California Department of Justice is required by law to audit agencies, which

- have access to criminal offender record information. Record checks shall be conducted on all personnel hired after July 1, 1975, who have access to the computer system, its terminals, or the stored criminal offender record information.
- 2. This audit is based on a printout of requests for state CORI made by an agency. The printout lists the date and time each record was requested, the terminal at the agency where the request was entered, the criminal history number and the "routing data" entered when CORI was requested. The DOJ, Audits and Record Security Section, obtains copies of the records and visits the agency to determine the official purpose for which the records were requested. Examples of tracking information would be the case/report or incident number, the requesting officer's name, assignment, and purpose for the request. When the audit is completed, a letter is sent to the head of the agency, describing the results of the audit, including a request for additional information or suggestions for improved control of CORI. If misuse of CORI is determined during the audit, the head of the agency is informed and asked to notify the Audits and Record Security Section of the incident.

#### O. Destruction of Criminal Offender Record Information:

1. Furnishing state or local CORI to a person not authorized to receive it may be a felony or misdemeanor offense. The subject of a record, which was improperly released, may also sue the employee and agency that released the CORI. Law enforcement employees may be held personally liable for civil (monetary) penalties. CORI will be destroyed in a manner that ensures that the subject's identity can no longer be reasonably ascertained, such as shredding, tearing, burning, or recycling.

#### P. Warrants:

1. Penal Code Section 168 prohibits the release of information related to felony arrest warrant and search warrant under certain circumstances.

#### Q. DMV Information:

 Vehicle Code Section 1808.45 prohibits the willful, unauthorized disclosure of information from any Department of Motor Vehicle record. No release of DMV records shall be authorized except for law enforcement purposes. Running registration, driving records, etc., is prohibited except as it relates to law enforcement operations and investigations.

#### R. Statistics:

- California Penal Code Section 13020 requires that law enforcement agencies shall keep such records as necessary to provide statistical information as required by the Attorney General.
- 2. Uniform Crime Reporting is used to capture monthly statistics submitted to the Department of Justice.

#### V. APPENDICES:

A. Systemwide Chapter 5 Criminal History and Police Report Information

#### VI. ATTACHMENTS:

- A. RIMS Master Name Index Screen
- B. University Police Records Retention Schedule
- C. SFSU Police Request for Copy of Police Report Form

# ATTACHMENT A

ALCO AND ALC			PERSON RECORD					Page 1			
					TE	ST RE	-	_			7/23/200
Address				City				State	Zip		
ID 42297	Phone	DOB		Age Sex		ex Height			Weight		
Race				Hair					Eyes		
Drivers Licer	ise	SSN	St I	D	1	Vehicle 1	License		FBI#		
Business Nan	ne		Address			C	City &	State			
<b>Business Pho</b>	ne Gang Af	filiation				T					
Next of Kin/Parent/Guardian Address				Phone			Occupation				
										Undocumented Al	lien
Complexion		Build			Hairsty	yle		F	acial Hair	Speech	Glas
Scars							Tatto	os		- 1.1111	
Officer Safet	v				,		Note				
DATE	NATURE	EVE	NT DESCI	RIPTIO	N					CASE #/FI	INC/CIT
	1										

# ATTACHMENT B

# University Police Records Retention Schedule

	CAMPUS SUGGESTED	RETENTION PERIOD
RECORDS TO BE RETAINED	RETENTION PERIOD	REFERENCE
Routine daily recordings of	100 days	AB 1023; Government
telephone and radio		Code 26202.6,
communications maintained by the		34090.6
Department		
Parking Citations and Traffic	1 year plus current year	Court has copy
Citations		
Peace Officer personnel records	3 years beyond	
(beyond normal campus personnel	termination date	
requirements)		
Criminal Histories	Attached to report	
Daily Activity and Dispatch Logs	7 years	
Field Interview Cards	2 years	
Incident Reports; non-criminal	7 years	
reports; found property; lost		
property		
Stored/Impounded Vehicle Reports	7 years	
(not associated with arrests)		
Traffic Accident Reports (except	7 years	California Highway
fatalities)		Patrol retains 2 years
Felony Crime Reports	7 years	800 Penal Code – 3
,		years
(except murder; embezzlement of	Permanent	799 Penal Code
public monies; kidnapping for		
ransom, etc., falsification of public		
records)		
Misdemeanor Crime Reports	7 years	
Citizen Complaints	5 years	832.5(b) Penal Code
	, , , , , , ,	
Misdemeanor Arrest Reports	7 years	DOJ recommends 7
	,	years
Crime Statistics	Permanent	,
Felony Arrests – conviction	Permanent	DOJ recommends
3011100011		permanent
		Politication

#### ATTACHMENT C



# San Francisco State University Police Department

1600 Holloway Avenue • San Francisco, California 94132 Tel: 415-338-7200 • Fax 415-338-0905

#### Request for Records/Report Release

~ Payments of \$10 per report may be made via credit/debit in person at UPD UPD does not accept cash or checks.

~ No fee for log incidents

Police reports will be released unless exempt per sections of the California Public Records Act, 6250 of the California Government Code. Police reports will not be released if, by the release, the report could endanger the safety or privacy of a witness or involved party in the investigation, endanger the successful completion of an investigation, or if the case involves juveniles. Investigative supplemental reports are for Department use only and may not be released. If you are not involved in the case, you may still have access to the log entry.

RECORD INFORMATION (Please Print)									
Date Requested	Date o	of Incident	Case/Incider	nt#	Incident Type:				
					Crime Log Incident Only				
Reason for Request:					Traffic Collision Other				
Requestor Information					Agency Information				
Full Name					Agency and Contact Name				
Mailing Address					Mailing Address				
City		State	Zip		City State Zip				
				<u>L</u>					
Driver's License		Phone	9		Phone				
Requesting Party of Interest (Check One)									
Person Invo	lved		Attorney	Authorized Representative of Victim					
Parent/Gu	ardian o	of Juvenile		Insurance Company Representative					
Other									
Note: 1) Juvenile reports must be approved for release by the Juvenile Court									
2) Arrested parties get a copy of their report through the discovery process/trial in court									
I declare under the penalty of perjury, that I am, or that I represent the party of interest in the report recorded									
hereon. Digital Signature:  Date:									
Department Use Only									
Date Received:		_		Reason for Denial					
Received By:				nfidential Active Investigation Juvenile					
Date Processed: Ava					ole at trial Not Entitled Other				



NUMBER: 5-6 APPROVED: Regiral Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Oct. 12, 2006, Jan. 13, 2009, May

SUPERSEDES: REVIEWED/REVISED: 22, 2009, Nov 8, 2013, Jun. 24,

2014, Jan. 19, 2016, Dec. 10,

SUBJECT: FIELD REPORTING AND MANAGEMENT 2019

I. PURPOSE: The purpose of this policy is to establish a field-reporting system designed to familiarize personnel with departmental forms and reports. The intent is to identify reports; provide information pertaining to departmental forms and reports, and their uses and steps for completion. Nothing in this general order is intended to cause an employee to exclude information of an incident or action. Officers will complete and format all written reports in accordance with the Departments Report Writing Manual as well as the guidelines established within this Department Order.

II. POLICY: It is the policy of this department to provide detailed and accurate information in all reported incidents, which are reported by sworn and non-sworn employees. Employees shall follow the report writing rules and guidelines described in the order.

#### III. DEFINITIONS:

- A. Case Numbering System: A single numbering series employed for all incidents of law enforcement services provided.
- B. Comprehensive Reporting System: The documentation of citizen reports of crimes and incidents, complaints non-criminal and criminal, arrests, citations, and summonses.
- C. Field Reporting System: The forms and automated systems used to document events and crimes, includes offense reports, supplemental reports, traffic accident forms, arrest reports, and miscellaneous forms/documents.

#### IV. PROCEDURES:

- A. The following guidelines shall be used to indicate when reports must be written:
  - 1. A citizen reports a crime;
  - 2. A member of the University Police Department becomes aware of an incident involving a victim;
  - 3. When property damage occurs;
  - 4. Any incident wherein a permanent record is required by law or policy; or
  - 5. At the discretion of the officer and/or Watch Commander that a report is necessary.

- B. Officer(s) shall use the proper form in each situation that requires a report. The following are and example of some of the forms the may be used in field reporting.
  - Citizen's Arrest Form
  - 2. Certificate of Release Form (849b PC)
  - 3. Bar Code Label
  - 4. San Francisco Police Department Booking card (if appropriate)
  - Miranda Card
  - 6. Consent To Remain On Campus Withdrawn (626 PC) card
  - 7. Collision Information Card (SFPD 19)
  - 8. DMV DUI/Influence Drug Evaluation report forms
  - 9. Missing Person Reporting Form
  - 10. SFSU Hate Violence Occurrence Form
  - 11. Application for Emergency Protective Order
  - 12. SF County Traffic Citation
  - 13. Citation Amendment/Correction Request
  - 14. DMV Verbal Notice by Peace Officer
  - 15. DMV Request for Driver Re-examination
  - 16. Juvenile Admission Form (SF Juvenile Court)
  - 17. CARC (Community Assessment Referral Center) form
  - 18. Child Abuse Report
  - 19. Mental Health Hold form (5150 W&I)
  - 20. California DOJ's Oleoresin Capsicum (OC) Application Report
  - 21. California Highway Patrol's Pursuit Report (CHP 187)
  - 22. CHP 555 Traffic Collision Report Property Damage Only
  - 23. CHP Traffic Collision Report Page 1
  - 24. CHP Traffic Collision Report/Injured/Witnesses/Passengers
  - 25. CHP Factual Diagram
  - 26. CHP Narrative Supplemental
  - 27. CHP 180 Vehicle Report
  - 28. State of California Vehicle Accident Report
  - 29. Field Interview Card
  - 30. 14601 VC/12500 VC Report form
  - 31. Found Property Report form
  - 32. Property Release form
  - 33. Lost Property Report form
  - 34. Lost Parking Permit form
  - 35. SFSU Report Request form
  - 36. SF County Traffic Court report form
  - 37. SFSUPD Alarm response card
  - 38. Consent To Search form (CPD-62)
  - 39. SFSU Equipment Loss Report (86-317G)
  - 40. SFSUPD Report Refusal form
  - 41. Photo line-up admonition form
  - 42. SFSUPD After Action/Special Event report form
  - 43. SFSU DPS Release Of Liability form

- 44. SFSUPD Victim Confidentiality form (293 PC)
- 45. Fireworks Seizure report form (State Fire Marshall)
- 46. HIV Exposure form
- 47. SFSUPD Vehicle Tow Information form
- 48. SFPD Parking Violation Citation
- 49. DMV Stipulated Vehicle Release Agreement Form
- 50. Application For Crime Victim Compensation (BC-VOC-100-A)
- 51. SFSUPD Crime Prevention Warning
- 52. SFSU Community Service Officer/Library Guard Daily Field Activity Report
- 53. SFSUPD Sexual Assault Victim Information Check List
- 54. SFSU Misdemeanor Non-Release Form
- 55. Park-Gilman Clinics Blood Test Request By Peace Officer Form
- 56. Petition For Order To Test Accused Blood
- 57. SFSUPD Officer Bomb Threat Response Checklist
- C. Officers are required to be as thorough as possible when interviewing an individual and ascertain complete information during a preliminary investigation for their initial report. Field reports are required (but not limited) to contain as much of the following information that is available:
  - 1. A RIMS case number. This number is assigned by the on-duty dispatcher.
  - 2. Accurate date and time of report and occurrence.
  - 3. Accurate location(s) and location detail(s) to include apartment or room numbers.
  - 4. Accurate spelling of complete name(s) to include middle names or initials and prefixes as appropriate such as Jr., Sr., III, Dr. etc for all involved parties.
  - 5. Date(s) of Birth.
  - 6. Physical description(s).
  - 7. Accurate crime(s) or incident(s) types.
  - 8. Complete listing of all property and/or evidence.
  - 9. Complete information on all vehicle(s) involved in the incident.
  - 10. Involved party address/phone number information.
  - 11. Listing of notifications that were made related to the case.
  - 12. Listing of crime prevention tips/pamphlets/resources provided.
- D. In an incident in which an arrest is made, the reporting officer shall complete the appropriate report which shall include:
  - 1. The elements constituting the offense.
  - 2. A complete documentation of reasonable-cause to arrest.
  - 3. A complete description of all physical evidence, where it was found, and its disposition.
  - 4. A complete listing of all suspects, including whether or not they are in custody.
  - 5. Documentation of the disposition of the arrested party
  - 6. Citation numbers/court dates, if applicable
  - 7. Appropriate CLETS print-outs (rap sheets, DMV, vehicle, CII)

- E. The following procedures are to be followed in completing field reports:
  - 1. Accuracy. Employees are expected to make every effort to assure that reports are accurate (without error), and factual (supported by evidence).
  - 2. Clarity. Employees shall take particular care to prepare reports, which are clear and understandable.
  - 3. Completeness. Reports shall fully document details of the investigation. A complete report will tell the reader everything known about the incident, and document the assigned and assisting officers' activity during all stages of the investigation.
  - 4. Conciseness. A report is concise when the full message is provided in as few words as possible.
  - 5. Objectivity. Reports shall be written in such a manner that they do not reflect the personal opinions of the writer.
  - 6. Grammatical and Structural Correctness. Employees shall avoid the use of police jargon and phraseology when writing reports. Reports shall be written in a clear, natural writing style using first person/past tense, so that they will be understandable and of use to individuals both inside and outside of the law enforcement environment.
  - 7. Timely Reports shall be written in a timely fashion and without unnecessary delay.
    - a. Pending routine reports may be requested by the officer to the next day, provided the officer is on-duty the next day
    - b. Pending reports are subject to approval by the on-duty Watch Commander.
    - c. Pending reports should be the exception, not the rule.
- F. Procedures for submitting, reviewing and processing field reports:
  - 1. All reports shall be written using RIMS.
  - 2. Reports require supervisory review to ensure specific procedures are being followed as outlined in the Field –Reporting System Sections A through E outlined in this order.
  - 3. The on-duty Sergeant, or if there is no on-duty Sergeant, the on-duty Corporal is authorized to approve the reports. If there is no on-duty Sergeant or Corporal, the oncoming duty Sergeant, shall review, and if satisfactory, approve such reports.
  - 4. Upon rejection of a report the Sergeant shall return the report to the officer to make any required corrections prior to approval. Once completed the Sergeant shall repeat steps 2 and 3.
  - 5. When processing the report, the Records Supervisor shall provide a quality control check of the report to insure that appropriate crime and incident codes have been used.
  - 6. The Records Supervisor shall secure the original report in an appropriate file.
- G. Reporting Requirements The following categories of incidents shall require a written report and be assigned an incident report number in the RIMS/CAD system unless otherwise indicated:

- 1. Citizen reports of criminal activity or violations of institutional policies.
- 2. Calls for service or assistance to individuals on campus property or surrounding area.
- 3. Incidents resulting in an employee being dispatched or assigned shall result in an RIMS/CAD entry with a corresponding sequence number and depending on the situation a report number may also be assigned.
- 4. Criminal and non-criminal cases initiated by law enforcement employees; and
- 5. Incidents involving arrests or citations shall result in a RIMS/CAD entry.
- 6. Assists to outside agencies performing official duties on campus property or surrounding area.
- H. Case numbering system via the RIMS System accomplishes the assignment of a unique number to every case.
  - A single numbering series is employed for all law enforcement reports including criminal investigations, traffic collisions and miscellaneous calls for law enforcement service.
  - 2. Case numbers can range from three digits to six digits in length. The first two digits represent the year such as 99 or 00 and the next four digits are sequential numbers automatically assigned by the RIMS system beginning each January.
  - 3. The RIMS system will not create duplicate case numbers.
  - 4. Each entry in RIMS/CAD is also automatically assigned a unique incident number created by the RIMS system. The first two digits represent the year (04), the next four digits represent the month/day (0705) and the last four represent a sequential number beginning at (0001) each calendar day.
- I. The distribution of reports and accompanying records:
  - 1. The Officer may request that an incident report be distributed to a specific division within the department or to an agency outside of the department, for further follow-up and investigation provided such distribution falls within the appropriate records release of information requirement. The following distribution list is to serve as an example only:
    - a. Incident Report Broken Water Main Facilities/EH&S (upon request)
    - b. Arson Report DOJ and State Fire Marshall
    - c. Crime Reports Investigations
    - d. Arrest Reports Investigations
    - e. Verbal Notice by Peace Officer DMV
    - f. Traffic Collision Reports CHP (once per month)
    - g. State Vehicle Accident SFSU Risk Management
    - h. State Occupational Accident EH&S
    - i. Medical Assist Report SFSU Risk Management office (Injury Only)
    - j. Student Discipline involving Housing residents Housing Administration (Upon Request)

- 2. A copy of all police reports are forwarded to the Commanding Officer of Investigations.
- 3. Arrest reports are processed, and appropriate reports are faxed or distributed to SFPD, SFPD Community Court, SF District Attorney, DMV, or Own Recognizance (OR) projects.
- 4. A SFSUPD Police Report Request form is required to be filled out by anyone requesting copies of reports. A processing fee of \$10.00 is charged. Copies of reports are provided free of charge to other law enforcement agencies.

## V. APPENDIX:

A. Systemwide Chapter 5 Criminal History and Police Report Information

VI. ATTACHMENTS: None



APPROVED: Reginald Parson, Chief of Police NUMBER: 5-8

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: Sept. 4, 2007, Jan. 16, 2016, Dec. 10, SUPERSEDES:

SUBJECT: DEPARTMENT FORMS AND THE FORWARDING OF LIABILITY REPORTS

I. PURPOSE: To ensure that all forms created for this department are duly approved and authorized for use. To ensure all damage reports and/or claims reference to University liability or the probability that a claim for damages may be filed against the State of California are directed to the appropriate divisions and persons.

II. POLICY: It is the policy of this department to regulate and approve all forms that will be used for department business. It is vital that any possible liability claims against the University be investigated and all reports forwarded to the appropriate divisions and persons without delay.

III. DEFINITIONS: None

#### IV. PROCEDURES:

## A. Forms for department use:

- 1. The University Police Department requires an accountability and consistency in all departmental forms including those professionally produced by an outside vendor. A centralized forms control function of non-departmental forms will be under the direct supervision of the Administrate Services Coordinator.
- 2. The Administrate Services Coordinator will maintain an alphabetized list and master file of all authorized departmental forms currently in use.
- 3. Procedures for the development, modification, approval and review of department forms include:
  - a. Any member of the department is welcome to submit written recommendations for creating or modifying forms to their supervisor. The Supervisor after review will submit the written recommendation to the Accreditation Manager. The Accreditation Manager will submit the written recommendation to the Chief of Police for final review and approval.
  - b. The Chief of Police can assign an individual or a committee to create or modify forms. Input from the majority of users will help ensure the practicality and

- usefulness of suggested changes.
- c. Whenever possible, attempt will be made to consolidate and simplify, as well as eliminate duplicate information and unnecessary forms.
- d. The Chief of Police will make all final decisions and approvals on creating or modifying any forms.
- e. All discontinued forms will be purged by the Administrative Services Coordinator.
- B. Distribution of all investigated damage to campus property, investigated personal injury and investigated University liability reports.
  - Copies of the below described memorandums and reports are to be forwarded to one or more of the following: the University Risk Manager, Plant Operations, and Environmental Health & Occupational Safety by the Administrative Coordinator.
    - a. Reports of damage to University property are to be forwarded to Plant Operations, and the University Risk Manager.
    - b. Reports of personal property damages to individuals while on University grounds where there exists the possibility of liability and claim being filed against the University are to be sent to the University Risk Manager.
    - c. Reports of personal injury to individuals while on University grounds are to be sent to the University Risk Manager and the Environmental Health & Occupational Safety.
    - d. Elevator malfunction are to be documented in the Media Log and forwarded to Risk Management at their request.
    - e. Reports of all hazardous and/or unsafe conditions, which may result in University liability if not corrected immediately are to be forwarded to the Environmental Health & Safety, and Plant Operations.
    - f. Memorandums approved by the Chief or Commander of hazardous and/ or unsafe conditions on campus, which might or have contributed to crimes against person(s) or property, are to be forwarded to Plant Operations and the Environmental Health & Safety.
    - g. All traffic accident reports involving state vehicles are to be sent to the University Risk Manager and the Environmental Health & Safety.
    - h. Reports of the death of students shall be forwarded to the Head Resistors Office by investigations.
    - i. Serious incident crime reports involving extraordinary accidents, damage, injuries and deaths should be forwarded to the Risk Manager.
  - 2. All individuals who wish to make a claim against the State of California for injury or damage shall be referred to the University's Risk Manager for the necessary Board of Control forms that are required to be filled out for such claims.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 5-9 APPROVED:

Reginald Parson, Chief of Police

Reginald Pa

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Feb. 24. 2006, June 11, 2012, Jan.

19, 2016, Dec. 16, 2019

SUBJECT: RECORDS DATA COLLECTION AND MAINTENANCE

I. PURPOSE: The purpose of this directive is to establish the policy and procedures for capturing and maintaining a variety of data for the use of measuring case loads, provide compilations of data to assist with management decisions in order to meet the operational and information needs of the department.

II. POLICY: It is the policy of this department that the maintenance and collection of data support the effective delivery of law enforcement services through the comprehensive collection and preservation of information generated via the Records Information Management System (RIMS).

III. DEFINITIONS: None

#### IV. PROCEDURES:

- A. Alphabetical Master Name Index:
  - The department shall maintain a master name index to include the names of persons identified in field reports in RIMS. These include those parties named in incident reports, arrested subjects, victims, witnesses, and reporting parties in calls for service.
- B. The department maintains records through the Records Information Management System [RIMS].
  - 1. RIMS includes at a minimum:
    - a. Service calls and crimes by type;
    - b. Service calls and crimes by location; and
    - c. Stolen, found, recovered, and evidentiary property files.
  - 2. Dispatchers enter service calls and crime incidents into the RIMS Computer Aided

- Dispatch (CAD) system and Dispatchers process incident reports into the RIMS Case Management section. From these sections miscellaneous statistical reports are extracted from the RIMS system for analysis.
- 3. The Records Supervisor compiles crime statistic reports on a monthly basis for submission to the Department of Justice.

## C. Traffic Records System:

- 1. The Dispatcher shall enter traffic citations records to develop a base of information regarding traffic accidents and traffic enforcement data via the RIMS System.
- 2. This information shall be made available to patrol personnel responsible for performing traffic investigation and enforcement functions. The RIMS system maintains these records indefinitely to include the following:
  - a. Traffic collision data reports, investigations, and locations;
  - b. Traffic enforcement data citations, arrests, locations, and dispositions
  - c. Traffic collision and enforcement analysis reports
- 3. The California Highway Patrol Statewide Integrated Traffic Reporting System quarterly report shall serve as an additional resource for traffic collision and enforcement data.
- 4. Roadway hazard information is available locally from SFPD CAD, via the SFPD radio monitored by Dispatch, or the California Highway Patrol Traffic Incident Information Page via their website (http://cad.chp.ca.gov/).
- 5. The Records Supervisor shall be responsible for the retention and release of information within legal guidelines and established procedures for release of information.
- 6. The Field Operations Division Commander or his designee shall be responsible for obtaining information for an annual accident or enforcement summary. The summary format shall be a written analysis to include temporal and geographic data and causative factors. A plan of action listing corrective measures to be taken, including goals, objectives, and timetables shall also be included.

#### D. Traffic Citation Maintenance:

- 1. The Records Supervisor maintains all records pertaining to traffic citations to include:
  - a. the issuance of citations booklets to police officers;
  - b. the accounting for citations; and
  - c. the storage of the citations in a secure file cabinet in the Dispatch Center
  - d. Officer copies of citations will be maintained in the Dispatch Center
- 2. Upon the request of citations from SFPD:
  - a. The Records Supervisor will keep a log of all citations issued by SFPD. The log consists of the date received, the citation numbers, the name of the officer to

whom the booklet was issued, and the date issued to the officer.

- 3. Upon the request by a police officer for a citation booklet:
  - a. The Records Supervisor will verify that the citation booklet is available in the Communications Center.
  - b. The Officer will return any unused citations to the Records Supervisor who will log in the citations. The Records Supervisor will enter the appropriate information as to whether the citations were destroyed or reissued.
- 4. Upon the issuance of a SF County traffic or parking citation by an officer to a violator:
  - a. The officer submits the citation to the "To Be Processed" box in the main hallway.
  - b. The Dispatcher reviews the citation for accuracy and completeness. If the citation is not accurate or is incomplete it shall be returned to the officer via the Sergeant. The Sergeant shall have the officer complete a "Citation Correction/Amendment Request" form and two letters for the Chief's signature (one to the violator and one to the court, if appropriate).
  - c. The original citation and form shall be submitted to the Sergeant for signature, then forwarded with the two letters to the Chief of Police for final review and signature.
  - d. The original citation, correction form and letters after signature, are returned to the officer.
  - e. The officer will then submit the citation and correction form to the "To Be Processed" box, and mail the memos to the appropriate parties.
  - f. The Dispatcher subsequently enters the citation into the RIMS Citation section.
  - g. The violator's information automatically defaults to the RIMS Master Name Index.
  - h. Adult citations are forwarded to the San Francisco Traffic Court at 850 Bryant Street, San Francisco, CA via normal SFPD routing procedures.
  - i. Juvenile citations are forwarded to the Juvenile Traffic Court.
- 5. The officer's copy of the traffic citations are filed by the officer's last name and in chronological order within the citation copy box.
- 6. The citation copies are secured in the Dispatch Center.
- 7. Officers may request their copy of the citation for court/subpoena purposes.

## E. Record Maintenance In Operational Components:

- 1. All police records shall be maintained in the Dispatch Center and according to the established record retention schedule.
- 2. The Investigations Unit shall maintain case files on active cases being investigated. Cases shall be transferred to the Records Supervisor for review when inactivated.

- F. Agency Identification Numbers and Criminal History File:
  - 1. The RIMS Master Name File Index shall assign an identification number, which is a person-oriented number and is to be assigned to a specific person upon entry of a new name in the Master Name File Index.
  - 2. Once a person has been assigned an identification number, all subsequent arrests and information concerning that person will be referenced to that specific identification number.
  - 3. All criminal history files shall include a copy of the arrest report, rap sheet(s), and a photograph (if available) in RIMS.
    - a. Additional criminal history records are available through the automated CLETS system in Dispatch.

## G. Recording Arrest Information:

- 1. All arrests, regardless whether they are processed in the field or at the police station, require that the arresting officer be assigned a case number and complete a crime report on the subject arrested.
- 2. Misdemeanor Violations require the following:
  - a. Notice to Appear (Citation) and Citation Correction Request (if applicable).
  - b. Officer's Arrest Report (Incident Report form or 12500/14601 VC form).
  - c. Thumbprint on the back of the original citation.
- 3. Non-citable Misdemeanor Violations (Driving Under the Influence, Offenses Likely to Continue), and Felonies require these additional items:
  - a. Processing (fingerprints, photograph) at County Jail. Booking cards for felony arrests, which have a fingerprint card, are attached and kept at the county jail.
     The University Police Department does not receive a copy of the fingerprint card.
  - b. Completed SFPD Booking Card
  - c. If a subject is ordered off campus per 626.6 or 626.4 P.C. the officer giving the order shall take a photograph of the individual and generate an information bulletin.
- 4. Identification process is the responsibility of the arresting officer. Arresting officer shall indicate on the arrest report that the identification process was completed. Completion of the following reports and forms are required:
  - a. Officer's arrest report;
  - b. SFPD Booking Card (if appropriate);
  - c. CLETS printouts (DMV, SF rap, CII, etc);
  - d. RIMS master name index printout (if applicable)
  - e. Any additional reports and/or forms as directed by the Watch Commander related to an adult or juvenile criminal arrest.

#### H. Warrant and Wanted Persons File:

- 1. All SFSUPD warrants will be maintained by the SF Sheriff's Department Central Warrants Bureau.
- 2. Any warrants requested by the SFSUPD will be entered, handled, maintained and removed from the Wanted Persons System (WPS) and/or NCIC by the Central Warrants Bureau.
- 3. The Investigations Unit will prepare and distribute applicable Wanted Person bulletins to the Watch Supervisor to be included at shift briefing.
- 4. When an investigating officer seeks a misdemeanor or felony complaint/arrest warrant on a suspect who is not in-custody, they shall present the case to the San Francisco District Attorney's office. If the complaint is issued, the investigating officer shall "walk-through" the warrant to the SF Superior Court duty judge, SF County Courts Records room, and SF Central Warrants Bureau to obtain the warrant.
- 5. The criteria for entering notices in the regional, state, and federal information systems have been established and met by the court. When the court issues a misdemeanor or felony warrant the Central Warrants Bureau will enter the warrant into the Wanted Persons System (WPS) and/or the National Crime Information Center (NCIC) for felony warrants.
  - a. The investigating officer shall obtain a certified printout of the arrest warrant.
  - b. The officer shall review the information on the WPS notice for completeness and accuracy against the original report. If the investigating officer finds any missing or incorrect information on the WPS warrant he or she shall immediately advise the court's warrant clerk of the error and/or missing information.
  - c. The investigating officer shall log the arrest warrant into the warrant section of the RIMS system.
- 6. The criminal arrest warrant system for the State of California and the County of San Francisco is automated and available 24 hours a day. There shall be 24-hour access to the warrant system via CLETS located in the dispatch center.
- 7. When the computer system is non-operational, the appropriate city, county, or state agency can be contacted via the telephone and warrant information can be located by conducting a manual search.
- 8. When field contact reveals an outstanding warrant on an individual, dispatch personnel shall follow the SF County hit confirmation procedures to confirm that the warrant is still current.
  - a. Receipt of warrant information may be via the California Law Enforcement Telecommunications Systems databases, by telephone, or police agency contact.
  - b. Upon the receipt of a hit on the CLETS system the dispatcher shall verify the information by calling the San Francisco County Central Warrants Bureau (CWB).
  - c. Upon confirmation of the hit the dispatcher shall relay that information to the appropriate officer(s) with the name and star number of the Clerk at CWB.
- 9. When a warrant is served by the SFSUPD or a SFSUPD warrant is served by any other agency from the CWB the warrant shall be pulled or canceled from the WPS

and/or NCIC systems by the SF County CWB.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 5-10 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Oct. 3, 2006, Jan. 19, 2016, Dec. 10,

2019

SUBJECT: MOBILE DATA TERMINALS

I. PURPOSE: To establish the proper procedures for using in vehicle mobile data terminals.

II. POLICY: Officers should use MDT's in accordance with all applicable rules of the San Francisco State University Police Department

III. DEFINITIONS: None

IV. PROCEDURES:

#### A. Mobile Data Terminals

- 1. The Mobile Data Terminal (MDT) is linked to the local area network.
- 2. Mobile Data Terminals allow employees to retrieve information from the San Francisco State University Police Department RIMS database and input reports in the Records Management System.
- 3. Employees must use the Messaging Function of the Mobile Data Terminal for official communication only. There shall be no sending of personal messages, jokes or inappropriate comments via the MDT's. All communication via MDT's is public record and for official business only. Communications Center supervisors periodically review communication logs to ensure employees are following all SFSU PD policies regarding the use of computer equipment. Communications Center supervisors report violations to the employee's supervisor.

## B. General Use of the Mobile Data Terminal

- 1. Employees must use Mobile Data Terminals in accordance with all applicable rules of the San Francisco State University Police Department.
- 2. Officers log onto the computer system with their Mobile Data Terminal at the beginning of their shift and notify the dispatcher, by radio, that they are in service with MDT access. Example: "SAM-1, in service with MDT."
- 3. When possible, officers use the Mobile Data Terminals to reduce the amount of

unnecessary radio traffic and requests of Communications Center personnel. This includes the following tasks:

- a. Obtaining case numbers.
- b. Checking the status of other units.
- c. Communicating car to car.
- d. Logging out of service for a detail, break, dinner or court appearance.
- 4. Officers must use the radio to notify the Communications Center of all traffic stops, suspicious circumstances, and other activity they self initiate.

## C. Dispatching

- 1. The Coomunications Center dispatches priority and non-priority calls to officers via the radio. Once calls are created in RIMS, officers are able to see pending calls and information entered into the CAD. Officers responding to, or clearing from, calls must use the radio to acknowledge their response or change in status.
- 2. Officers are able to attach themselves to a pending or active call, if not assigned to it, and likewise able to clear themselves via use of the MDT. Officers should still use the radio to advise of their change in status for dispatch and for units in the field not by an MDT.
- 3. Officers should refrain from routinely making requests to the Communications Center to dispatch them on specific pending calls.

## CI. Mobile Data Terminal Security

- 1. The Information Technology Systems Consultant issues each employee a security password to access the computer system. The computer system will prompt each employee to change his password every sixty (60) days.
- 2. If an employee feels that someone knows his password, he should change it immediately.
- 3. Personnel logging onto the computer system, via a Mobile Data Terminal, are responsible for the dissemination of all information that anyone accesses through their MDT and for all information that anyone enters through their MDT.
- 4. When leaving a vehicle equipped with a Mobile Data Terminal unattended, employees must use the lock function on their MDT.
- 5. MDT's should remained physically locked in each patrol car unless the car is going in for maintenance. A key for each MDT is available from the Information Technology Systems Consultant. When an MDT is removed from a vehicle it should be taken to and stored in the Information Technology Systems Consultant's office.
- 6. Employees will not have access to install or alter any software on the MDT's nor will they be able to adjust any system security settings. If an employee wishes for additional software to be installed or a system setting to be changed, it must be approved and installed or adjusted by the Information Technology Systems Consultant. The MDT's will log any attempt to bypass established security in the system log.

V. APPENDIX: None

VI. ATTACHMENT: None



# San Francisco State University Police Department

NUMBER: 5-11

APPROVED:

Reginald Par

Reginald Parson, Chief of Police

EFFECTIVE: March 2, 2020

SUPERSEDES: REVIEWED/REVISED:

SUBJECT: Protected Information

#### I. PURPOSE AND SCOPE

#### A. Purpose and Scope:

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### B. Definitions:

Protected information - Any information or data that is collected, stored or accessed by members of the Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

#### II. POLICY

Members of the Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## III. RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

1. Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System

- (NLETS), Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).
- 2. Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- 3. Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- 4. Developing procedures to ensure training and certification requirements are met.
- 5. Resolving specific questions that arise regarding authorized recipients of protected information.
- 6. Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

#### IV. ACCESS TO PROTECTED INFORMATION

#### A. Access to Protected Information:

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access. Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### B. Penalties for Misuse of Records:

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

#### V. RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

#### A. Release or Dissemination:

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Specialist for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information

maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Division to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other police department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### B. Review of Criminal Offender Record:

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

#### VI. SECURITY OF PROTECTED INFORMATION

#### A. Security of Protected Information:

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- 1. Developing and maintaining security practices, procedures and training.
- 2. Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- 3. Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- 4. Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

#### B. Member Responsibilities:

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an

unattended computer terminal).

## VII. TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## VIII. CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

- IX. APPENDICES: None.
- X. ATTACHMENTS: None.

## General Order 5-4

## APPENDIX A

## University Police Records Retention Schedule

RECORDS TO BE RETAINED	CAMPUS SUGGESTED RETENTION PERIOD	RETENTION PERIOD REFERENCE
Routine daily recordings of telephone and radio communications maintained by the Department	100 days	AB 1023; Government Code 26202.6, 34090.6
Parking Citations and Traffic Citations	1 year plus current year	Court has copy
Peace Officer personnel records (beyond normal campus personnel requirements)	3 years beyond termination date	
Criminal Histories	Attached to report	
Daily Activity and Dispatch Logs	7 years	
Field Interview Cards	2 years	
Incident Reports; non-criminal reports; found property; lost property	7 years	
Stored/Impounded Vehicle Reports (not associated with arrests)	7 years	
Traffic Accident Reports (except fatalities)	7 years	California Highway Patrol retains 2 years
Felony Crime Reports	7 years	800 Penal Code - 3 years
(except murder; embezzlement of public monies; kidnapping for ransom, etc., falsification of public records)	Permanent	799 Penal Code
Misdemeanor Crime Reports	7 years	
Citizen Complaints	5 years	832.5(b) Penal Code
Misdemeanor Arrest Reports	7 years	DOJ recommends 7 years
Crime Statistics	Permanent	
Felony Arrests – conviction	Permanent	DOJ recommends permanent

## APPENDIX A



# CALIFORNIA STATE UNIVERSITY POLICE DEPARTMENTS

SYSTEMWIDE OPERATIONAL GUIDELINES



## Chapter 5 CRIMINAL HISTORY AND POLICE REPORT INFORMATION

The purpose of this Chapter is to set forth guidelines for access control over automated systems and procedures which allow for the release of state and local summary criminal history information and police reports to authorized agencies and individuals. This chapter consists of four areas dealing with records such as, security, release, creation and retention.

## Reference to Authority

The following publications should be obtained and the statutes and regulations implemented on each CSU campus:

California POST Manual-Law Enforcement Records Management

California Criminal Records Security Statutes and Regulations issued by the California Department of Justice, May 1998.

California Law Enforcement Telecommunications System, Policies, Practices and Procedures issued by the California Department of Justice, June 2000.

Department of Defense Password Management Guideline

State Administrative Manual Section 4840

#### Access

Each CSU police department should have a policy in place that lists the authorized users of the California Law Enforcement Telecommunications System and each user should have their own access identification code. The policy should include a mechanism to ensure that all dispatchers, dispatch supervisors and any other employees who access the automated system are familiar with the above publications and regulations.

The Department of Defense Password Management Guide should be consulted regarding the recommended minimum length of password characters, the maintenance of a password history to prevent misuse, and procedures to log off users after a predetermined time.

State Administrative Manual Section 4840 requires the implementation of a plan to limit access to state agency assets to authorized personnel who require these assets in the performance of their assigned duties.

The following guidelines should assist in developing a campus policy:

## Security and Release of Criminal Offender Record Information

## I. Purpose

The purpose of the guideline is to establish departmental policy and procedures pertaining to the retention and dissemination of summary criminal offender record information.

## II. Policy

- A. The CSU police departments will control the release and dissemination of summary criminal history records to prevent the improper use of criminal history information.
- B. The Records Manager of each department should be designated as the Criminal Records Security Officer.

## III. Responsibility of Departmental Employees

Employees of the department who are in possession of criminal history records shall be responsible for the security of those records. Under no circumstances shall an employee disclose the contents of any criminal history record to any person except as provided in this Chapter. (Penal Code Section 11142)

## IV. Dissemination of CORI to Authorized Agencies and Persons

- A. The Records Manager shall maintain a current list of authorized agencies and/or persons who may have access by review or release, to CORI within the parameters of Penal Code Sections 11105 and 13300.
- B. Employees of the department may allow review or release of Department of Justice (DOJ), Department of Motor Vehicles (DMV), or local CORI to authorized persons or agencies when the data is required for official purposes.
- C. CORI requests for employment, licensing or certification shall be referred to the Department of Justice.

## V. Release Procedures

- A. All requests for CORI intended for second party releases must be documented on the Criminal History Log.
  - 1. The Records Section will retain all entries and the Criminal History Log for a period of not less than three years.
  - 2. Electronic requests will contain appropriate identification of the requestor and reason for the request. The Department of Justice records the CORI requests and retains the information for not less than three years.

#### B. Criteria for Release:

- 1. Right to Know CORI will be released only to persons or agencies authorized by law to receive the information.
- 2. Need to Know CORI release is based on the necessity to obtain criminal offender record information so that official responsibilities may be executed.
- 3. Summary criminal offender record information of any type may be released or reviewed only when BOTH the right-to-know and the need-to-know have been established and documented.

## C. Reproduction of CORI:

- 1. All copies of CORI produced by the department should be stamped on each page with the appropriate red ink stamp that identifies who received the information.
- 2. Hard copies of CORI shall not be attached to case records except by agreement with the district attorney or the courts.

## VI. Record Keeping and Security of CORI

## A. Audit Requirements:

- 1. A written or electronic record shall be maintained for each request and/or release of summary criminal offender record information. The record shall contain:
  - a. of request or dissemination
  - b. name of the agency and/or person requesting and/or receiving information
  - c. extent (description) of the information provided, and

- d. manner the information was provided or transmitted.
- 2. The Department of Justice, as agent for the National Crime Information Center (NCIC) will audit the release of CORI information on a regular basis. The Records Manager shall ensure compliance with the requirements of an audit and assist the department in responding to an audit.

## B. Security:

- 1. All criminal offender record information shall be stored in a secure area with access restricted to authorized personnel.
- All computer terminals that have access to State CORI must be protected from public view or public access in accordance with CLETS policies.
- 3. All juvenile records should be maintained in files, designated as "Juvenile Records" by year. Fingerprints, photographs, and all related documents pertaining to any case involving juveniles will be maintained in this record file.
- C. All employees who have access to CORI shall pass a background check, including fingerprint verification by the Department of Justice.
  - 1. Pursuant to Penal Code Sections 11142 and 13303, any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.
  - 2. The department will retain a signed Employee Statement form regarding the Use of Criminal Justice Information (Figure 111-6, on page 111-22, in the POST Records Management Guide) for each employee who has access to CORI.
- D. Destruction of Criminal Offender Record Information:
  - 1. Every employee of the department is responsible for destroying printed CORI documents to the point that any reconstruction of the record is impossible. Employees shall destroy written court documents when no longer needed as an attachment to a report.
  - 2. Printed CORI shall be returned to the records section for destruction/shredding when no longer needed.

## **PUBLIC RECORDS RELEASE**

## I. Purpose

The purpose of this section is to establish guidelines for compliance with the California Public Records Act, the California Penal Code and other applicable laws and court decisions concerning the release of public records information.

## II. Policy

- A. It is the policy of the CSU police departments to comply with the law regarding disclosure of public records, which may be included in day-to-day service activities and police documents. The law does not require public disclosure of information per se but rather requires disclosure of public records. Further, the law does not require that public records be created in response to a public records request, but rather that public records existing at the time of the request be disclosed to the public. Generally, records created by a public employee in the performance of public duties are public records unless an exception exists for nondisclosure in the Public Records Act (see Government Code Sections 6254 and 6255).
- B. In conjunction with the publics right to know, the department must protect the legal rights of victims, witnesses, accused persons and confidential informants. The department will ensure disclosure of public records is in compliance with law. This may require the redaction of confidential information from a record, which is otherwise a public record.
- C. The department will justify withholding any records by demonstrating that the records are exempt under the law (Government Code Section 6254) or that in withholding the records the public interest is served and outweighs the requested disclosure (Government Code Section 6255).

## D. Public Inspection Procedure

- 1. All arrest and crime report records shall be available to the extent allowed by law.
- 2. Reports shall be reviewed by record personnel prior to public disclosure to ensure names and information entitled to an exemption are deleted or whether reason exists which specifically exempts the report from disclosure.
- 3. A record shall be maintained with the original report of all such releases of records.

4. A fee shall be charged for release of a record pursuant to campus policy.

#### III. Public Records to be released

- A. Public records that must be released are described in the California Public Records Act (Government Code Sections 6250-6277). The Act also covers exemptions of certain records from public disclosure.
- B. Government Code Section 6254(f) defines law enforcement records which are exempt from disclosure and records that must be made public unless release of the information would endanger the safety of a person or the successful completion of an open investigation.
- C. Unless the release would endanger the safety of a person or the successful completion of an investigation, the following kinds of information collected in the normal course of business and reduced to a record, must be released on request:
  - 1. Records of Requests for Assistance
    - a. Date, time and location of all complaints or requests for assistance and the time and nature of the department's response. (Government Code Sections 6254 (f) (2))
    - b. Date, time of report and factual circumstances surrounding the incident, including general descriptions of injuries, property or weapons involved. (<u>ibid.</u>)
    - c. Name and age of victim <u>except</u> victims of specific abuse, sex crimes or violent offenses. (See restrictions in Government Code Section 6254 (f) (2) regarding withholding victims name at victims request and Penal Code Section 841.5 restricting disclosure to arrested persons).

#### 2. Records of Arrests

- a. Except for arrestees who qualify under Penal Code Section 851.6 (detentions that are not arrests), full name, address and occupation, date of birth and physical description. (Government Code Section 6254 (f) (1).
- b. Date, time, location of the arrest and factual circumstances surrounding the arrest. (<u>ibid</u>.)
- c. Date and time of booking, amount of bail, location where arrestee is held and all charges. (ibid.)

- d. Time and manner of release. (<u>ibid</u>.)
- e. All persons arrested and booked will be transported to the appropriate jail. The agency accepting the arrestee for booking will be responsible for the issuance of booking numbers, the taking of fingerprints and photographing inmates and will maintain all subsequent information pertaining to persons arrested and booked.

## 3. Records of Crime Reports

- a. Disclosable crime report information includes: "the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants." (Government Code Section 6254 (f))
- b. This information shall be released to the victims or authorized representative and/or an insurance carrier against which a claim has been, or might be, made unless disclosure would endanger the safety of a witness or other person or unless disclosure would compromise successful completion of the investigation or related investigation (ibid.)
- c. Victims and minor victim's parents or guardians may request that the victim's name be withheld. [Government Code Section 6254 (f) (2)] and victims and witnesses addresses and telephone numbers may not be disclosed to arrested person or to persons who may be a defendant in the criminal action [Penal Code Section 841.5].

## IV. Exemptions to the Release of Information

- A. To balance the individual's right to privacy with the public's interest in disclosure, certain information is exempted from release by law. The exemptions listed in this guideline do not purport to cover every situation or subject on which questions may arise.
  - 1. The following records information shall not be released:
    - a. Juvenile records (under 18 years of age).
    - b. Victims may request confidentiality for crimes defined under Penal Code Sections 220, 261, 261.5, 262, 264, 264.1,

- 273a, 273d, 273.5, 286, 288, 288a, 289, 293, 422.6, 422.7, 422.75, or 646.9 as outlined in Government Code Section 6254 (f) (2).
- Identities of confidential informants.
- d. Individuals in custody under Welfare and Institutions Code Section 5150 (dangerous or gravely disabled).
- e. Victim information to any arrested person or defendant [Penal Code Section 841.5].
- f. Criminal offender record information (CORI).
- g. Portions of reports that reflect analysis, recommendation or conclusion of the investigating officer. [Government Code Section 6254 (f)].
- h. Portions of reports that disclose security procedures. (<u>ibid.</u>)
- i. Information that may jeopardize an open investigation, related investigation or law enforcement proceeding. (<u>ibid</u>.)
- j. Information that may endanger the safety of any witness or other person involved in the investigation. (ibid.)
- k. Preliminary drafts, notes or memoranda, which are not retained in the normal course of business. [Government Code Section 6254 (a)].
- I. Records pertaining to pending litigation to which the CSU is a party, until adjudicated. [Government Code Section 6254 (b)].
- m. Personnel records, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. [Government Code Section 6254 (c)].
- B. Discretionary Release of Information
  - 1. Exceptions may be made to the exemptions to the release of information when not prohibited by law, on a case-by-case basis. Care must be taken to ensure that a release does not violate the Article 1, Section 1, right of privacy protected by the California Constitution that the release does not jeopardize safety, and that failure to follow the statutory standard would not amount to a

negligent act giving rise to civil liability. Questions may be referred to the CSU Office of General Counsel.

- a. Discretionary release must be approved by the Records Manager.
- b. Discretionary release must be based on:
  - (1). Opportunity for the released information to aid in the investigation of a crime.
  - (2) Opportunity for the release of information to assist in the arrest of a suspect.
  - (3) Necessity to warn the public of danger.

#### C. Conditional Release of Information

- Partial restrictions or release of information may be necessary when not prohibited by law, on a case-by-case basis.
   Conditional release should be approved by the Records Manager.
- 2. Death Releases In cases involving death, the victim's name will not be released until the next of kin has been notified and clearance obtained from the Coroner's Office.
- 3. Injury Releases In cases involving serious injury, the victim's name will not be released until the next of kin has been notified.
- 4. Suicide Notes Contents of suicide notes will not be released, but the existence of a suicidal note may be acknowledged.
- 5. Multi-jurisdiction Investigations and Assisting Other Agencies Inquires will be referred to the agency with primary jurisdiction.

## D. Information Related to Pending Litigation

1. Reports and information developed after the filing date, pertaining to pending litigation, to which the department or departmental employee is a party shall not be released. To promote confidentiality, the information and reports should be generated under the direction of legal counsel so as to enjoy the attorney-client or work product privilege. This will not protect from disclosure those records created in the normal course of police activity that are made disclosable by law.

- 2. Reports pertaining to pending litigation to which the department or an employee is a party shall not be released and all inquiries will be referred to legal counsel. These reports, as noted above, should be prepared under the direction of legal counsel.
- 3. These reports may be released only when the litigation or claims have been finally adjudicated or otherwise settled and legal counsel has approved the release.

#### E. Personnel Information

- 1. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, shall not be disclosed. [Government Code Section 6254 (c)].
- 2. Pitchess Motions for department employee files should be routed to the Chief of Police, or designee, who will coordinate the court appearance with the appropriate legal counsel.
- 3. Issues and questions pertaining to the personnel policy shall be referred through the appropriate chain of command.

## F. Authority for Legal Exceptions/Release

- Refer to California Criminal Records Security-Statutes and Regulations compilation by the California Department of Justice.
- 2. Refer to POST Law Enforcement Records Management Guide.
- 3. Government Code Sections 6050-6277 (California Public Records Act.
- 4. Penal Code Sections: 290 et seq. registration of sex offenders; 293 victims of sex offenses, request for nondisclosure; 841.5 victim, witness nondisclosure to arrested person/defendant; 11075-11081 criminal record discrimination; 11108-11108.5 state summary criminal history information; 11120-11126 examination of state summary criminal history information; 11140-11144 unlawful furnishing of state summary criminal history information; 13100-13102 criminal index and identification system and criminal offender record information; 13200-13203 access to criminal offender record information; 13300-13305 local summary criminal history information; 13320-13326 examination of local summary criminal history information.

## **Record Creation and Retention**

## A. Field Reporting and Management

- 1. Upon receiving a call for service, dispatchers must document each call. Each call for service is designated with a specific event number. Officers responding to calls for service will, document in a report, any call for service of a criminal nature, or for informational purposes only. Each report will be given a specific crime report number, unique to that case.
- 2. Included in the report will be all pertinent information from the reporting party, the victim, the suspect, witnesses, and any other involved person.
- 3. Upon completion of reports, the report will be submitted to a supervisor for review and processing. Reports should not be uncompleted over the period of an officer's day off. All reports of any felony, any arrest, or of any serious incident should be completed prior to the officer's end of shift. Exceptions shall be approved pursuant to campus policy.
- 4. All persons listed in crime reports should be added to the master name file, which includes the status of the person listed, if he/she was a suspect, witness, victim or other involved party.
- 5. All calls for service should be recorded in the computer recording system. The systems should track all calls for service by type and location. All stolen, lost, found, and evidentiary property should be included in the computerized records management system. Copies of all reports should be disseminated to appropriate department personnel by the designated staff.

#### B. Traffic Records:

- 1. Officers will make a written traffic accident report of any injury related vehicle accident reported on campus and any accidents involving university employees driving state vehicles.
- 2. Reports will be recorded and stored in the same manner as all other reports.
- 3. Traffic Reports will be forwarded to the appropriate state agency in a manner prescribed by the Statewide Traffic Enforcement Reporting System (SWTERS) or the Statewide Integrated Traffic Reporting System (SWITRS).

- 4. All citations issued will be logged in a records management system.
- 5. Traffic citations should be in a secure location and accessible to authorized department personnel only.
- 6. Officers issued a citation book will fill out the citation book reporting form located in the front of the citation book. Sequential numbers are located on the citations. All copies of citations issued should be maintained in a secure records file.

## C. Statistical Crime Reporting:

All statistical information will be reported on a monthly basis in accordance with the Department of Justice Crime Reporting Requirements. CSU policy requires annual submission of statistics to the Chancellor's Office.

## D. Destruction of Records:

All records pertaining to criminal activity will be keep for a minimum of seven years. All cases should be subject to review after that time. Unsolved felonies may be maintained past the seven-year period until such time as deemed necessary by the Chief of Police. Homicide, kidnapping and fatal traffic accidents should be kept indefinitely.

## E. Technology and Software:

All records software should be approved by the Chief of Police. Employees that suspect a virus contained in a disc or any other type of sabotage, should immediately cease use of the computer and report such to the Chief of Police or designee.

#### F. Warrants

Warrants which are maintained outside the CSU jurisdictions will be verified prior to any arrest being made. CSU departments should create their own system of filing warrants if there is not a central city or county warrants bureau.

## G. Central Records Backup Files

- Each department should establish procedures to backup computer files, according to a regular schedule, that complies with retention laws and regulations.
- 2. Back-up media, tapes, disks, or drives should be stored off site in a secure facility.

3. If media is not recycled, methods of destruction should be determined to ensure that data is not retrievable from discarded media.

## APPENDIX A



# CALIFORNIA STATE UNIVERSITY POLICE DEPARTMENTS



SYSTEMWIDE OPERATIONAL GUIDELINES

Chapter 5
CRIMINAL HISTORY AND POLICE REPORT INFORMATION

The purpose of this Chapter is to set forth guidelines for access control over automated systems and procedures which allow for the release of state and local summary criminal history information and police reports to authorized agencies and individuals. This chapter consists of four areas dealing with records such as, security, release, creation and retention.

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Each CSU police department should have a policy in place that lists the authorized users of the California Law Enforcement Telecommunications System and each user should have their own access identification code. The policy should include a mechanism to ensure that all dispatchers, dispatch supervisors and any other employees who access the automated system are familiar with the above publications and regulations.

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#### Chapter 5

of a password history to prevent misuse, and procedures to log off users after a predetermined time.

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- B. The Records Manager of each department should be designated as the Criminal Records Security Officer.

## III. Responsibility of Departmental Employees

Employees of the department who are in possession of criminal history records shall be responsible for the security of those records. Under no circumstances shall an employee disclose the contents of any criminal history record to any person except as provided in this Chapter. (Penal Code Section 11142)

## IV. Dissemination of CORI to Authorized Agencies and Persons

- A. The Records Manager shall maintain a current list of authorized agencies and/or persons who may have access by review or release, to CORI within the parameters of Penal Code Sections 11105 and 13300.
- B. Employees of the department may allow review or release of Department of Justice (DOJ), Department of Motor Vehicles (DMV), or local CORI to authorized persons or agencies when the data is required for official purposes.
- C. CORI requests for employment, licensing or certification shall be referred to the Department of Justice.

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- A. All requests for CORI intended for second party releases must be documented on the Criminal History Log.
  - 1. The Records Section will retain all entries and the Criminal History Log for a period of not less than three years.
  - 2. Electronic requests will contain appropriate identification of the requestor and reason for the request. The Department of Justice records the CORI requests and retains the information for not less than three years.

## B. Criteria for Release

- 1. Right to Know CORI will be released only to persons or agencies authorized by law to receive the information.
- 2. Need to Know CORI release is based on the necessity to obtain criminal offender record information so that official responsibilities may be executed.
- 3. Summary criminal offender record information of any type may be released or reviewed only when BOTH the right-to-know and the need-to-know have been established and documented.

## C. Reproduction of CORI

- 1. All copies of CORI produced by the department should be stamped on each page with the appropriate red ink stamp that identifies who received the information.
- 2. Hard copies of CORI shall not be attached to case records except by agreement with the district attorney or the courts.

## VI. Record Keeping and Security of CORI

## A. Audit Requirements

- A written or electronic record shall be maintained for each request and/or release of summary criminal offender record information. The record shall contain:
  - a. of request or dissemination
  - b. name of the agency and/or person requesting and/or receiving information

- c. extent (description) of the information provided, and
- d. manner the information was provided or transmitted.
- 2. The Department of Justice, as agent for the National Crime Information Center (NCIC) will audit the release of CORI information on a regular basis. The Records Manager shall ensure compliance with the requirements of an audit and assist the department in responding to an audit.

## B. Security

- 1. All criminal offender record information shall be stored in a secure area with access restricted to authorized personnel.
- All computer terminals that have access to State CORI must be protected from public view or public access in accordance with CLETS policies.
- 3. All juvenile records should be maintained in files, designated as "Juvenile Records" by year. Fingerprints, photographs, and all related documents pertaining to any case involving juveniles will be maintained in this record file.
- C. All employees who have access to CORI shall pass a background check, including fingerprint verification by the Department of Justice.
  - 1. Pursuant to Penal Code Sections 11142 and 13303, any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person who is not authorized by law to receive the record or information is guilty of a misdemeanor.
  - 2. The department will retain a signed Employee Statement form regarding the Use of Criminal Justice Information (Figure 111-6, on page 111-22, in the POST Records Management Guide) for each employee who has access to CORI.

#### D. Destruction of Criminal Offender Record Information

- 1. Every employee of the department is responsible for destroying printed CORI documents to the point that any reconstruction of the record is impossible. Employees shall destroy written court documents when no longer needed as an attachment to a report.
- 2. Printed CORI shall be returned to the records section for destruction/shredding when no longer needed.

## **PUBLIC RECORDS RELEASE**

# I. Purpose

The purpose of this section is to establish guidelines for compliance with the California Public Records Act, the California Penal Code and other applicable laws and court decisions concerning the release of public records information.

# II. Policy

- A. It is the policy of the CSU police departments to comply with the law regarding disclosure of public records, which may be included in day-to-day service activities and police documents. The law does not require public disclosure of information per se but rather requires disclosure of public records. Further, the law does not require that public records be created in response to a public records request, but rather that public records existing at the time of the request be disclosed to the public. Generally, records created by a public employee in the performance of public duties are public records unless an exception exists for nondisclosure in the Public Records Act (see Government Code Sections 6254 and 6255).
- B. In conjunction with the public's right to know, the department must protect the legal rights of victims, witnesses, accused persons and confidential informants. The department will ensure disclosure of public records is in compliance with law. This may require the redaction of confidential information from a record, which is otherwise a public record.
- C. The department will justify withholding any records by demonstrating that the records are exempt under the law (Government Code Section 6254) or that in withholding the records the public interest is served and outweighs the requested disclosure (Government Code Section 6255).

# D. Public Inspection Procedure

- 1. All arrest and crime report records shall be available to the extent allowed by law.
- 2. Reports shall be reviewed by record personnel prior to public disclosure to ensure names and information entitled to an exemption are deleted or whether reason exists which specifically exempts the report from disclosure.
- 3. A record shall be maintained with the original report of all such releases of records.

4. A fee shall be charged for release of a record pursuant to campus policy.

#### III. Public Records to be released

- A. Public records that must be released are described in the California Public Records Act (Government Code Sections 6250-6277). The Act also covers exemptions of certain records from public disclosure.
- B. Government Code Section 6254(f) defines law enforcement records which are exempt from disclosure and records that must be made public unless release of the information would endanger the safety of a person or the successful completion of an open investigation.
- C. Unless the release would endanger the safety of a person or the successful completion of an investigation, the following kinds of information collected in the normal course of business and reduced to a record, must be released on request:
  - 1. Records of Requests for Assistance
    - a. Date, time and location of all complaints or requests for assistance and the time and nature of the department's response. (Government Code Sections 6254 (f) (2))
    - b. Date, time of report and factual circumstances surrounding the incident, including general descriptions of injuries, property or weapons involved. (ibid.)
    - c. Name and age of victim <u>except</u> victims of specific abuse, sex crimes or violent offenses. (See restrictions in Government Code Section 6254 (f) (2) regarding withholding victims name at victims request and Penal Code Section 841.5 restricting disclosure to arrested persons).

## 2. Records of Arrests

- a. Except for arrestees who qualify under Penal Code Section 851.6 (detentions that are not arrests), full name, address and occupation, date of birth and physical description. (Government Code Section 6254 (f) (1).
- b. Date, time, location of the arrest and factual circumstances surrounding the arrest. (<u>ibid.</u>)

- c. Date and time of booking, amount of bail, location where arrestee is held and all charges. (<u>ibid</u>.)
- d. Time and manner of release. (<u>ibid</u>.)
- e. All persons arrested and booked will be transported to the appropriate jail. The agency accepting the arrestee for booking will be responsible for the issuance of booking numbers, the taking of fingerprints and photographing inmates and will maintain all subsequent information pertaining to persons arrested and booked.

# 4. Records of Crime Reports

- a. Disclosable crime report information includes: "the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants." (Government Code Section 6254 (f))
- b. This information shall be released to the victims or authorized representative and/or an insurance carrier against which a claim has been, or might be, made unless disclosure would endanger the safety of a witness or other person or unless disclosure would compromise successful completion of the investigation or related investigation (<u>ibid</u>.)
- c. Victims and minor victim's parents or guardians may request that the victim's name be withheld. [Government Code Section 6254 (f) (2)] and victims and witnesses addresses and telephone numbers may not be disclosed to arrested person or to persons who may be a defendant in the criminal action [Penal Code Section 841.5].

# IV. Exemptions to the Release of Information

- A. To balance the individual's right to privacy with the public's interest in disclosure, certain information is exempted from release by law. The exemptions listed in this guideline do not purport to cover every situation or subject on which questions may arise.
  - 1. The following records information shall not be released:
    - a. Juvenile records (under 18 years of age).

- Victims may request confidentiality for crimes defined under Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 293, 422.6, 422.7, 422.75, or 646.9 as outlined in Government Code Section 6254 (f) (2).
- Identities of confidential informants.
- d. Individuals in custody under Welfare and Institutions Code Section 5150 (dangerous or gravely disabled).
- e. Victim information to any arrested person or defendant [Penal Code Section 841.5].
- f. Criminal offender record information (CORI).
- g. Portions of reports that reflect analysis, recommendation or conclusion of the investigating officer. [Government Code Section 6254 (f)].
- h. Portions of reports that disclose security procedures. (ibid.)
- i. Information that may jeopardize an open investigation, related investigation or law enforcement proceeding. (<u>ibid</u>.)
- j. Information that may endanger the safety of any witness or other person involved in the investigation. (ibid.)
- k. Preliminary drafts, notes or memoranda, which are not retained in the normal course of business. [Government Code Section 6254 (a)].
- I. Records pertaining to pending litigation to which the CSU is a party, until adjudicated. [Government Code Section 6254 (b)].
- m. Personnel records, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. [Government Code Section 6254 (c)].

# B. Discretionary Release of Information

1. Exceptions may be made to the exemptions to the release of information when not prohibited by law, on a case-by-case basis. Care must be taken to ensure that a release does not violate the Article 1, Section 1, right of privacy protected by the California Constitution that the release does not jeopardize safety, and that

failure to follow the statutory standard would not amount to a negligent act giving rise to civil liability. Questions may be referred to the CSU Office of General Counsel.

- a. Discretionary release must be approved by the Records Manager.
- b. Discretionary release must be based on:
  - (1). Opportunity for the released information to aid in the investigation of a crime.
  - (2) Opportunity for the release of information to assist in the arrest of a suspect.
  - (3) Necessity to warn the public of danger.

## C. Conditional Release of Information

- Partial restrictions or release of information may be necessary when not prohibited by law, on a case-by-case basis.
   Conditional release should be approved by the Records Manager.
- 2. Death Releases In cases involving death, the victim's name will not be released until the next of kin has been notified and clearance obtained from the Coroner's Office.
- 3. Injury Releases In cases involving serious injury, the victim's name will not be released until the next of kin has been notified.
- 4. Suicide Notes Contents of suicide notes will not be released, but the existence of a suicidal note may be acknowledged.
- 5. Multi-jurisdiction Investigations and Assisting Other Agencies Inquires will be referred to the agency with primary jurisdiction.

## D. Information Related to Pending Litigation

1. Reports and information developed after the filing date, pertaining to pending litigation, to which the department or departmental employee is a party shall not be released. To promote confidentiality, the information and reports should be generated under the direction of legal counsel so as to enjoy the attorney-client or work product privilege. This will not protect from disclosure those records created in the normal course of police activity that are made disclosable by law.

- 2. Reports pertaining to pending litigation to which the department or an employee is a party shall not be released and all inquiries will be referred to legal counsel. These reports, as noted above, should be prepared under the direction of legal counsel.
- 3. These reports may be released only when the litigation or claims have been finally adjudicated or otherwise settled and legal counsel has approved the release.

## E. Personnel Information

- 1. Personnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, shall not be disclosed. [Government Code Section 6254 (c)].
- 2. Pitchess Motions for department employee files should be routed to the Chief of Police, or designee, who will coordinate the court appearance with the appropriate legal counsel.
- 3. Issues and questions pertaining to the personnel policy shall be referred through the appropriate chain of command.

# F. Authority for Legal Exceptions/Release

- Refer to California Criminal Records Security-Statutes and Regulations compilation by the California Department of Justice.
- 2. Refer to POST Law Enforcement Records Management Guide.
- 3. Government Code Sections 6050-6277 (California Public Records Act.
- 4. Penal Code Sections: 290 et seq. registration of sex offenders; 293 victims of sex offenses, request for nondisclosure; 841.5 victim, witness nondisclosure to arrested person/defendant; 11075-11081 criminal record discrimination; 11108-11108.5 state summary criminal history information; 11120-11126 examination of state summary criminal history information; 11140-11144 unlawful furnishing of state summary criminal history information; 13100-13102 criminal index and identification system and criminal offender record information; 13200-13203 access to criminal offender record information; 13300-13305 local summary criminal history information; 13320-13326 examination of local summary criminal history information.

## **Record Creation and Retention**

# A. Field Reporting and Management

- 1. Upon receiving a call for service, dispatchers must document each call. Each call for service is designated with a specific event number. Officers responding to calls for service will, document in a report, any call for service of a criminal nature, or for informational purposes only. Each report will be given a specific crime report number, unique to that case.
- 2. Included in the report will be all pertinent information from the reporting party, the victim, the suspect, witnesses, and any other involved person.
- 3. Upon completion of reports, the report will be submitted to a supervisor for review and processing. Reports should not be uncompleted over the period of an officer's day off. All reports of any felony, any arrest, or of any serious incident should be completed prior to the officer's end of shift. Exceptions shall be approved pursuant to campus policy.
- 4. All persons listed in crime reports should be added to the master name file, which includes the status of the person listed, if he/she was a suspect, witness, victim or other involved party.
- 5. All calls for service should be recorded in the computer recording system. The systems should track all calls for service by type and location. All stolen, lost, found, and evidentiary property should be included in the computerized records management system. Copies of all reports should be disseminated to appropriate department personnel by the designated staff.

## B. Traffic Records:

- 1. Officers will make a written traffic accident report of any injury related vehicle accident reported on campus and any accidents involving university employees driving state vehicles.
- 2. Reports will be recorded and stored in the same manner as all other reports.
- 3. Traffic Reports will be forwarded to the appropriate state agency in a manner prescribed by the Statewide Traffic Enforcement Reporting System (SWTERS) or the Statewide Integrated Traffic Reporting System (SWITRS).

- 4. All citations issued will be logged in a records management system.
- 5. Traffic citations should be in a secure location and accessible to authorized department personnel only.
- 6. Officers issued a citation book will fill out the citation book reporting form located in the front of the citation book. Sequential numbers are located on the citations. All copies of citations issued should be maintained in a secure records file.

## C. Statistical Crime Reporting

All statistical information will be reported on a monthly basis in accordance with the Department of Justice Crime Reporting Requirements. CSU policy requires annual submission of statistics to the Chancellor's Office.

## D. Destruction of Records

All records pertaining to criminal activity will be keep for a minimum of seven years. All cases should be subject to review after that time. Unsolved felonies may be maintained past the seven-year period until such time as deemed necessary by the Chief of Police. Homicide, kidnapping and fatal traffic accidents should be kept indefinitely.

# E. Technology and Software

All records software should be approved by the Chief of Police. Employees that suspect a virus contained in a disc or any other type of sabotage, should immediately cease use of the computer and report such to the Chief of Police or designee.

#### F. Warrants

Warrants which are maintained outside the CSU jurisdictions will be verified prior to any arrest being made. CSU departments should create their own system of filing warrants if there is not a central city or county warrants bureau.

## G. Central Records Backup Files

- 1. Each department should establish procedures to backup computer files, according to a regular schedule, that complies with retention laws and regulations.
- 2. Back-up media, tapes, disks, or drives should be stored off site in a secure facility.

# Chapter 5

3. If media is not recycled, methods of destruction should be determined to ensure that data is not retrievable from discarded media.



# CHAPTER 5 Records and Communications Support

<u>Number</u>	<u>Title</u>
5-1	Communications Center Equipment and Operations
5-2	Telephone Procedures
5-3	Radio Operations
5-4	Records Administration
5-5	Records Overview
5-6	Field Reporting and Management
5-7	Number Not in Use
5-8	Department Forms and Forwarding of Liability Reports
5-9	Records Data Collection and Maintenance
5-10	Mobile Data Terminals
5-11	Protected Information



NUMBER: 6-1 APPROVED: Regards Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 15, 2016, Dec. 16, 2019

SUBJECT: CONTACTING STUDENTS DURING INSTRUCTIONAL ACTIVITIES

I. PURPOSE: To establish the proper procedures for contacting students or instructors while attending class.

II. POLICY: Interrupting the instructional mission of the University by contacting students or faculty during a class session will normally only be attempted in the case of an emergency situation.

III. DEFINITIONS: None

IV. PROCEDURES:

A. Notifying Students, Staff, and Faculty:

- 1. Situations requiring immediate contact shall generally be limited to:
  - a. Serious illness or a death in the student's, staff's, or instructor's family.
  - b. An immediate need for law enforcement officials to contact a student concerning an important police matter or crime whose current home address is not known or who cannot be reached at the known address or phone number.
  - c. Other critical situations in which a person's health or well-being may be threatened and there is not time to contact the student or instructor through other means.
- 2. If the circumstances do no warrant an immediate contact, which would interrupt the class (one of the situations defined above) contact may be made in the hallway after the class has been excused. Contact with instructors shall be made in their office or in the classroom immediately following the end of the class session.
  - a. Officers shall not escort outside law enforcement officers to the classrooms to contact students without permission from the Chief.
- B. Special Considerations:

- 1. This policy shall not apply in cases where it is reasonable to believe the person being contacted is potentially dangerous or a suspect in a violent or serious crime (felony).
  - a. Under no circumstances, unless absolutely essential to safeguard other lives, shall any contact be made with potentially dangerous individuals while they are attending class.
  - b. These contacts shall be made outside the classroom in a location where officers will have greater control over the situation, should the person become violent or resist the officers in their efforts to resolve the matter in a peaceful manner.
  - c. Preferably all such contacts will take place in an open area (i.e. a parking lot) a safe distance from innocent civilians.

V. APPENDIX: None

VI. ATTACHMENT: None



APPROVED: Reginald Parson, Chief of Police NUMBER: 6-2

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: Apr. 19, 2010, May 25, 2010, SUPERSEDES: Jan. 15. 2016. Dec. 16. 2019

SUBJECT: RESPONSE TO OFF CAMPUS UNIVERSITY RELATED PROPERTY

I. PURPOSE: To establish uniform procedures for response to off campus properties owned/related to San Francisco State University. These properties include the Romberg Tiburon Center, the SFSU Downtown Center, several SFSU satellite degree programs at Cañada College's University Center in Redwood City, and the SFSU Sierra Nevada Field campus in Sierra County.

II. POLICY: It shall be the policy of this department to respond to all calls for service. While the initial dispatch may be given to the San Francisco Police or Fire Departments, University police will respond expeditiously to any alarm activation or other call for assistance.

> With all other properties related to SFSU, not within main campus, it shall be the responsibility of the local jurisdiction to provide emergency services to these locations. If necessary, our department will complete an outside agency assist/informational report to document an incident if it relates to the theft/damage of state property or to forward conduct issues to the appropriate University department. In these situations, Officers may take a report via telephone.

III. DEFINITIONS: None

#### IV. PROCEDURES:

- A. Romberg Tiburon Center for Environmental Studies: The primary responding agency for the RTC is the Marin County Sheriff's Office - Southern Substation.
  - 1. Property information:
    - a. Address- The address is 3152 Paradise Drive Tiburon, Ca 94920
    - b. Phone # (415) 338-6063
    - c. Building keys No keys are stored with the Police Department.

- Marin County Sheriff Marin City Substation 850 Drake Avenue Marin City, Ca. 94965 415-332-5422
- B. Downtown Center: There are two CSS building staff persons working at the Downtown Center who assist with room lockouts and location security. The primary responding agency for the SFSU Downtown Center is the San Francisco Police Department Southern Station.
  - 1. Property information:
    - a. Address: The address is 835 Market Street San Francisco, Ca 94103
    - b. Phone #: (415) 817-4400
    - c. Building keys- No keys are stored with the Police Department.
  - San Francisco Police Department Southern Station 850 Bryant St.
     San Francisco, Ca 94103 (415) 553-0123
- C. The SFSU satellite degree programs at Cañada College's University Center in Redwood City: The primary responding agency is the San Mateo County Sheriff's Office. However, Cañada College has a campus security office.
  - 1. Property information;
    - a. 4200 Farm Hill Blvd. Redwood City, Ca 94061
    - b. Building keys- No keys are stored with the Police Department
  - Cañada College Campus Security Building 13, room 28 4200 Farm Hill Blvd. Redwood City, Ca 94061 (650) 306-3420
- D. SFSU Sierra Nevada Field campus in Sierra County: The primary responding agency for this campus office is the Sierra County Sheriff's Office.
  - 1. Property information;
    - a. 35400 Hwy 49 Sattley, Ca, 96124 (530) 862-1230
    - b. Building keys No keys are stored with the Police Department.

2. Sierra County Sheriff-Coroner 100 Courthouse Square Post Office Box 66 Downieville, Ca 95936-0066 (530) 289-3700

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 6-3 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 15, 2016, Dec. 16, 2019

SUBJECT: INNER CAMPUS VEHICLE ACCESS RESTRICTIONS

I. PURPOSE: To provide guidelines for the enforcement of prohibited vehicular traffic and parking on inner campus sidewalks, fire lanes, and lawn areas.

II. POLICY: It shall be the policy of the University Police Department to monitor vehicle traffic in the inner campus area, and to take appropriate enforcement action including the issuance of warnings and citations to violators of restricted access.

III. DEFINITIONS: None

#### IV. PROCEDURES:

- A. Vehicles are restricted from using the inner campus area during the period of 0700 and 2300 hours, unless the driver possesses a valid permit issued by Parking and Transportation Services.
  - 1. Inner campus access restrictions
    - a. Vehicles driven on the walkways of inner campus have created a hazard for pedestrian traffic and caused preventable damage to University property. Therefore, restrictions on vehicular traffic are needed to provide for pedestrian safety, and to minimize University risk and maintenance cost.
    - b. Vendors and contractors will be directed to restrict vehicular use in that area to the periods of 0700 hours and 1500 hours.
    - c. Those departments that have contracts with off-campus vendors such as SBC, Arrowhead Water, etc. must notify the company and/or driver of the campus regulations and assist them in determining alternate locations to park.
    - d. Contractors must go through their campus point of contact to obtain special permits. Contractors are subject to campus parking and traffic regulations.
  - 2. Associated Students events requiring access to the Quad must obtain a permit from Parking and Transportation after receiving approval from Student Involvement and

- Career Center (SICC). Associated Students events are subject to campus parking and traffic regulations and any applicable parking fees.
- 3. State vehicles are not exempt from these restrictions and should limit driving on inner campus only when required for their job.
- 4. Emergency vehicles responding to emergency calls are exempt from this order.

#### B. Enforcement Practices:

- Violators of the access restrictions shall be given a warning for their first violation. Issuance of previous warnings or citations shall be verified through the Communications Center before giving a violator a warning.
- 2. Violators with previous recorded warnings may be cited. Violators should be cited pursuant to CVC 21113 (a) or other appropriate violation code.
- 3. The Communications Center shall be notified of all warnings or citations issued to violators.

# C. Reporting Requirements:

 The University Police Communications Center shall maintain a computer database of reported violations of inner campus access restrictions, including warnings and citations issued.

V. APPENDIX. None

VI. ATTACHMENTS: None



NUMBER: 6-4 APPROVED: Reginal Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: REVIEWED/REVISED: Jan. 15, 2016, Dec. 16, 2019

SUBJECT: VIDEOTAPING ON-CAMPUS EVENTS

I. PURPOSE: To establish uniform procedures for the videotaping of events on campus.

II. POLICY: It shall be the policy of this department to videotape rallies and demonstrations on campus to have a visual record of the activities in the event that there is a breakdown in public order and participants of the rallies or counter protestors engaged in illegal conduct, threatened or attacked students or others, or destroyed property.

III. DEFINITIONS: None

#### IV. PROCEDURES:

- A. The Department will videotape demonstrations and rallies where the potential for disruption exist. The event will be videotaped from the beginning to the end. There will be a minimum of one employee of the Department videotaping the event.
- B. The employee assigned to videotaping will be in plainclothes. He/she may be in a stationary position or mobile depending on the event. He/She will videotape the event depicting the overall event and may zoom in to individuals at the direction of the Event Commander.
- C. At the conclusion of the event, the videotape will be reviewed to determine if there are allegations of misconduct or criminal activity.
- D. Authorization:
  - 1. It is the policy of the Department to videotape and photograph in a manner that minimizes interference with people lawfully participating in First Amendment events.
- E. The Department shall videotape or photograph only for crowd control training or evidentiary purposes. Evidentiary purposes shall include only:
  - 1. Evidence that is reasonably likely to be used in administrative, civil, or criminal

proceedings or investigations.

- 2. Evidence related to allegations against members of the Department.
- F. Purging of videotapes and photographs shall be consistent with the evidence policy.
- V. APPENDIX: None
- VI. ATTACHMENT: None



NUMBER: 6-5 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

REVIEWED/REVISED: Jan. 15, 2016, Dec. 16, 2019

SUPERCEDES: D-12

SUBJECT: ALCOHOL AND DRUG PROCEDURES INVOLVING EMPLOYEES

I. PURPOSE: To set forth Department policy and procedures regarding the handling of San Francisco State University employees who report for their tour of duty in an intoxicated condition, or who are found to be intoxicated during their tour of duty and who are unable to care for their own safety or for the safety of others.

II. POLICY: It is of primary importance that all employees, regardless of their work assignment or economic status, be treated in a fair and consistent manner. Both the California Education Code, Section 24306 and Title 5 of the California Administrative Code, Section 43523 list drunkenness on duty and addiction to narcotics or habit-forming drugs as grounds for dismissal, demotion, or suspension. It is therefore incumbent upon the responding Officer to use extreme care in the exercise of his discretion in this situation. It is further the policy of this Department, to fully document all such occurrences responded to, regardless of the outcome of that particular situation.

III. DEFINITIONS: None

## IV. PROCEDURES:

#### A. Initial Contact:

1. When an Officer of this Department observes an intoxicated State University employee, or is requested to respond to the location of an employee who may be intoxicated, the on-duty Police Department Supervisor shall immediately be requested to respond and assist.

#### B. Field Procedures:

- 1. The involved Officer(s) at the scene shall request the immediate presence of the intoxicated employee's Supervisor.
- 2. In the presence of the employee's Supervisor and/or fellow employees, the Officer(s) shall examine the employee suspected of being intoxicated for objective symptoms

- of this intoxication. These symptoms, such as red watery eyes, unsteady gait, slurred speech, and the odor, or lack of odor, of an alcoholic beverage shall be duly noted.
- 3. A field sobriety examination, if it can be accomplished without physical danger to the intoxicated employee, shall then be given. This test may consist of various individual tests, in sequence, at the discretion of the Officer(s). For example, the finger to-nose, straight line walk, one leg stand, and reverse count may be given. These individual, sequenced tests, will each be demonstrated to the employee prior to his/her being required to perform them. It is reiterated that the employee's safety is of paramount importance, and if this series of tests might expose the employee to the risk of physical injury, it need not be given.
- 4. The officer shall also administer a field breath test, using the departments Preliminary Alcohol Screening (PAS) device, if the equipment is available. The results of the PAS test will be documented as required in section III.
- 5. During the administration of the above-listed examinations and tests, every attempt shall be made to preserve the privacy and dignity of the employee.
- 6. If, after the conclusion of these examinations, the Officer(s) determines that the suspect employee is indeed intoxicated, they may, depending on the employee's degree of intoxication and attitude (either belligerent, uncooperative or cooperative) proceed in any of the following ways:
  - a. Release the employee if he/she is able to arrange suitable transportation to his/her residence. The Officer shall, if practical, stand by until the employee's departure. Do not release the employee if he/she could endanger/hurt themselves or others.
  - b. Physically arrest the employee if she/he is belligerent and a danger to self or to others and refuses to cooperate with her/his Supervisor or with the Officer(s) present. If the employee is physically taken into custody, she/he shall then be processed as any other arrestee.
  - c. The employee's supervisor or fellow employees shall not be advised to take the employee home.
  - d. Transport the employee to CJ 1 for 647(F) PC.

## C. Documentation of Occurrence:

- 1. Each incident of this type regardless of the ultimate disposition of the occurrence shall be fully and carefully documented.
- 2. If the intoxicated employee is released to his/her Supervisor, or allowed to provide transportation to his/her residence, the incident shall be documented on an incident report. If the intoxicated employee is physically arrested, the incident shall be documented on the San Francisco State University Police incident report.
- 3. This documentation shall include the following information:
  - a. Information concerning the objective symptoms of intoxication displayed by the employee. This information should be detailed enough to establish the cause of intoxication as either by an alcoholic beverage or by a narcotic or drug.
  - b. Detailed information concerning the performance of the employee on any field

- sobriety examinations given.
- c. Officer(s) conclusions as to employee's condition, i.e., intoxicated to a degree that he/she is unable to care for own safety or the safety of others, or he/she is not intoxicated to the degree necessary for physical arrest but has been drinking or has taken a narcotic or drug, etc.
- d. Statements of any witnesses present, including those of the intoxicated person's Supervisor and fellow employees.
- e. Statements made by the intoxicated person.
- f. The ultimate disposition of the incident, i.e., released to the Supervisor, unfounded, physically arrested, etc.

V. APPENDIX: None

VI. ATTACHMENT: None



APPROVED: Reginald Parson, Chief of Police NUMBER: 6-6

EFFECTIVE: January 3, 2005

REVIEWED/REVISED: Jan. 15, 2016, Dec. 16, 2019 SUPERCEDES: Chief's Memo 90-02

SUBJECT: USE OF BUILDINGS AND GROUNDS

I. PURPOSE: To establish a policy to comply with California Administrative Code, Title V, Section 42350 et. seq. on the Use of Buildings and Grounds and time, place and manner regulations.

II. POLICY: It shall be the policy of this Department to comply with directives issued (Executive Directive 89-13) by the San Francisco State University President and to educate the community on these regulations when needed.

III. DEFINITIONS: See Executive Directive 89-13 in the appendix for definitions.

#### IV. PROCEDURES:

- A. Each member of the department shall be knowledgeable of the regulations issued by the President in Executive Directive 89-13 and shall enforce the regulations.
- B. If any officer implementing these regulations is unsure of a certain course of action, the Duty Official should be contacted and no action taken without authorization from the Chief of Police, or their designee.
- C. No sworn officer shall cancel a demonstration, event or tabling without authorization from the Chief of Police.

### V. APPENDIX:

A. University Executive Directive 89-13

VI. ATTACHMENTS: None



NUMBER: 6-7 APPROVED: Regarded Plan

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERCEDES: Oct. 11, 2005, Aug. 3, 2015, Dec. 16,

REVIEWED/REVISED. 2019

SUBJECT: WITHDRAWAL OF CONSENT TO REMAIN ON CAMPUS

I. PURPOSE: To ensure an atmosphere conducive to the educational process, it is the policy of the University Police to withdraw consent to be present on campus from individual's who willfully disrupt the orderly operation of the University.

- II. POLICY: To comply with the specific requirements of Sections 626.4 and 626.6 of the Penal Code, the procedures set forth in this order shall be strictly adhered to.
- III. DEFINITIONS: None
- IV. PROCEDURES:
  - A. 626.4 P.C. Admonishment (Fourteen Days) only issued to students, staff or faculty:
    - 1. When an officer admonishes an individual pursuant to Sec. 626.4 P.C., he/she shall:
      - a. Read the 626.4 P.C. Admonishment Card to the subject whose consent is being withdrawn.
      - b. Complete the 626.4 P.C. Admonishment Card. (Attachment C).
      - c. Complete a crime report and submit to the on-duty Watch Commander prior to the end of the officer's tour of duty.
    - 2. The On-duty Watch Commander shall:
      - a. Review and approve the completed crime report.
      - b. Ensure that copies of the crime report, as soon as approved, are delivered to:
        - 1) The Investigations Division Commander.
        - 2) The Office of the Chief of Police.
    - 3. The Investigations Division Commander in charge of Investigations shall:

- a. Assign one of the Investigators working in the investigations Unit to prepare a memorandum for the Office of the President on behalf of the Chief.
  - 1) The memorandum must contain:
    - a) Name, address, telephone number of the person admonished.
    - b) Space for the Vice President's confirmation or denial of the admonishment.
    - c) A brief synopsis of the incident that led to the withdrawal of consent to remain on campus.
  - 2) The completed memorandum:
    - a) Must be hand delivered to the Office of the Vice President of Student Affairs & Enrollment Management within 18 hours of the time of the admonishment, or as soon as reasonable if the admonishment falls on a weekend, holiday or period of campus closure, with a copy being forwarded to the Chief of Police.
- 4. Procure the memorandum, complete with the conformation or denial, from the Office of the President.
  - a. Ensure that a copy is posted for all personnel to review.
  - b. Ensure that a copy is delivered to the Office of the Chief of Police.
  - c. Ensure that the memorandum is filed with the case file.
- 5. The same assigned Investigator will also complete a letter addressed to the individual whose consent was withdrawn inform the person of either the conformation or the denial of the admonishment by the Vice President or designee. This letter will be written on behalf of the Chief and bear the Chief's (or designee's) signature.
  - a. A copy of the letter is to be forwarded to the Office of the Chief of Police.
  - b. A copy of the letter is to be forwarded to the Office of Student Conduct.
  - c. A copy of the letter is served to the student by the assigned Investigator personally if possible. If not possible, the letter is sent via certified mail with a receiving signature required.
- 6. If the person fails to leave or if the person willfully and knowingly reenters within fourteen days after being directed to leave, he/she is guilty of a misdemeanor and may be arrested pursuant to § 626.2 of the California Penal Code.
- 7. Penal Code Section 626.4 Notice of withdrawal of consent to remain on campus states:
  - (a) The chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or

- facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.
- (b) Whenever consent is withdrawn by any authorized officer or employee, other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. The report shall contain all of the following:
- (1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.
- (2) A statement of the facts giving rise to the withdrawal of consent. If the chief administrative officer or, in the chief administrative officer's absence, a person designated by him or her for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in the chief administrative officer's absence, the person designated by him or her, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.
- (c) Consent shall be reinstated by the chief administrative officer whenever he or she has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. The written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.
- (d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.
- (e) This section shall not affect the power of the duly constituted authorities of a community college, a state university, the university, or a school, to suspend,

- dismiss, or expel any student or employee at the college, state university, university, or school.
- (f) Any person convicted under this section shall be punished as follows:
- (1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.
- (2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.
- (3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.
- (g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

# B. 626.6 P.C. Admonishment (Seven Days)(No Letter is Required):

- 1. 626.6 P.C. Admonishment shall not be used when the person is a student, officer or employee of the University.
- 2. When an officer admonishes an individual pursuant to Sec. 626.6 P.C., he/she shall:
  - a. Read the 626.6 P.C. Admonishment Card to the subject whose consent is being withdrawn.
  - b. Complete the 626.6 P.C. Admonishment Card. (Attachment D).
  - c. After completing the Admonishment Card, direct the person being admonished to leave the campus.
    - 1) If the person fails to leave or if the person willfully and knowingly re-enters the campus within seven days after being directed to leave, he/she is guilty of a misdemeanor and may be arrested.
  - d. Complete a Crime Report and submit to the on-duty Watch Commander prior to the end of the officer's tour of duty.
- 3. Penal Code Section 626.6 Power to direct person to leave campus states:
  - (a) If a person who is not a student, officer or employee of a college or university and who is not required by his or her employment to be on the campus or any

other facility owned, operated, or controlled by the governing board of that college or university, enters a campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility. If that person fails to do so or if the person willfully and knowingly reenters upon the campus or facility within seven days after being directed to leave, he or she is guilty of a misdemeanor and shall be punished as follows:

- (1) Upon a first conviction, by a fine of not more than five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both that fine and imprisonment.
- (2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.
- (3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.
- (b) The provisions of this section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.
- (c) When a person is directed to leave pursuant to subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the campus or facility within seven days he or she will be guilty of a crime.

#### V. APPENDICES: None

#### VI. ATTACHMENTS:

- A. 626 Memo from the Chief of Police to Vice President Luoluo Hong
- B. Letter from the Chief of Police to Concerned Individuals
- C. 626.4 P.C. Admonishment Card
- D. 626.6 P.C. Admonishment Card

## ATTACHMENT A

## SAMPLE Memo



# STUDENT AFFAIRS & ENROLLMENT MANAGEMENT

UNIVERSITY POLICE DEPARTMENT 1600 Holloway Avenue San Francisco, CA 94132

> Tel: 415/338-7200 Fax: 415/338-1926

Date:	, 2015		
То:	Dr. Luoluo Hong Vice President for Student Affairs & Enrollment Management		
From:	Reginald Parson Interim Chief of Police		
Subject:	626.4 P.C. Admonishment of		
regarding a Victim (SFS on a couch	at approximately PM, officers were dispatched to Mary Ward Hall, room assault and robbery that just occurred. While enroute, dispatch advised that the SU related) would be waiting in the lobby. When officers arrived, the victim was sitting and trying. I observed a large red welt e) on the inside of her right forearm.		
boyfriend, e her face ar said she w	began to describe being awakened, by , her exentered her room without permission and began shouting and yelling at her while hitting and body. The victim was asked if she wanted emergency medical attention. The victim anted medical attention because her nose hurt and felt it may be broken. According to Romero head butted her, striking her face, during the struggle.		
observed be container, was now of from her ro	en responded with the victim to her room, Mary Ward Hall, Room , where they bedding and clothing strewn around the room as well as a smashed plastic storage which the victim advised was her property and had contained some of the clothing that on the floor. The victim said that smashed the container and pulled the bedding commate's bed. The victim said that she struggled with him to prevent him from taking at he took it forcefully before leaving.		
and announ friend at h Romero's fi was there be gone, but some PM,	residence, Mary Park Hall, Room and knocked on the door need ourselves but received no answer. The victim advised that often visited his is residence at Crespi Drive. At approximately PM, officers responded to riend's house at Crespi Drive. Officers contacted the resident, who said that that had left about 10 minutes before. They were unable to say where may have said they would send a message to contact UPD immediately. At approximately the residents called UPD dispatch and advised that was with them, and they waiting for the police in front of the residence at Crespi Drive. Officers responded the contact UPD immediately.		
	id that he was concerned for the victim because she had ingested before party they both attended last night.		



party over the victim's plan to leave him there and attend another party.  Said that he last saw the victim today at approximately PM, when he went to her dorm room (Mary Ward Hall, Room) to check on her said that the victim was "high" from the drugs she had ingested the night before.  Told me that the victim did not want him to leave, and grabbed him around his neck.  Told me the victim grabbed at his clothing twice in an attempt to keep from leaving.  Told me the victim grabbed at his clothing twice in an attempt to keep from leaving.  Told me the victim grabbed at his clothing twice in an attempt to keep grabbed her wrists to remove her hands from his neck before leaving.
I asked if he had any scratches, marks or injuries from (CV) grabbing at his neck, told me, "No". I inspected Romero's neck but could not locate any scratches or marks. I did notice still had a mark on his nose from a previous altercation he was involved in (see case). I advised he was under arrest for the following charges:  and was transported to San Francisco County Jail.
As a result of the investigation, it was determined that poses imminent danger to the campus community and that there is reasonable cause to believe that has willfully disrupted the orderly operation of this campus. As a result, was admonished on period of no less than 14 days pursuant to the provisions of Section 626.4 of the Penal Code. Romero was then advised that violation of these orders would result in his immediate arrest.  I hereby confirm / deny the admonishment of Section 626.4 of the California Penal Code.
withdrawing Kaleio Romero consent to be on San Francisco State University property.
Dr. Luoluo Hong, Vice President & Title IX Coordinator Student Affairs & Enrollment Management
Date Time:

#### ATTACHMENT B

September 11, 2003

## SAMPLE LETTER

Mr. John Doe 161 Blue Street San Francisco, CA 94132

Dear Mr. Doe:

On September 10, 2003 at 12:50 p.m., you were admonished of Section 626.4 of the California Penal Code. At this time, consent for you to remain on campus was withdrawn. The President/ Provost/Vice President of Academic Affairs for San Francisco State University confirmed the withdrawal on September 10, 2003 at 5:27 p.m.

If you are found on campus prior to September 25, 2003 (14 consecutive days following the date of the original admonishment) you are subject to immediate arrest.

Should you desire an appeal hearing, please contact Mr. Osvaldo Del Valle, Judicial Affairs Officer at (415) 338-2032.

Sincerely,

Reginald Parson Chief of Police

Cc:

# ATTACHMENT C

626.4 P.C. ADMONISHMENT STUDENTS & EMPLOYEES	Date: Time:
I am	TITLE
"Under Section 626.4 of the Penal Code, a designated by the chief administrative office that there is reasonable cause to believe the orderly operation of this campus. You are remain on this campus and its facilities is will 14 days pursuant to the provisions of Section	er of the college, you are notified it you have willfully disrupted the notified that consent for you to thdrawn forthwith for a period of
Witness	Date
626.4 P.C. (a) The chief administrative office a junior college, state college, or state univ designated by him to maintain order on sucperson that consent to remain on the car control of the chief administrative officer has is reasonable cause to believe that such p orderly operation of such campus or facility	ersity, or an officer or employee h campus or facility, may notify a npus or other facility under the been withdrawn whenever there erson has willfully disrupted the
The person from whom consent has been request for hearing on the withdrawal wit written request shall state the address to whi	hin the two-week period. Such
Name	Date
Signature	Time

## ATTACHMENT D

# 626.6 P.C. ADMONISHMENT NON-STUDENTS, NON EMPLOYEES

**626.6 P.C.** The chief administrative officer of a campus or other facilities of a junior college, state college, or state university, or an officer or employee designated by him to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

Name \_\_\_\_\_ Date \_\_\_\_\_

Signature	Time
Refused to sign	
	Date:
	Time:
I am	
Name	Title
designated by the chief adr that there is reasonable cau orderly operation of this car remain on this campus and days pursuant to the provis to leave or if you willingly	the Penal Code, and as an officer of the college ministrative officer of the college, you are notified use to believe that you have willfully disrupted the ampus. You are notified that consent for you to its facilities is withdrawn forthwith for a period of 7 ions of Section 626.6 of the Penal Code. If you fail and knowingly reenter the campus after being pullty of a misdameanor and are subject to arrest.
Witness	Date



APPROVED: Reginald Parson, Chief of Police NUMBER: 6-8

EFFECTIVE: January 3, 2005

SUPERCEDES: D-23 REVIEWED/REVISED: Jan. 15, 2016, Dec. 16, 2019

SUBJECT: NON-EMPLOYEE RIDE ALONGS

I. PURPOSE: To establish procedures related to approving and providing ride alongs.

II. POLICY: It is the policy of the University Police to in certain situations permit non-employee guests to ride along with University Police Officers during the course of their tour of duty for the purpose of pre-employment research.

## III. PROCEDURE:

- A. All requests for ride alongs will be directed to the Operations Division Commander.
  - 1. The Operations Division Commander will note his approval or disapproval on the request and return the request to the person who initiated it along with a Release and Waiver Form.
  - 2. When the guest arrives at the appointed time and date, the Watch Commander will have the guest sign the Release and Waiver Form before assigning the guest to a University Police Officer.
- B. The officer who has a guest assigned shall be cognizant of his responsibility if an emergency situation arises.
  - 1. The officer shall make every effort to protect the guest from any dangerous situation, including having the guest leave the patrol car and advising the Dispatcher where the guest disembarked.
- C. Watch Commanders and University Police Officers are not authorized to allow guest ride alongs without prior approval of the Operations Division Commander.
  - 1. Officers assigned to a ride along detail shall be mindful that they are being viewed as a professional representative of the department. All officers will conduct themselves accordingly.
  - 2. Officers shall write a report of their experience and opinion of the ride along candidate.

- 3. No individual will be allowed to ride along until a criminal records check and a check for active warrants is conducted. Criminal records/warrant printouts will be attached to the ride along form
- V. APPENDIX: None
- VI. ATTACHMENT:
  - A. Ride Along Release Waiver
  - B. Ride Along Request Form
  - C. Ride Along Evaluation

# ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



## **RIDE ALONG RELEASE WAIVER**

	with a San Francisco State University Police O					
I,	hereby ag	gree to release the State of				
California, the Trustees of the California State University System, San Francisco State University, each and every officer, agent, and employee of each from any and all claims and causes of a ction that I may have in the future or that any person claiming through me may have or claim to have against any of the above institutions or person, by reason of any accident, illness or injuries, death or other consequences resulting directly or indirectly from or in any manner arising out of or in connection with my riding with a University Police Officer.						
I am riding with a Univers	ity Police Officer of me own free will and volition	n.				
	ssume responsibility for any property damage o cipating in the Ride Along program.	or any injury to any person				
I am at least 18 years old	•					
Print Name	Signature	Date				
Witness						
vviuicaa						

### ATTACHMENT B



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# **RIDE ALONG REQUEST FORM**

Name :	Date :				
Addresss :	Phone	Phone :			
Driver's License Number :	Occupation :	Occupation :			
Warrant Check :	Criminal History Ch	eck :			
Reason for Ride Along :		<del>-</del>			
Ride Along acknowledges the following	g (please initial):				
No perfume/cologne No smoking or use of tobacco products					
Must not be under the influence of alcohol and/or drugs					
No camera's or recording devices					
The ride along may be terminated at any time at the discretion of the Watch Commander					
Signed :	Date:				
	ASSIGNMENT				
Date and Time Received :	Granted:	Refused:			
If refused, state reason :					
Division Commander :	Watch Commander	Watch Commander :			
Applicant contacted by :					
Officers comments :					
<del></del>					

# ATTACHMENT C



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926



# RIDE ALONG EVALUATION

Na	Name : Date of Ride Along : _	
Na	Name of Officer :	
	In an ongoing effort to provide a rewarding experience for participants in the San Fr versity ride along program, please give us your honest responses to the following q	
1.	What was your most rewarding experience during the ride along?	
 2. 	What do you feel you gained by participating in the ride along program?	
	Desribe any preconceived opinions or ideas that may have been changed as a ralong.	esult of your ride
4. —	Please describe any negative experience you had during your ride along.	
	5. If you have been a ride along with any other police agency, how would you com along with SFSU Police?	
6.	6. How would you improve the San Francisco State University Police ride along pro	ogram?
7.	7. How did you learn of the ride along program?	
8.	8. If you have applied for the police officer position, how did you learn of the job op	ening?



NUMBER: 6-9 APPROVED: Regulated Par

Reginald Parson, Chief of Police

EFFECTIVE: January 3, 2005

May 3, 2005, Oct. 3, 2006, March 9, 2007, July 29, 2011, Feb. 7, 2013, Oct.

SUPERCEDES: 2007, 3dily 29, 2011, Feb. 7, 2013, Oct. 29, 2014, July 15, 2015, Dec. 16, 2019

SUBJECT: STATISTICAL REPORTING AND CLERY COMPLIANCE

I. PURPOSE: To establish a policy to comply with providing crime statistics to the Department of Justice, Chancellor's Office, Department of Education and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act.

II. POLICY: It shall be the policy of the University Police to comply with all Federal and State Statutes and Chancellor's Office procedures for the submission of crime statistics.

#### III. DEFINITIONS:

- A. Department of Justice Statistics: Required per Penal Code Sections 13010-13023 and due to the Department of Justice no later than the 7th of every month.
- B. Chancellor's Office Statistics: Required by CSU Human Resources Coded Memorandum 2005-18 and due annually.
- C. Department of Education Annual Statistics: Required by the Campus Security Act of 1990, due on October 15th for distribution.
- D. Clery Act Compliance: Required by 20 USC § 1092(f). This report is due October 1st annually and to the Chancellor's Office on October 1st annually.

#### IV. PROCEDURES:

- A. Department of Justice Statistics:
  - 1. They are due the 1st of every month, before the 10th day.
  - 2. Procedures
    - a. The UCR report is printed from the RIMS records program.
    - b. The Hate crimes report is printed from the RIMS records program.
    - c. The Domestic Violence report form is printed from the RIMS records program.
    - d. The Violent Crimes Committed Against Seniors report form.
    - e. The Anti-Reproductive Rights Crimes report form is filled out by hand using statistics from the case log book (BCIA 8370 form) If this form is used, the ARRC Data Collection Worksheet should be completed (BCIA 8371).

- f. The Law Enforcement Officers Killed Or Assaulted report form.
- g. The Monthly Arrest and Citation register is printed from the RIMS records program.
- h. After all forms are completed and faxed to the Department Of Justice
  - 1) The yearly statistics are due prior to Jan 15th.
- B. Chancellor's Office Statistics:
  - 1. They are due annually.
  - 2. The Chancellor's Office report is e-mailed to each Records Manager for completion. This Microsoft Word document can be filled out using statistics from RIMS. After approval from the Chief of Police, it can be e-mailed to the Chancellor's Office.
- C. Department of Education Annual Statistics:
  - 1. They are due on October 15th of each year.
  - 2. Procedures
    - a. Due yearly during the second week of October.
    - b. Yearly in July, the DOE will mail a Registration Certificate to the Chief of Police. This Certificate contains the Department's user ID and password to access the DOE Campus Crime and Security Survey website.
    - c. Statistics, taken from the CLERY report statistics, must be entered into the DOE website during the data collection period (normally last week of August through second week of October). During this time period, the data may be updated and changed. All data must be entered and "locked" by the user prior to the October deadline. Only the current and previous year's data may be changed during the access period. The data may not be changed during any other time of the year. The Department of Education can open the report for amendment.
- D. The Records Supervisor at the direction of the Chief of Police is responsible for the publication and distribution of the Clery Act Security Report:
  - 1. Publication and distribution must occur annually prior to October 1st.
  - 2. The Annual Security Report will be updated online and in hardcopy by October 1st. An e-mail notification will be made to all enrolled students, faculty and staff that will provide the web link to access this report. The email notification will be sent from the Vice President of Student Affairs & Enrollment Management. Hard copies of the report may also be obtained at the University Police Department or by calling UPD Dispatch at (415) 338-7200.
  - 3. The Clery Review Committee (which includes the Student Affairs & Enrollment Management Equity Programs & Compliance Manager, the Director of Student Conduct, the Assistant Director of Residence Life, the UPD Records Supervisor, and the Commanding Officer of the Investigations Division or designee), will be responsible for the accurate review of the University's policies and procedures and

reporting of crime statistics.

- a. The Clery Review Committee will also be responsible for the comprehensive oversight, review, revision, and implementation of all University policies and procedures as required by the Clery Act.
- 4. The following documentation shall be maintained on our electronic Clery Dropbox folder and in hard-copy in the Records Supervisor's Office:
  - a. All Crime Reports representing a Clery statistic must be maintained in each labeled file.
  - b. A memo from the Clery Review Committee confirming completion of the annual review of Clery crime statistics.
  - c. Annual email notification for all campus community members.
  - d. Pay warrant stub with the Compliance notice.
  - e. SFSU Office of Enrollment Management- "Future Students" web link http://www.sfsu.edu/future/campus/resources.html
  - f. SFSU Office of Enrollment Management New Student brochure (New Student Handbook) web link. http://www.sfsu.edu/future/StepsforNewStudents\_Fall2015. pdf.
  - g. The SFSU Human Resources website- "Human Resources Practice Directives & Guidelines"- section "100 Recruitment/Employment." http://hr.sfsu.edu/Labor\_ Compliance\_ProfDev/emp\_relations/direct\_and\_guide
  - h. The SFSU Human Resources website "Important Links". http://hr.sfsu.edu/importantlinks
  - Mailing addresses for UCORP (University Corporation) and Auxiliary Business Services.
  - j. UCORP employee application with notice.
  - k. Annual memo to CSA's (Campus Security Authorities).
    - 1) Training Dates and Training Rosters, all training conducted
      - a) Housing Staff including Residential Advisors
      - b) Orientation Staff
      - c) Coaches
      - d) Student Affairs & Enrollment Management Directors
      - e) Advisors
  - I. Timely Warnings
  - m. Notations on crime reports which/why no timely warning was issued.
  - n. Crime Prevention Presentations made.
  - o. DOE, Clery, FBI and Chancellor's Office statistics comparison.
  - p. Statistics obtained from local police departments and procedures, utilized every January.
  - q. Student Conduct Referrals
  - r. Residence Life Statistics

- s. University Police compliance training form.
- 5. The law requires that anyone must be provided a written report upon request:
  - a. Procedure if you get a call request:
    - 1) Keep copies of the report in the reception area to distribute.
    - 2) Fill out attached form, which is kept at reception. (See Attachment)
    - 3) Put sealed, addressed envelope in the out-going mailbox.

#### E. Timely Warning Campus Policy:

- 1. The University Police Department will conduct a review on a case-by-case basis of Clery reportable crimes to consider if there's an imminent threat to the safety and welfare of the campus community. If it's determined that there's an imminent threat to community safety and welfare, a timely warning notice shall be provided to students and employees. Timely Warning notices shall be provided to students and employees in a manner that is timely and will aid in the prevention of similar occurrences. These crimes, which are listed below, may be reported to the university police or local police agencies:
  - a. Murder,
  - b. manslaughter,
  - c. sex offenses, forcible or non-forcible,
  - d. domestic violence,
  - e. dating violence,
  - f. stalking,
  - g. robbery,
  - h. aggravated assault;
  - i. burglary
  - i. motor vehicle theft
  - k. arson
  - i. other crimes involving bodily injury to persons intentionally selected because of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity or disability.
- 2. The Commanding Officer of Investigations (or designee) shall review all offenses that are subject to disclosure in the Annual Campus Security Report that are reported to the University Police to determine if they represent an imminent threat to the campus community using the following criteria:
  - a. Was the incident reported in a timely manner? (For example, if incident is reported months or years later, it is by definition not "timely" and Timely Warning is not needed).
  - b. Does there appear to be an ongoing or imminent threat to the safety/welfare of the campus community or is it likely that the reported crime is likely to re-occur?

- (If so, then Timely Warning may be needed.)
- c. Was the subject apprehended, taken into custody, and/ or identified by any law enforcement agency? (If so, then Timely Warning may not be needed.)
- d. Is the incident random in that the victim(s) and the suspect(s) do not know each other and do not have a prior relationship? (If not, then Timely Warning may not be needed.)
- e. The Timely Warning Review Form will be completed by the Commanding Officer of Investigations (or designee) for offenses reviewed for disclosure and filed in our electronic Clery File Dropbox folder and in hard-copy in the Records Supervisor's Office.
- 3. It shall be the responsibility of the Commanding Officer of Investigations to prepare Timely Warnings for the Chiefs' approval.
  - a. The Timely Warning will be forwarded to the Title IX Coordinator or designee for approval unless an exception is made by the Chief of Police.
- 4. Timely Warnings that are posted shall be removed by the CSS's at the direction of the Commanding Officer of Investigations.
- 5. Posting of Timely Warning bulletins- The requirement for timely warnings is found in the Code of Federal Regulations Section 668.46(e). Warnings must be completed 24-48 hours after all the facts are available to notify the community of these crimes.
  - a. All attempts will be made to complete and post Timely Warning notices as soon as possible and with pertinent factual information. If applicable, notices with updated information shall be posted as additional information becomes available.
  - b. Timely Warning notices will be sent via email from the Vice President for Student Affairs & Enrollment Management general email address to all SF State students, faculty and staff. The Vice President or designee will utilize the Blackboard Connect interface to send this message.
  - c. Additionally, Timely Warnings may also be posted on exterior doors of key campus buildings (e.g., Administration Building, Student Services Building & Cesar Chavez Student Center, etc.) and placed on the University Police Department website in order to reach as many community members in the shortest amount of time.
  - d. Timely Warning Notices will be posted for a period of no less than 1 week(seven days), unless the crime trend is continuing.

# F. Crime Log:

- It shall be the responsibility of the Records Supervisor and the Information Technology Consultant to update and maintain the daily crime log and to ensure 60 days of logs are available at all times.
  - a. The Crime Log will contain all crimes reported to the University Police Department and the following information;

- 1) the nature, date, time and general location of each crime
- 2) the disposition of the complaint, if known
- b. Requests for logs older than 60 days shall be facilitated by the Records Supervisor.
- c. All logs shall be released within 2 business days of the request.
- 2. It shall be the responsibility of the Commanding Officer of Investigations to submit changes in the disposition of the crime log to the Records Supervisor. Updates must occur within 2 business days of the change in disposition of the crime.
  - a. Exceptions to updates will be approved if the release will jeopardize confidentiality of the victim, safety of an individual, cause a suspect to flee or evade detection, result in destruction of evidence or jeopardize an ongoing investigation.
- G. The Records Supervisor will prepare a statistical comparison of the Department of Education statistic, Clery and FBI stats in writing to the Chief annually in February.
- H. Records Retention:
  - 1. All statistical documentation will be maintained for a period of at least 7 calendar years.
- I. Uniform Crime Reporting Handbook- All procedures as listed in the UCR handbook will be followed for reporting crime statistics.
- J. Training of all University Police Employees on Clery Compliance and requests for Clery Report.
  - 1. All requests submitted to the Records Supervisor.
  - 2. Each employee must sign the compliance document, which will be maintained in his or her personnel file.
- K. The Information Technology Consultant will be responsible for updating the campus Clery website.

#### V. APPENDICES:

- A. Clery Statute
- B. Clery Compliance Checklist
- C. Notice to Campus Security Authorities
- D. CSU Coded Memorandum AA 2004-08 Required Notice of Institutional and Financial Assistance Information

#### VI. ATTACHMENT:

- A. Clery Report Mail Request Form
- B. Clery Training Roster Form

- C. Clery Training Roster Sign In Form
  D. Notification to University Police Employees of their duty under Clery

### ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

### **CLERY REPORT MAIL REQUEST**



NAME	ADDRESS	CITY	ZIP	DATE	DATE MAILED

# ATTACHMENT B

# **Clery Training for Employees and Campus Security Authorities**

	YEAR	
<u>WHO</u>	<u>DATE</u>	TRAINED BY
Student Affairs Directors		
Faculty Advisors to Student (	Groups	
Athletics		
Gator Aiders/Advisors		
Housing/RA's		
***Attach Training Roster		

# ATTACHMENT C

# **CLERY TRAINING ROSTERS**

#### ATTACHMENT D



#### UNIVERSITY POLICE DEPARTMENT

1600 Holloway Avenue San Francisco, CA 94132

> Tel: 415/338-7200 FAX: 415/338-1926

MEMORANDUM

Date

TO: First Name Last Name

Title

FROM: First Name Last Name

Chief of Police

SUBJECT: Clery Report

The Clery Act is a federal law that requires the distribution and publication of our annual security report by October 1<sup>st</sup> of each year. The law requires that anyone must be provided a written report upon request. In order for all employees to make sure persons are given a report or mailed upon request, please sign below that you understand the process. Failure to provide a report carries a fine and violation of Federal Law.

Procedure if you get a call request:

- 1. Keep copies of the report in the reception area to distribute.
- 2. Fill out attached form, which is kept at reception.
- 3. Forward a copy to Robbie Quimbo to be mailed to the requestor.

I have read and understand this directive.



NUMBER: 6-10 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: January 3, 2005

Feb. 26, 2010, Dec. 16, 2011, Jan.

SUPERSEDES: REVIEWED/REVISED: 29, 2013, Feb. 7, 2013, Aug. 5,

2015, Feb. 3, 2016, Dec. 16, 2019

SUBJECT: EMERGENCY PREPAREDNESS PROGRAM

I. PURPOSE: To establish a policy to comply with CSU Executive Order 1056 and relevant state and federal statutes to ensure a state of emergency preparedness.

II. POLICY: It shall be the policy of the University Police Department to implement and maintain a campus-wide emergency management program that will be activated when a hazardous condition or natural disaster reaches or has the potential for reaching proportions beyond the capacity of routine operations.

The University Police Department shall review and revise the Campus Emergency Operations Plan annually to ensure a state of readiness. The Plan will be continually communicated to the campus community in a variety of methods through public education (e.g., web-posting of the Plan, except for active-shooter/terrorist responses plans) or other mechanism for dissemination of hazard planning materials (see General Order 3-51).

The University Police Department shall promote awareness of emergency preparedness through outreach, training, and a variety of campus activities; to train the campus community on the SEMS/ NIMS/ ICS emergency management framework; and promote essential disaster readiness training.

The University Police Department shall ensure that all campus emergency preparedness equipment and supplies are maintained in a consistent state of readiness. The University Police Department shall manage and coordinate on-campus emergency notification systems and evacuation plan to ensure they are implemented and maintained in a state of readiness.

#### III. DEFINITIONS:

A. SEMS: Standardized Emergency Management System

B. NIMS: National Incident Management System

C. ICS: Incident Command System

#### IV. PROCEDURES:

A. The Emergency Preparedness Coordinator will review and revise the Emergency Operations Plan annually. Input from campus emergency team members will be solicited and the proposed revisions will be submitted to the Chief of Police and the. The SFSU Emergency Preparedness Coordinator reports directly to the Chief of Police.

- B. The Emergency Preparedness Coordinator will contact Plant Operations on an annual basis to ensure utility maps are current.
- C. The Emergency Preparedness Coordinator will collaborate with local agencies to develop and maintain effective mutual aid agreements, which will be updated annually.
- D. The Emergency Preparedness Coordinator will submit a list of equipment and supplies needed to the Chief and for Student Affairs every April for consideration in the next budget cycle.
- E. The Emergency Preparedness Coordinator will partner with the Environmental Health and Safety (EH&S) department to conduct evacuation drills for every building on campus annually.
- F. The Emergency Preparedness Coordinator shall coordinate all on campus emergency notification and alert systems to ensure a state of readiness, and conduct an annual review revision of operating policies and procedures for each system. This includes the San Francisco State Emergency Notification System.

The Chief of Police or his/her designee authorizes the Emergency Preparedness Coordinator to activate the San Francisco State Emergency Notification System in the event of any emergency or critical incident that threatens the lives and/or property of the campus community.

The San Francisco State Emergency Notification System is a communications tool designed to rapidly disseminate emergency information and instructions in the event of an emergency. This fully hosted, web-based system can disperse messages to phones, voicemail, e-mails, and via text messaging and TTY.

The University Chief of Police in consultation with the Universities management section of the Emergency Operations Center determines the content of each emergency message based on the nature of the incident. Emergency messages and test messages are sent to all students, staff and faculty members as is appropriate.

The Emergency Preparedness Coordinator will ensure that a test of the system shall be conducted at least once during the spring and fall semesters.

- 1. The Emergency Preparedness Coordinator will collaborate with the San Francisco State University Department of Information Technology Services (ITS), and Human Resources to maintain the San Francisco State Emergency Notification System as current and in a state of readiness.
- 2. The Emergency Preparedness Coordinator shall coordinate and provide training

as needed for University Police supervisors and others designated and authorized to operate San Francisco State Emergency notification System.

#### G. Emergency Preparedness Training

- 1. The Emergency Preparedness Coordinator shall actively promote and train the campus community on the SEMS/ NIMS/ ICS compliant campus plan, to include at a minimum:
  - a. Overview training of every employee within one year of employment.
  - b. E-prep overview training to all existing faculty and staff as deemed appropriate
  - c. Provide a variety of E-prep training to faculty and staff throughout the year as requested by individual employees and departments.
  - d. Specialized training annually for employees designated either as building coordinator or building floor captain, EOC team member or member of the campus emergency management team. Specialized training includes, but is not limited to, SEMS, NIMS, ICS, and crisis response.
- 2. The Emergency Preparedness Coordinator shall compile training records for all campus training which shall be kept for a minimum of seven years. Documentation shall include attendee rosters with names and other employee identification, department, title of course, date, and name of trainer.
- 3. Training of Campus Administration
  - a. The Emergency Preparedness Coordinator will work closely with the Chief of Police to identify new cabinet level personnel and Deans to receive training on the Campus Plan and Emergency Operations Center Procedures as appropriate.
  - b. Appointments shall be scheduled for an orientation to new administration and the Emergency Preparedness Coordinator shall be included.
- 4. Annual training of EOC members and the President's Policy Team.
  - a. Training for all EOC members shall be scheduled and completed during spring semester prior to May 1st.
  - b. Training shall be offered to the Presidents Policy Team during spring semester and scheduled as deemed appropriate.
  - c. The Emergency Preparedness Coordinator shall activate and test the EOC and Presidents' Policy Group once every October and April, to assure a state of readiness and response capability.
- 5. Promote Emergency Preparedness awareness and education campus-wide
  - a. Campus-wide Emergency Preparedness Week each spring and fall semester.
  - b. Develop a comprehensive public education and awareness campaign to reach the entire campus community on an ongoing basis.
  - c. Participate in tabling and distribute informational brochures.

- d. Maintain an up-to date E-Prep website with links to key resources
- e. Outreach to student organizations and student newspapers to post information.
- f. Develop partnerships with key stakeholder groups such as, DPRC, the Child Development Centers, the School of Nursing and School of Criminal Justice.

#### H. Maintenance of Campus Wide Supplies:

- The Emergency Preparedness Coordinator will work with building coordinators and departments to conduct an annual inventory and inspection of campus wide supplies.
- 2. Lists of new equipment and supplies needed shall be submitted every April.
- 3. The Emergency Preparedness Coordinator shall ensure that an accurate equipment and supply inventory is maintained.
- 4. The Emergency Preparedness Coordinator shall work with Housing and the Housing contract food vendors annually to ensure a state of readiness to house and feed the campus community for 72 hours in the case of a disaster.
- 5. The Emergency Preparedness Coordinator shall work with the Director of Housing annually to ensure each Housing food vendor's new contract includes the clause that they are required to maintain inventory, on hand at all times, to feed the campus community for 72 hours.
- 6. The Emergency Preparedness Coordinator shall ensure the police department's emergency generators are tested on a monthly basis. The testing shall be conducted by the officer charged with the department's vehicle maintenance (VMO). The VMO shall record the testing on an "Emergency Generator Test Log". The log shall be forwarded to the Emergency Preparedness Coordinator who shall maintain them.
- I. The Emergency Preparedness Coordinator is responsible for coordinating Emergency Preparedness with the San Francisco Department of Emergency Management, and the California Emergency Management Agency (Cal EMA)
  - 1. Emergency contact numbers shall be updated at a minimum, spring and fall semester or more often as new information becomes available.
  - 2. City of San Francisco and the Statewide Emergency Plans shall be reviewed annually for any changes.
- J. Emergency Notification and Information Dissemination
  In an emergency, reliable communication is a critical resource. Timely and coordinated responses in an emergency situation, depend on effective communication within the campus community, between field units and the EOC, and when necessary, to and from outside agencies, such as the City of San Francisco EOC, other CSU campuses and the Chancellor's Office. In the EOC the Planning and Intelligence Section is responsible for analyzing, vetting and disseminating situational intelligence to the emergency response organization. The Logistics Section is where the Public Information Officer (PIO) resides. Their job is to pass on vetted situational information that may be beneficial to the public and the campus community.
  - 1. Emergency Notification System. The SF State Emergency Notification System is the

primary tool used to provide authorized emergency notifications to the entire campus community. This dedicated, fully hosted, web-based system can send messages via email, phone, voicemail, text, and TTY to students, faculty, staff, campus vendors, alumni and other enrolled campus community members. In addition, University Communications disperses vetted information via social media outlets on Facebook and Twitter, @SFState\_News; and on the University homepage, www.sfsu. edu. SF State Emergency Notification Protocols and a description of Emergency communication systems and persons that have access and the authority to activate them is in Annex 2.1.A. See attachment A, "Communications and Notifications Annex 2.1A" of the Emergency Operations Plan.

#### K. Shuttle Service and Campus Evacuation

#### 1. SF State Shuttle Service:

The Parking and Transportation Department within UPD, operates the SF State Shuttle Service, which primarily provides free rides for the campus community, between the university and the Daly City BART Station, during spring and fall semester, between the hours of 7am and 10pm Monday through Thursday, and 7am to 7pm on Friday and consists of 6 buses. The Parking and Transportation Department within UPD also has 4 shuttles parked in the Corp Yard on reserve.

2. Campus Evacuation:

In the event of an emergency, the Campus Evacuation Plan will go into effect. The contracted vendor will provide drivers for these shuttles and the fleet of 6 buses. The vendor can also provide additional buses/shuttles as needed during emergency response and recovery. Evacuees will be picked up at predesignated pick up points and taken to the Bay Area Rapid Transportation Agency (BART) transit center or a neighboring functional transportation center if the BART is unavailable. See Evacuation Plan, Attachment B.

3. and Drills:

Fire and Evacuation Drills are conducted on a yearly basis.

#### V. APPENDIX:

A. Executive Order 1056 Implementation of the California State University Emergency Management Program

#### VI. ATTACHMENT:

A. SF State University Evacuation Plan

Attachment A

# SF STATE UNIVERSITY EVACUATION PLAN

#### Level 1/ Level 2 Evacuations

In the event of an Emergency or Natural Disaster SF State University has developed a Two Evacuation system for the University.

The system will consist of Level 1, a Building(s) Evacuation or Level 2, a Total Campus Evacuation. The campus has been divided into 4 quadrants (see attached quadrant maps).

#### Level 1:

This type of evacuation will consist of an evacuation limited to a specific building or group of buildings affected by the emergency or disaster. Evacuees will proceed to the pre-designated assembly area, (see quadrant map) at the direction of the Building Emergency Response Coordinator (BERC). Once at the assembly area, evacuees will wait for further instruction. The order to evacuate, if evacuation is not activated by audible alarm, will be given by the BERC, Building Manager, Department Dean, or UPD personnel.

- 1. A building(s) evacuation will occur when a fire alarm sounds, or upon notification by authorized persons listed above.
- 2. Faculty Staff & Students should be aware of all marked exits from your area and building. Know the routes from your work area. BERCs will assist in directing evacuees to the emergency exit routes for their building.
- 3. CAUTION: Building fire alarms may stop ringing, if it stops, continue evacuation.
- 4. DO NOT use elevators unless directed.
- 5. ASSIST those persons who are disabled in exiting the building! Elevators may be used to evacuate disabled persons ONLY after the elevator has been declared safe. Always evacuate mobility aids (wheelchairs, crutches, etc.) with the person if possible.
- 6. Once outside, move to a clear area that is at least 500 feet away (if possible and safe to do so) from the affected building. Keep streets and walkways clear for emergency vehicles and personnel (see map for designated assembly area(s).
- 7. An emergency command post may be set up near the emergency site. Keep clear of the command post unless you have important information to report.
- 8. DO NOT return to an evacuated building unless directed to do so by police personnel or the Building Emergency Coordinator.

#### Level 2:

This type of evacuation will consist of a Total Campus Evacuation. This type of evacuation will take place when multiple buildings (all quadrants see attached campus map) have been affected by the emergency or disaster and will involve safely and strategically evacuating the entire campus for safety reasons. The order to evacuate is authorized by the University President or designee, The Chief of Police or designee, The EOC Director or designee.

1. During this type of evacuation, a Level 1 Evacuation may have already taken place. Faculty Staff and Students should be assembled in the pre-designated assembly area.

These areas will be where the SFSU shuttles will pick up campus community members and transport them to transit centers. The shuttles will travel in a Clockwise Direction along  $19^{th}$  Av, to Holloway Av, to Font Bl, to Lake Merced Av, to Winston Dr, and back to  $19^{th}$  Av.

#### Evacuation of Persons with Disabilities

The following guidelines should be considered when assisting persons with disabilities in either type of evacuation. BERCs and/or volunteers should familiarize themselves with these procedures.

First: Communicate the nature of the emergency

Second: ask the disabled person if they require assistance

Third: Evacuate mobility aids with the person when possible/practical.

Visual Impairments Describe the nature of the emergency and offer to guide him/her to the nearest emergency exit. Have the person take your elbow and escort him/her advising of any obstacles such as stairs, narrow passageways or overhanging objects. When you have reached safety, orient the person to where s/he is and ask if further assistance is needed.

**Hearing Impairments** Most buildings are not equipped with flashing light alarms, and persons with impaired hearing may not perceive that an emergency exists. Communicate with the person by writing a note or through simple hand gestures.

Persons Using Crutches, Canes, or Walks ask that person what method of assistance s/he prefers. Check for the availability of an evacuation chair and always evacuate mobility aids with the person if possible.

Persons Using Wheelchairs Ask the person what method of assistance s/he prefers. Some people have minimal ability to move and lifting them may be dangerous to his/her well-being. Some persons using wheelchairs have respiratory complications; remove him/her from smoke or fumes immediately. If the person wants to be moved in his/her wheelchair, keep the following considerations in mind:

- Always consider an "Evacuation Chair" if one is available.
- Ask if they want to move forward or backward down stairs.
- Wheelchairs have many movable or weak parts.
- Some persons have no upper trunk or neck strength.
- Power wheelchairs are heavy; an evacuation chair may need to be used. The chair can be retrieved later.
- If a seatbelt is available, use it!

If the person prefers to be removed from his/her wheelchair for evacuation, ask his/her preference on the following:

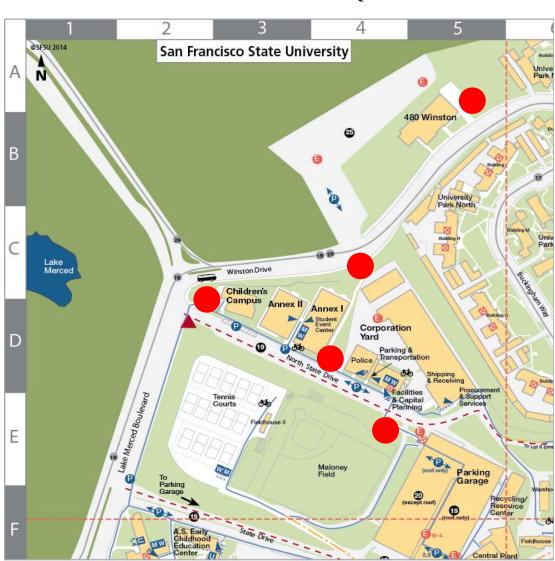
- Ways of being removed from the wheelchair
- Whether to move extremities or not
- Being moved forward or backward down stairs



Level 1 Evacuation: NORTHEAST QUADRANT



Pre-designated assembly area(s)



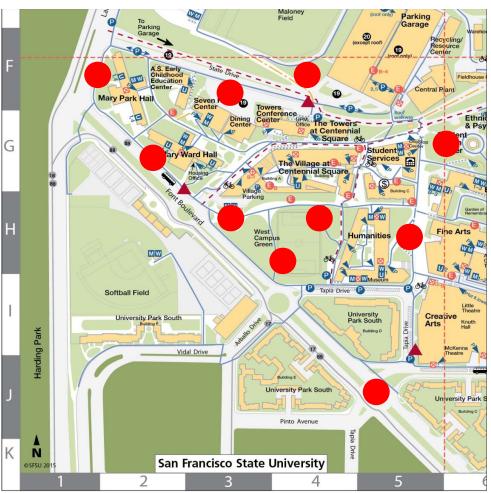
Level 1 Evacuation: NORTHWEST QUADRANT

Pre-designated Assembly Area(s)

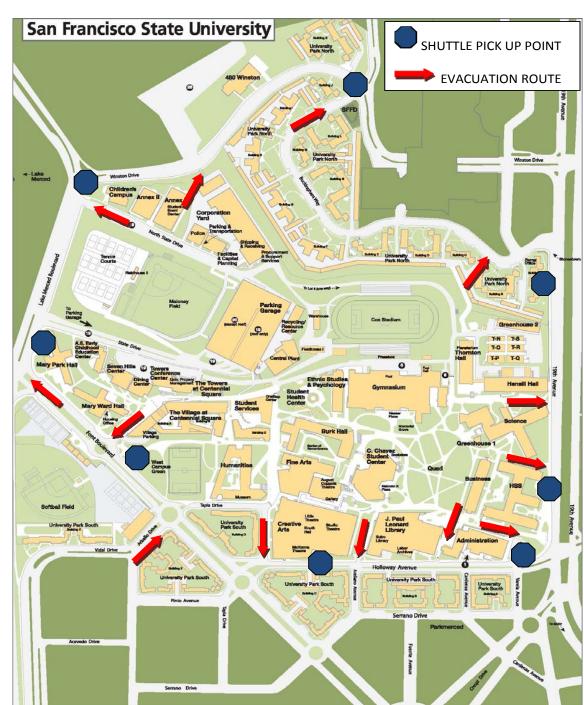
Level 1 Evacuation: SOUTHEAST QUADRANT Parking Garage Cox Stadium Greenhouse 2 T-S T-R T-O Thornton Hall T-Q 19th Ethnic Studies Gymnasium Health Center MW Science Burk Hall Greenhouse 1 C. Chavez Student Bookst Center S WA Quad 19th Avenue J. Paul Leonard **U**G Holloway Avenue University Park South Varela Avenue University Park South University Park South Serrano Drive San Francisco State University 8 9 6 10

Pre-designated Assembly Area(s)

Level 1 Evacuation: SOUTHWEST QUADRANT



Pre-designated Assembly Area(s)



Level 2 Evacuation: TOTAL CAMPUS



APPROVED: Registed Par NUMBER: 6-11

Reginald Parson, Chief of Police

EFFECTIVE: January 3, 2005

REVIEWED/REVISED: Aug. 27, 2014, Aug. 6, 2015, Dec. 16, 2019 SUPERSEDES:

SUBJECT: KEY CONTROL

I. PURPOSE: To establish the policy and procedures for key issue and control of State keys.

II. POLICY: It shall be the policy of the San Francisco State University Police Department that the Key Control function be managed in an efficient and reliable method that ensures internal accounting controls, safeguarding State and University assets, and adhering to management and administrative policies.

#### III. DEFINITIONS:

- A. Authorized Key Holder: Those persons authorized by the appropriate Executive or Administrative Officer to have in their possession key(s) to University facilities/equipment.
- B. Chief of the University Police Department: Administrator responsible for overseeing the management of the Department's Key Control.
- C. Dispatcher: Department communications personnel assigned to work hours when the Key Control Office is not open.

#### IV. PROCEDURES:

- A. University Police Internal Accounting Key Control:
  - 1. All sworn/non-sworn University Police employees requesting personal keys and cardkeys to the facilities of San Francisco State University shall submit an SFSU Plant Operations Key Request Form for approval by the Chief of Police or her designee via the Chain of Command.
  - 2. When a member of the University Police leaves his/her position of employment at the University, he/she shall return all issued State keys and cardkeys to the Watch Commander. The Watch Commander shall inventory the key(s) and submit them to Plant Operations for return.
  - 3. When a Department key is damaged or broken, it shall be placed in an envelope and given to the Department Key Control Officer along with the request for replacement.

- 4. Department "Key Watcher" Computerized System:
  - a. All University keys and Master keys assigned to patrol vehicle key rings shall be maintained in the "Key Watcher" system located in the Squad Room.
  - b. The University Police IT Consultant and the Investigations Division Commander or his/her designee shall be responsible for overseeing the management and maintenance of the "Key Watcher."
  - c. All sworn and non-sworn (Community Service Officers, Parking Control Officers) personnel shall have access to the "Key Watcher." All other personnel requesting authorization to access the "Key Watcher" must obtain permission from the Division Commander via the Chain of Command.
  - d. Password Management:
    - 1) The University Police IT Consultant and the Commander or his/her designee shall:
      - a) Issue individual Key Watcher access passwords to authorized sworn and non-sworn personnel.
      - b) Maintain a list of individual passwords issued to department personnel, and the master access password.
      - c) Remove individual passwords issued to an employee when he/she leaves their position of employment from the University Police.
    - For department security, University Police personnel shall not give anyone their password and shall use their own issued password each time the Key Watcher is accessed.

### 5. Evidence Room/Evidence Container

- a. No more than two sets of keys to any internal lockable safe, lockers, etc., shall exist.
- b. The two sets of keys (a single key for each evidence locker) shall be secured in the office of the Commanding Officer of Investigations (Lieutenant or higher rank).
- c. The Commanding Officer of Investigations (Lieutenant or higher rank) shall maintain the sole "hard key" to the evidence room and the evidence container.
  - 1) The Evidence Custodian and Property Clerk must obtain approval from the Commanding Officer of Investigations prior to obtaining the "hard keys" to the evidence room and the evidence container.
- d. Cardkey access to the evidence room will only be given to the Evidence Custodian, Property Clerk, and Commanding Officer of Investigations.
- 6. Temporary Holding Facility

- a. Keys and access cards to the facility shall be strictly controlled and limited to sworn University Police personnel. Keys to the cells shall be kept in the following locations:
  - 1) One key in the sally port gun locker #1.
  - 2) One key in the Commanding Officer/Lieutenant of Investigations office.
  - 3) One key maintained in the department "Key Watcher" cabinet in the squad room.

#### 7. Calls for Service

- a. Stolen and Lost State keys
  - 1) An Incident Report shall be taken for all reports of stolen and lost University State keys and a copy of the report shall be forwarded to the SFSU Facilities and Service Enterprises (FSE). All incidents shall be recorded in RIMS.
- b. Building Lock-Out Assists
  - 1) The University Police shall not unlock buildings for anyone during closing hours unless it is an emergency circumstance under the following:
    - a) The requestor is a key-holder for a particular building and they have lost their key, and can articulate an urgent need to enter the building in question.
    - b) The requestor has a letter of authorization from a dean or building manager authorizing access.
    - c) The requestor has left important personal property in a building. The requestor may be escorted into the building to retrieve the property, and then escorted back out.
  - 2) All subjects requesting lockout assists shall have their identification requested, verified, and documented.
  - 3) Faculty and staff requests shall be facilitated when a faculty and staff member wishes to make entry into a building for reasonable purposes, and who have been granted access, but are unable to for some reason.
- c. In all cases, the use of discretion in allowing access to a building must be weighed against the risk of personal safety to the requestor, the risk of university liability, or the risk of compromising the security of the building or any areas within.
  - 1) The use of discretion is not allowed when there is clear instruction or direction that restricts access to the building, area, or facility.
- B. University Building Key Control for the following areas:

#### 1. University Property Management (UPM)

- a. All key requests shall be directed to the UPM Key Controller for verification and approval. It is the responsibility of the Key Controller to enforce procedures for key issue, return, replacement, and re- keying.
- b. Housing Master keys shall be issued to management and maintenance personnel. Master keys issued to Lead Custodians and maintenance personnel shall turn in the keys once their work is completed.
- c. Students residing in Mary Ward, Mary Park, the Towers and Village at Centennial Square, shall receive a card key for the exterior doors to their building and a key for their assigned room.

#### 2. SFSU Bookstore

- a. The General Manager and the Assistant General Manager shall jointly control key issuance to the Bookstore.
- C. SFSU Facilities and Service Enterprises (Plant Operations) Controlled Buildings:
  - The SFSU Facilities and Service Enterprises (Central Plant) will maintain security of campus facilities and equipment through enforced procedures for key issue, return, replacement, and re-keying.
  - 2. All key card requests shall be directed to the SFSU Facilities and Service Enterprises (Central Plant) for verification of authorized signature and duplication of key(s).

#### V. APPENDIX: None

#### VI. ATTACHMENT:

- A. San Francisco State University Police Department Key Request Form
- B. San Francisco State University Housing & Residential Services Key Request Order Form

#### ATTACHMENT A



Police Department • 1600 Holloway Avenue • San Francisco, California 94132-4045 • Tel: 415/338-7200 • Fax 415/338-1926

# SAN FRANCISCO STATE UNIVERSITY POLICE DEPARTMENT KEY REQUEST

Requester:		_ Extension:_		
Name:	UIN:		Date:	
Extension:	_ E-mail:			
Staff: Student: Contractor:				
Is Authorized To Have The Follo	owing Key(s):			
BUILDING	ROOM	KEY NO:	ISSUE NO:	DATE
AUTHORIZATION SIGNATURE	·			

#### ATTACHMENT B

#### San Francisco State University Housing & Residential Services Key Request Order

Please submit a separate form for each individual Extension: Requestor: Date: Name: Student Staff Professional Staff Contact Name: Date Needed: Resident Vendor All requests require twenty-four (24) business hours advance notice. Is authorized to have the following key(s): Building Key Number Room Issue Number Director's Authorization: To be completed by Recipient: I have received the above-listed keys and take full responsibility for their use. I will not loan these keys to anyone. Should I lose any of these keys, the Key Controller will be notified immediately. I also agree that keys are to be returned to the Key Controller, by me personally, upon my permanent departure from Housing & Residential Services. I further understand that unauthorized use or possession of keys is in violation of state laws. Recipient Signature: Date: To be completed by Key Controller: The above listed keys have been issued. Key Controller's Signature: Date: Complete the following two boxes at time of departure from Housing & Residential Services. To be completed by Recipient: I have returned all keys that were issued to me. I have returned all keys except those listed below (Give reasons on back of this form) Building Room Key Number Issue Number Recipient Signature: Date: To be completed by Key Controller: The keys above have been returned to the Key Controller. Key Controller's Signature: Date:



NUMBER: 6-12 APPROVED: Regard Par

Reginald Parson, Chief of Police

EFFECTIVE: January 3, 2005

SUPERSEDES: REVIEWED/REVISED: Jan. 25, 2005, Jan. 15, 2016, Dec. 16,

2019

SUBJECT: EMPLOYEE ACCESS TO UNION REPRESENTATION

I. PURPOSE: To establish a policy to ensure employees have access to Union Representation during administrative investigations.

II. POLICY: It shall be the policy of the University Police to comply with Collective Bargaining Unit agreements and Weingarten Rights during non-criminal administrative investigations.

#### III. DEFINITIONS:

A. Weingarten Rights: Refers to the rights of unionized employees to have present a union representative during investigating interviews.

#### IV. PROCEDURES:

- A. Employees shall be advised prior to the interview whether the investigation is criminal in nature or an administrative investigation.
- B. Employees are entitled to Weingarten Rights only during investigatory interviews:
  - An investigative interview occurs when a supervisor questions an employee to obtain information, which could be used as a basis for discipline or asks an employee to defend his or her conduct.
  - 2. f an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation.
  - 3. Management is not required to inform the employee of his/her Weingarten Rights; it is the employees responsibility to know and request such.
- C. When the employee makes the request for a union representative to be present, management has three options:

- 1. You can stop questioning until the representative arrives.
- 2. You can call off the interview or:
- 3. You can tell the employee that the interview will be ended unless the employee voluntarily gives up his/her rights to a union representative.

NOTE: The Supreme Court clearly acknowledges a representative's right to assist and counsel workers during the interview. The Supreme Court has also ruled that during an investigatory interview, management must inform the union representative of the subject of the interrogation. The representative must also be allowed to speak privately with the employee before the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics. While the interview is in progress the representative can not tell the employee what to say but he/she may advise them on how to answer a question. At the end of the interview, the union representative can add information to support the employee's case.

- D. If one or more of the rights are established as stated in section B, the employee shall be advised of such and afforded access to representation of their choice.
- E. If the investigation is a criminal investigation, the officers shall advise the employee of their rights per Miranda as appropriate pursuant to the law and Weingarten Rights do not apply.
- F. Supervisors Responsibility:
  - In situations where the employee faces an investigatory interview, the supervisor must inform the employee of the nature of any charge of impropriety before the meeting.
  - 2. Allow the employee to meaningfully exercise the right to representation.
  - 3. When the interview is not investigatory and will not lead to discipline, reassure the employee of that fact before you begin.
- G. CSUEU Collective Bargaining Agreement, Article 12.1:
  - 1. "Upon his/her request, an employee may be represented at an investigatory interview if he/she reasonably believes that disciplinary action may result. Prior to the interview, the employee is entitled to be informed of the general nature of the matter being investigated and to consult with his/her representative, if any.

The right to representation does not apply to meetings held exclusively to inform an employee of a previously made disciplinary decision.

If the representative an employee requests is unavailable, the employee may request alternate representation.

The Employer is not obliged to postpone the interview, nor to suggest or secure the alternate representation; however, the employee shall not be required to answer any

questions without a representative present, unless he/she voluntarily chooses to do so.

At its discretion, the Employer may decline to hold any interview if the employee requests representation."

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 6-13

SUPERSEDES:

APPROVED Reginal Par

Reginald Parson, Chief of Police

EFFECTIVE: January 3, 2005

REVIEWED/REVISED: Jan. 25, 2005, Jan. 15, 2016, Dec. 16, 2019

SUBJECT: RESPONSE TO MEDICAL MARIJUANA INCIDENTS

I. PURPOSE: To establish a policy to comply with State and Federal Statutes and the California Compassionate Use Act.

II. POLICY: It shall be the policy of the University Police to comply with State and Federal Statutes regulating medical marijuana usage and the Drug Free Workplace Act.

#### III. DEFINITIONS:

A. Medical Marijuana Law: In 1996, California voters passed the Compassionate Use Act, which the Legislature amended in 2003. The Act protects from criminal prosecution individuals who use, possess or cultivate marijuana for medical purposes.

The purpose of the law was to ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution. California Health & Safety Code Section 11362.5(B)(6)(1).

B. Marijuana: Defined to also include concentrated cannibas or hashish. Op. Atty. Gen. No. 03-411 (October 21, 2003).

#### IV. PROCEDURES:

#### A. Enforcement:

- 1. Officers shall enforce all federal and state laws regardless of the "California Compassionate Use Act."
- 2. When a violation is detected, note specific location of offense, related campus activity and applicable law/regulation (e.g., bus/vehicle, employee at workplace, children present/children's activity, smoking/non-smoking areas, etc). Note whether marijuana was being sold/given away, smoked, eaten, inhaled by vapor, etc. These technicalities affect charging and prosecution.
- 3. Investigating officer has no duty to proactively ask/inquire of it's "medicinal"

- marijuana.
- 4. Officers should note any volunteered claims/evidence presented of "medicinal recommendation" for the marijuana/cannabis. Officers must accept marijuana ID cards from the California Department of Health Services per H&S 11362.78.
- 5. Officer is not expected to carry out field investigation of "medical recommendation" truthfulness due to impractical length of detention, privacy problems posed by HIPAA, risk of fictitious/fraudulent paperwork, and non-standardized proofs of recommendation from around the State (consistent with California Highway Patrol instructions per their General Counsel).
- 6. If suspect claims "medical recommendation" for the marijuana, ask for the California State Medical Marijuana ID card. All marijuana, concentrated cannabis, and related evidence including evidence of sales (consistent w/California Highway Patrol procedures)shall be seized. Issue citation and release in most cases. Seek to avoid physical arrest and incarceration whenever possible.
- 7. County ordinances cannot authorize of "medical marijuana" to be allowed on CSU campus properties.
- 8. Officers shall seek criminal charges through the District Attorney's Office, submitting report with incriminating and exculpatory evidence.
- 9. Evidence shall be booked with SFPD consistent with our evidence procedures.
- 10. Court order signed by a judge will be required to release any seized evidence, including marijuana and/or cannabis. Obtain a copy of original order and confirm its authenticity.
- 11. In the event, marijuana is ordered by a Magistrate to be released, it shall not be released on campus; our legal counsel will be consulted.

#### B. Individuals Protected by the Act:

1. Patients or their primary caregiver who possess or cultivate marijuana for personal medical purposes upon the written or oral recommendation or approval of a physician, or who possess a validly issued identification card issued by the State Department of Health Services which authorizes the individual or their designated primary caregiver to engage in the medical use of marijuana. Sections 11362.5(d) and 11362.7(g). Also, no physician shall be punished or denied any right or privilege for having recommended marijuana to a patient for medical purposes. Section 11362.5(c)

### C. Individuals Not Protected by the Act:

1. Persons who cultivate or possess marijuana for any purpose other than medical. People v. Jones (App.3 Dist. 2003) 4 Cal.Rptr.3d 916,112 Cal.App.4th 341. Also, persons who possess more than eight ounces of dried marijuana or maintain more than six mature or twelve immature plants per qualified patient unless the individual has a doctor's recommendation that this quantity is not sufficient to meet medical needs. Section 11362.77 (a) and (b).

### D. Medical Conditions Covered by the Act:

- 1. AIDS
- 2. Anorexia
- 3. Arthritis
- 4. Cachexia
- 5. Cancer
- 6. Chronic Pain
- 7. Glaucoma
- 8. Migraine
- 9. Persistent Muscle Spasms, including spasms associated with multiple sclerosis
- 10. Seizures, including seizures associated with epilepsy
- 11. Severe nausea
- 12. Any other chronic or persistent medical symptom that either:
  - a. Substantially limits the ability of the person to conduct one or more major life activities as defined in the Americans with Disabilities Act;
  - b. If not alleviated, may cause harm to the patient's safety, or physical or mental health. Section 11362.7(h).
- E. Processing Criminal Cases Involving Individuals Who Claim They Are Cultivating Marijuana for Medical Purposes:
  - 1. No person or designated primary caregiver in possession of a valid State Department of Health Services identification card is subject to arrest for possession, transportation, delivery or cultivation of medical marijuana in the amounts permitted by the Act unless there is reasonable cause to believe that the information contained in the card is false or falsified. Section 11362.71(e). The Act does not address how to handle situations where an individual claims that s/he possesses marijuana for medical purposes but does not have a medical identification card. Case law holds that individuals arrested or cited for possession may argue as a defense in court that they used marijuana with a doctor's approval. People v. Fisher (App.3 Dist. 2002) 117 Cal.Rptr.2d 838, 96 Cal.App.4th 1147, review denied. This ruling suggests that an individual with marijuana maybe arrested or cited, and the marijuana confiscated, notwithstanding the assertion of a medical defense. After the matter is turned over to the local District Attorney for further processing, the existence or validity of a medical use would be determined.
- F. Circumstances in which use of marijuana for medical purposes under the act need not be accommodated:
  - 1. At the property or premises of any place of employment or during hours of employment. Section. 11362.785(a).
    - a. Consistent with this exception, the Federal Drug-Free Workplace Act requires universities to maintain drug free work locations.
  - 2. In any places where smoking is prohibited Section. 11362.79(a).

- 3. In or within 1000 feet of the grounds of a school, recreation center, or youth center, unless the medical use occurs within a residence. Section 11362.79(b).
- 4. On a school bus. Section 11362.79(c).
- 5. While in a motor vehicle that is being operated. Section 11362.79(d).
- 6. While operating a boat. Section 11362.79(e).
- G. Officers shall consult with the Commanding Officer of Investigations Division on Medical Marijuana cases, as we will comply with the Federal Drug Free Workplace Act and the State Statutes.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 6-15 APPROVED: Reguld Par

Reginald Parson, Chief of Police

EFFECTIVE: Dec. 5, 2006

SUPERSEDES: REVIEWED/REVISED: Nov. 2, 2009, Jan. 15,

2016, Dec. 16, 2019

SUBJECT: DISTRIBUTION OF LITERATURE

I. PURPOSE: To establish a policy and set forth the procedure for the distribution of literature and solicitation on campus.

II. POLICY: It shall be the policy of the University Police to comply with the Campus Policy (i.e., Time, Place, and Manner: Use of Buildings and Grounds, University Executive Directive, UED #89-13). Non-students shall be permitted to distribute or leaflet on campus subject, however, to compliance with the directives issued in UED #89-13 (section X. Handbills and Circulars (42352- Title V). Authorization for non-students to conduct any tabling must be granted by Student Involvement and Career Center (SICC).

# **III. DEFINITIONS:**

- A. Solicitation: means to importune, or endeavor to persuade or obtain by asking, but does not include "commercial solicitation."
- B. Non-student: means faculty, staff or off campus persons wishing to utilize SFSU facilities.

# IV. PROCEDURES:

- A. San Francisco State University Police Department does not issue permits for the distribution of literature: Authorization for non-students to conduct any tabling must be granted by SICC.
  - Requests or complaints received by the San Francisco State University Police
     Department regarding distribution of literature, solicitation, or tabling on campus will
     be directed to the SICC office.
  - 2. San Francisco State University Police Department will respond to complaints regarding distribution of literature in which a criminal violation has occurred or has the potential to occur.
  - 3. In all instances the SICC office will be contacted.
- B. Solicitation: shall be permitted on Campus subject, however, to a reasonable regulation by the campus President as to time, place, and manner thereof. Solicitation in violation of established

campus directives regarding time place, and manner is prohibited.

# V. APPENDIX:

- A. UED (University Executive Directive), #89-13: Time, Place, and Manner: Use of Buildings and Grounds
- VI. ATTACHMENT: None

San Francisco State University
University Executive Directive #89-13:
Time, Place, and Manner: Use of Buildings and Grounds

I. PREAMBLE
II. POLICY STATEMENT
III. AUTHORITY
IV. CAMPUS ACTIVITIES
V. LABOR ACTION
VI. AMPLIFICATION
VII. COMMERCIAL TRANSACTIONS (42350.1 - TITLE V)
VIII. SOLICITATION
IX. SELLING OF PUBLISHED MATERIALS (42351 - TITLE V)
X. HANDBILLS AND CIRCULARS (42352 - TITLE V)
XI. RESERVING UNIVERSITY VENUES
XII. NOTICE (42354 - TITLE V)
XIII. DEFINITIONS

#### I. PREAMBLE

Universities are venues for creative and thoughtful discourse where differing perspectives are debated and thoroughly discussed. San Francisco State University (SF State) is committed to the principles of equity and social justice. The University actively promotes free expression and the exchange of ideas, perspectives and viewpoints. Within the context of this policy, free speech activity includes, but is not limited to the following: pure or symbolic speech, assembly, meeting, demonstrations or rallies, picketing, petitioning, mime and theater, music and singing, and religious or political expression.

# II. POLICY STATEMENT

While the primary use of the buildings and grounds at San Francisco State University is to provide a high quality academic experience, these campus resources are also available for certain non-academic programming. This policy establishes the priorities for such use, legal requirements as needed and other matters relating to the scheduling and use of SF State facilities. The use of University facilities must always be in accord with the applicable provisions of law and University policies. Among these provisions are the California Education Code and the administrative regulations of the California State University (CSU) Board of Trustees (Title V of the California Code of Regulations), which regulate soliciting, selling, exposing for sale or offering for sale of goods, articles, wares, or merchandise on campus; and the holding of public meetings, performances, rallies and similar events on campus. Where applicable, University contracts, leases and operating agreements made with University Auxiliary Organizations for the specific use of campus property or facilities are in effect and augment the provisions of this policy.

#### III. AUTHORITY

This policy is promulgated under the authority of Title V, California Code of Regulations, and subsequent directives, resolutions, standing orders, and Executive Orders of the CSU Board of Trustees and Chancellor, and the President of SF State. All applicable state and federal statutes and laws apply.

California Education Code Sec. 89031 states that, "The trustees may establish rules and regulations for the government and maintenance of the buildings and grounds of the California State University. Every person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor."

#### IV. CAMPUS ACTIVITIES

Activities on the SF State campuses are permitted during the University's standard operation hours and may not interfere with or disrupt University business. Activities that are not permitted include, but are not limited to, the following examples:

- A. Interference with classes in session or other scheduled academic, educational, cultural/arts programs or with use of the library;
- B. Obstruction to the free flow of pedestrian or vehicular traffic;
- C. Employing unauthorized sound amplification;
- D. Violating any federal, state, or local safety code, including regulations set by the State Fire Marshal;
- E. The visual blockage or the physical displacement of performers/programs that have reserved a venue:
- F. Activities that damage facilities or interfere with necessary facilities maintenance and repair activities or the function of campus utilities (sewer, water, power, etc.);
- G. Activities that create substantial unreimbursed cleanup costs;
- H. Outdoor Lodging/Camping on the campus, at any time, day or night; and
- I. The erection of any structure(s) on campus without University approval.

There shall be no restrictions on legally-protected free speech activity based on the content of such speech or expression or on the political, religious, or other affiliations of speakers. Speech activity **not** protected by the U.S. Constitution or by this policy includes defamation, obscenity, terrorist threats, false advertising, and the promotion of actual or imminent violence or harm.

# V. LABOR ACTION

Among the guarantees of the U.S. Constitution is the right of citizens to inform others of their opinion by peaceful picketing. In California, the State Constitution also guarantees this right. Additionally, Code of Civil Procedure, Section 527.3 protects the right of

individuals to communicate information, including information involving a labor dispute, on public streets or any other place where persons may lawfully assemble.

The right to picket does not include the right to break the law by:

- A. Blocking entrances, exits or sidewalks;
- B. Using physical force on individuals;
- C. Disturbing the peace;
- D. Using language likely to promote violence;
- E. Creating excessive noise by use of any device; and or
- F. Committing any other criminal acts.

The University Police Department (UPD) has an obligation to protect the rights of free speech, assembly and petition as well as to protect the safety of the campus community at all times.

To insure that the orderly and peaceful flow of campus business and activities will not be disrupted, all labor organizations wishing to picket or to hold a demonstration on campus should schedule the location of such an event in advance by complying with the following procedures:

A. The representatives of all labor organizations, other than Unit 3, should contact the Associate Vice President of Human Resources, Safety and Risk Management, who in conjunction with the University Police Chief and the Director of LEAD (Leadership, Engagement, Action, Development), will advise such representatives of any conflict with a special campus or student event(s) scheduled to take place at the same location.

B. The representative(s) of Unit 3 should contact the Dean of Faculty Affairs and Professional Development, who in conjunction with the University Police Chief and the Director of LEAD, will advise such representatives of any conflict with a special campus or student event(s) scheduled to take place at the same location.

In compliance with these procedures, labor organizations will avoid scheduling conflicts that could lead to potential disruptions of previously scheduled campus activities as well as potential disruptions of the orderly conduct of campus business.

#### VI. AMPLIFICATION

Amplified events are routinely scheduled through LEAD to take place in the Malcolm X Plaza Monday through Friday from 12 p.m. -2 p.m. during the academic year, with the exception of the last week of classes and finals week for each semester. Amplification for any other location and/or time requires special permission through LEAD. Waivers must

be requested in writing at least five (5) business days prior to the event unless necessitated by extraordinary circumstances.

At outdoor events on campus, the amount of amplification is controlled through the use of a sound meter to ensure that sound does not exceed 75 decibels 25 feet from the amplified sound source. All amplified sound events on Malcolm X Plaza must use the Cesar Chavez Student Center (CCSC) sound system and coordinate with the Center's sound technicians. It is the responsibility of the sponsoring student organization/department and its performers in collaboration with LEAD staff and CCSC technicians not to exceed the 75-decibel level.

Recognizing the importance of instructional activities, sound complaints concerning outdoor events should be directed to LEAD, which is charged with administering complaint procedures. LEAD shall keep records of all written and verbal amplified sound complaints, providing the Associate Vice President for Student Affairs with reports annually. Decibel level is subject to administrative review.

# VII. COMMERCIAL TRANSACTIONS (42350.1 - TITLE V)

Commercial transactions and the display of property or services for sale on campus is prohibited except with written permission by the campus President. Such permission shall be granted if:

- A. The proposed activity aids achievement of the educational objectives of the campus, does not unreasonably interfere with the operation of the campus and is not prohibited by law, or
- B. The prospective buyer has agreed in writing in advance to an appointment, and prospective seller makes no more than one appointment for any day, and such the appointment does not interfere with the operation of the campus.
- C. This section shall not apply to private sales.

Transactions which aid in the achievement of educational objectives of the campus, do not unreasonably interfere with the operation of the campus, and are not prohibited by law may be conducted on campus contingent upon appropriate authorization. Such transactions shall be conducted in the University designated area(s). At no time shall commercial transactions be carried out in the residence halls, or in any academic building. Commercial transactions may occur only in reserved venues where a particular event takes place and event organizers have received prior approval.

### Commercial Vendors

Commercial vendors are permitted on campus through the LEAD Vendor Program and with sponsorship by a University recognized student organization. Craft vendors are also

allowed to sell their crafts at the bi-annual Associated Students Inc. sponsored Crafts Fair. All student organization-sponsored vending activities must obtain permits from LEAD. Permission shall only be granted if the off-campus vendor is providing funds to the student organization and the arrangement is outlined in writing prior to the activity. At the conclusion of the activity, the student organization shall provide LEAD with proof of the receipt of the funds. If the student organization fails to provide proof of receipt of funds, the vendor will not be allowed to conduct commercial transactions on campus in the future. The sponsoring student organization is responsible for all transactions. A form for requesting permission to host a vendor is required by and available in LEAD. The form must be submitted at least three (3) business days prior to the commencement of the proposed vending date. A standard LEAD coordination fee is also required and must be paid by the vendor prior to activity approval. Student organizations may not invite off-campus food vendors to sell food on campus as a fundraiser for the organization.

#### VIII. SOLICITATION

# A. Solicitation (42350.5 - Title V)

- 1. Solicitation shall be permitted on a campus subject, however, to a reasonable regulation by the campus President as to time, place, and manner thereof. Solicitation in violation of established campus directives regarding time, place, and manner is prohibited.
- 2. All directives issued by the campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

# B. Commercial Solicitation (42350.6 - Title V)

- 1. Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus President. Permission for commercial solicitation shall be granted by the campus President, subject however, to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.
- 2. All directives issued by the campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

Solicitors shall abide by all laws and University policies.

CCSC, SF State Bookstore, University Housing and Office of Special Events may not sponsor commercial banking groups for solicitation of applications, and various banking services for profit-making ventures.

In the case where a contract currently exists between the campus and a banking firm, the terms of the contract may be fulfilled until new contracts are awarded. The President or designee may authorize the campus banking institution on contract to distribute literature about the services of the automatic tellers.

No money may be solicited unless it is for a non-profit group. Non-profit groups wishing to solicit donations must have:

- A. Proof of the group's non-profit status (letter from Attorney General or Internal Revenue Service); and
- B. Written authorization for the individual who is soliciting from the organization.

# IX. SELLING OF PUBLISHED MATERIALS (42351 - TITLE V)

- A. Except in the case of private sales and commercial transactions to which Section 42350.1 applies, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:
  - 1. Such published materials are not available for sale at the campus bookstore; and
  - 2. The selling or display of such published materials is conducted in compliance with any time, place, and manner directives adopted by the President; and
  - 3. The published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code (relating to the preparation, sale and distribution of term papers, theses and other materials to be submitted for academic credit).
  - B. Selling or displaying for sale of published materials in violation of subsection (A) is prohibited.

Prohibition concerning preparation, sale and distribution of term papers, thesis, etc. (66400 Education Code)

No person(s) shall prepare, offer to prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material for another person, for a fee or other compensation, with the knowledge, or under circumstances in which the individual(s) should reasonably have known, that such term paper, thesis, dissertation, or other written material is to be submitted by any other person(s) for academic credit at any public or private college, university, or other institution of higher learning in this state.

# X. HANDBILLS AND CIRCULARS (42352 - TITLE V)

A. No person or persons shall, upon any of the grounds on campus cast, throw, deposit, or distribute any advertising handbills or circulars which contain false, misleading, or illegal advertising.

B. The distribution of written or printed matter shall be permitted on campus, subject, however, to reasonable directives by the campus President as to the time, place, and manner thereof. All directives issued by a campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354. Distribution of written or printed matter in violation of established campus directives regarding time, place, and manner is prohibited.

Sale of literature may occur only in designated University areas (see section VII and X). Literature may not be distributed or sold inside University buildings. Literature that is sold must not be available in the Campus Bookstore, nor be a term paper, thesis or other materials to be submitted for academic credit. Literature that is sold must not be obscene.

Distribution of literature may occur in University outdoor areas as long as pedestrian traffic is not impeded. No literature shall be placed on vehicles or distributed in University Housing facilities. Materials may be posted only on indoor campus bulletin boards not identified for specific purposes or functions and authorization must be obtained from the individual college/school/department within the building. Outdoor signs may be posted in appropriate locations as designated by Facilities and Services Enterprises.

It is a misdemeanor for any person to place or maintain, or cause to be placed or maintained, without lawful permission upon any property of the State, or of a city or of a county, any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising or which advertises or brings to notice any person, article of merchandise, business, or anything that is to be or has been sold, bartered, or given away. No commercial advertisement may be distributed unless it is a part of a student organization's fundraiser and the fundraiser has written permission from LEAD.

Any outdoor literature being sold must be in designated University vending areas per the University vending policy (see section VII). Literature materials may also be sold at student organization information tables. No specific permit is needed from UPD to distribute or sell literature if authorization to have the table is obtained from LEAD. All non-students may distribute literature outdoors without the use of a table.

### XI. RESERVING UNIVERSITY VENUES

### A. University Department Sponsors

University departments should work directly with the appropriate venue scheduling office regarding reservation requests and/or questions. Departments hosting large campus events should also notify the Director of Special Events.

#### B. Student Organization Sponsors

All student organization events must be approved by LEAD ten (10) business days prior to the proposed event date. Recognized student organizations should

submit reservation requests directly to the appropriate venue scheduling office, but confirmation is not complete until LEAD approval is granted. Student organizations hosting events in a large campus venue will also be required to attend a University partners meeting. The meeting is hosted by LEAD, with the inclusion of the student event planner(s), UPD, the venue manager/scheduler, and other University offices as needed. During the meeting, all event details will be discussed and based on the event information recommendations will be provided concerning event needs and University expectations.

# C. Off-Campus Sponsors

All events being hosted by off-campus sponsors must work directly with the Director of Special Events. The Director serves as a liaison between the event sponsor and the University.

# D. Spontaneous Events

Spontaneous events occasioned by news or issues coming into public knowledge may be held on campus without advance permission so long as they adhere to all University policies and the restrictions outlined above (see section IV). Recognizing the University is a part of the community it serves, the University will attempt to accommodate and provide access to University space/facilities that are available and which do not interfere with scheduled events and programs. Student organizations and departments are strongly encouraged to work in collaboration with LEAD and UPD to assist with event coordination.

#### XII. NOTICE (42354 - TITLE V)

Notice shall be posted at or near the principal entrances of each campus calling attention to the existence of regulations relating to use of CSU buildings and grounds and designating the places where copies thereof and of directives issued by the campus president pursuant thereto may be examined.

# XIII. DEFINITIONS

- A. Freedom of/Free Speech and Freedom of/Free Expression are used interchangeably for the purpose of this document.
- B. Sale, selling or purchasing means an activity creating an obligation to transfer property or services for a valuable consideration.
- C. Commercial solicitation means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.
- D. Solicitation means to importune, or endeavor to persuade or obtain by asking, but

does not include "commercial solicitation."

- E. Private sale means occasional selling between persons who are campus students or employees.
- F. Commercial transaction means selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business.
- G. Campus President means the President of San Francisco State University.
- H. Student organization means an organization that has met all CSU and LEAD requirements.
- I. Student means any person enrolled in course work at SF State, has paid fees and is currently attending courses including Extended Learning courses.
- J. Non-student means faculty, staff or off-campus persons wishing to utilize SF State facilities.
- K. President's designee means any person the President has chosen to exercise his/her authority.
- L. University Housing means the areas/buildings including the residence halls, Seven Hills Conference Center, Dining Center, the Village at Centennial Square, the Towers at Centennial Square, University Park North and University Park South.
- M. Outdoor Lodging/Camping means the setting up and/or use of any bedding material, tent, portable shelter, structure, makeshift structure or building of any kind, on campus, day or night, for the purpose of staying, sleeping or living in, is strictly prohibited.
- N. University's Standard Operation Hours means the campuses' operation times for classes, lectures, events, activities, etc. The University operation hours are 7:00 AM 10:00 PM

Approved:	Not Approved:				
Signed by President Corrigan, August 3, 2010					
Robert A. Corrigan, President	Robert A. Corrigan, President				

20 USC's 1092(f)

- (f) Disclosure of campus security policy and campus crime statistics
- (1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:
- (A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.
- (B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
- (C) A statement of current policies concerning campus law enforcement, including-
- (i) the enforcement authority of security personnel, including their working relationship with State and local police agencies; and
- (ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.
- (D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- (E) A description of programs designed to inform students and employees about the prevention of crimes.
- (F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available--
- (i) of the following criminal offenses reported to campus security authorities or local police agencies:
- (I) murder;
- (II) sex offenses, forcible or nonforcible;
- (III) robbery:
- (IV) aggravated assault;
- (V) burglary;
- (VI) motor vehicle theft;
- (VII) manslaughter;
- (VIII) arson; and
- (IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and
- (ii) of the crimes described in subclauses (I) through (VIII) of clause (i), and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.

- (G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.
- (H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 1011i of this title.

### (I) Redesignated (H)

- (2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.
- (3) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.
- (4) (A) Each institution participating in any program under this subchapter [20 U.S.C.A. § 1070 et seq.] and part C of subchapter I of chapter 34 of Title 42 [42 U.S.C.A. § 2751 et seq.] that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including-
- (i) the nature, date, time, and general location of each crime; and
- (ii) the disposition of the complaint, if known.
- (B) (i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.
- (ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.
- (iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.
- (5) On an annual basis, each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 [42 U.S.C.A. § 2751 et seq.] shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall-
- (A) review such statistics and report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics by September 1, 2000;
- (B) make copies of the statistics submitted to the Secretary available to the public; and
- (C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.
- (6) (A) In this subsection:
- (i) The term "campus" means--
- (I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in

- a manner related to, the institution's educational purposes, including residence halls; and
- (II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).
- (ii) The term "noncampus building or property" means-
- (I) any building or property owned or controlled by a student organization recognized by the institution;
- (II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.
- (iii) The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.
- (B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.
- (7) The statistics described in paragraph (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. Such statistics shall not identify victims of crimes or persons accused of crimes.
- (8)(A) Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding--
- (i) such institution's campus sexual assault programs, which shall be aimed at prevention of sex offenses; and
- (ii) the procedures followed once a sex offense has occurred.
- (B) The policy described in subparagraph (A) shall address the following areas:
- (i) Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.
- (ii) Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or nonforcible.
- (iii) Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.
- (iv) Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that--
- (I) the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and
- (II) both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.
- (v) Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.
- (vi) Notification of students of existing counseling, mental health or student services for victims of sexual

assault, both on campus and in the community.

- (vii) Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.
- (C) Nothing in this paragraph shall be construed to confer a private right of action upon any person to enforce the provisions of this paragraph.
- (9) The Secretary shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.
- (10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.
- (11) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.
- (12) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur--
- (A) on campus;
- (B) in or on a noncampus building or property;
- (C) on public property; and
- (D) in dormitories or other residential facilities for students on campus.
- (13) Upon a determination pursuant to section 1094(c)(3)(B) of this title that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 1094(c)(3)(B) of this title.
- (14) (A) Nothing in this subsection may be construed to-
- (i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or
- (ii) establish any standard of care.
- (B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.
- (15) This subsection may be cited as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act".

# CLERY ACT REQUIRED POLICY AND PROCEDURE CHECKLIST

studer	nts and others to report criminal actions or other emergencies ring on campus. This statement must include the institution's ies concerning its response to these reports, including
Locatio	n of policy statement(s) in compliance document-Page #(s):
0	Policies for making timely warning reports to members of the campus community regarding the occurrence of crimes listed in the Clery Act.
	Location of policy statement(s) in compliance document-Page #(s):
0	Policies for preparing the annual disclosure of crime statistics
	Location of policy statement(s) in compliance document-Page #(s):
0	A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure.
	Location of policy statement(s) in compliance document-Page #(s):
0	Disclose whether the institution has any policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and if so, a description of those policies and procedures.
	Location of policy statement(s) in compliance document-Page #(s):
A stat	ement of current policies concerning security of and access to sfacilities, including campus residences.
Location	of policy statement(s) in compliance document-Page #(s):
	ty considerations used in the maintenance of s facilities.
Location	of policy statement(s) in compliance document-Page #(s):
	tement of current policies concerning campus law cement that-
0	Addresses the enforcement authority of security personnel
	Location of policy statement(s) in compliance document-Page #(s):
0	Their relationship with State and local police agencies.
	Location of policy statement(s) in compliance document-Page #(s):
	Whether those security personnel have the authority to arrest individuals
	Location of policy statement(s) in compliance document-Page #(s):

0	Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies					
	Location of policy statement(s) in compliance document-Page #(s):					
0	Describe procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.					
	Location Of Policy statement(s) in compliance document-Page #(s):					
studer and to	cription of the <u>type and frequency</u> of programs designed to inform ats and employees about campus security procedures and practices encourage students and employees to be responsible for their ecurity and the security of others.					
Location	of policy statement(s) in compliance document-Page #(s):					
A desc about	cription of programs designed to inform students and employees the prevention of crimes.					
Location	of policy statement(s) in compliance document-Page #(s):					
A statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.						
Location	of policy statement(s) in compliance document-Page #(s):					
A stat	tement of policy regarding the possession, use, and sale of polic beverages and enforcement of State underage drinking laws.					
Location	of policy statement(s) in compliance document-Page #(s):					
	tement of policy regarding the possession, use, and sale of al drugs and enforcement of Federal and State drug laws.					
Location	of policy statement(s) in compliance document-Page #(s):					
requipos of me mater	cription of any drug or alcohol-abuse education programs, as red under section 120 (a) through (d) of the HEA. For the purpose eting this requirement, an institution may cross-reference the ials the institution uses to comply with section 120 (a) through f the HEA.					
Location	n of policy statement(s)in compliance document-Page #(s):					

# POLICIES REGARDING SEXUAL ASSAULT

ass	tatement of policy regarding the institution's campus sexual ault programs to prevent sex offenses, and procedures to follow in a sex offense occurs. The statement must include
0	A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses
	Location of policy statement(s) in compliance document-Page #(s):
0	Procedures students should follow if a sex offense occurs, including procedures concerning who should be contacted, the importance of preserving evidence for the proof of a criminal offense, and to whom the alleged offense should be reported
	Location of policy statement(s) in compliance document-Page #(s):
0	Information on a student's option to notify appropriate law enforcement authorities, <b>including on-campus and local</b> police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel
	Location of policy statement(s) in compliance document-Page #(s):
0	Notification to students of existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses
	Location of policy statement(s) in compliance document-Page #(s):
0	Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available
	Location of policy statement(s) in compliance document-Page #(s):
0	Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that
	Location of policy statement (s) in compliance document-Page #(s):
	☐ The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding
	Location of policy statement (s) in compliance document-Page #(s):
	☐ Both the accuser and the accused must be informed of the outcome of any institutional disciplinary -proceeding brought alleging a sex offense.
	Location of policy statement(s) in compliance document-Page #(s):

# Chapter 6

O Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

Location of policy statement(s) in compliance document-Page #(s):

Saved as: compliance checklist policies.doc/Clery Folder/Shared Drive

#### SAMPLE

TO:

Deans, Directors and Department Heads

Residence Life Area Coordinators, Resident Assistants

Faculty/Staff Advisors to Student Groups

Academic Advisors

FROM:

Patrick Wasley

Chief of Police

DATE:

Tuesday, September 9, 2014

SUBJECT:

The Jeanne Clery Disclosure of Campus Security Policy and Campus

Crime Statistics Act

According to federal law, specifically The Student Right-to-Know and Campus Security Act of 1990 (renamed the Clery Act- and most recently amended in 2013); the University Police Department is required to report "statistics concerning the occurrence of certain criminal offenses reported to the local police agency or any official of the institution who is defined as a "Campus Security Authority."

The definition of "Campus Security Authority," according to federal law, is as follows: "An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings." For example, a dean of students who oversees student housing, a student center, or student extra-curricular activities, has significant responsibility for student and campus activities. Similarly, a director of athletics, team coach, and faculty/staff advisor to a student group also has significant responsibility for student and campus activities. A single teaching faculty member is unlikely to have significant responsibility for student and campus activities, except when serving as an advisor to a student group. A physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students are unlikely to have significant responsibility for student and campus activities. Also, clerical staff is unlikely to have significant responsibility for student and campus activities.

The 2013 annual report must include crime statistics including any hate crimes which occurred on campus, in the residence facilities, in any off-campus buildings or property owned or controlled by SFSU and on public property within or immediately adjacent to and accessible from the campus. The following is a list of crimes to be listed in the annual report.

- Murder
- Non Negligent Manslaughter
- Negligent Manslaughter
- Sexual Offenses (forcible and non-forcible)
- Domestic Violence
- Dating Violence
- Stalking
- Robbery
- Aggravated Assault
- Burglary (Forcible entry, Unlawful entry- no force)
- Motor Vehicle Theft
- Arson
- Liquor Law Violations
- Drug Violations
- Illegal Weapons Offenses

We are also required to report statistics for hate (bias) related crimes for the above listed crimes by:

- o Anti-Sexual Orientation
- o Gender
- o Gender Identity
- o Religion
- o Race
- Disability
- o Anti-Ethnicity
- o National Origin

It should be noted that the list reflects newly added crime and bias categories mandated by the Violence Against Women Act/Campus SaVE Act reauthorized in March 2013.

The annual report is published every October and the law requires this notification. If you have knowledge of any crimes that have not already been reported to the University Police Department for the year 2013, please submit the information to me by Wednesday, October 1, 2014.

In addition, if a serious crime that may cause an ongoing threat to the SFSU campus community is reported to anyone who is defined as a Campus Security Authority, that individual should not wait until the end of the year to report that incident to the University Police Department. The University has a responsibility to notify the campus community about any crimes which pose an ongoing threat to the community, and as such, Campus Security Authorities are obligated by law to report crimes immediately to the University Police Department. If there is any question about whether an ongoing threat exists, immediately contact me or the Deputy Chief in my absence to discuss the matter further.

Thank you for your assistance in complying with federal law. If you have any questions, please do not hesitate to call.

PW/rp

# **Crime Definitions from the Uniform Crime Handbook**

#### **Criminal Homicide**

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another. Manslaughter by Negligence: The killing of another person through gross negligence.

# Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

# **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed).

# **Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

# **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. This also includes joyriding).

#### **Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

# **Weapon Law Violations**

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

# **Drug Abuse Violations**

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

# **Liquor Law Violations**

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).

# Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

### Sex Offenses—Forcible

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

#### **Forcible Rape**

The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

# Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

# **Sexual Assault with an Object**

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Chapter 6

# **Forcible Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

# Sex Offenses: Non-Forcible

Unlawful, non-forcible sexual intercourse.

# Incest

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

# **Statutory Rape**

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

# **Hate Crime**

A hate crime is one in which the victim is selected intentionally because of his or her perceived race, religion, sexual orientation, ethnicity, or disability.

# THE CALIFORNIA STATE UNIVERSITY

AKERSFIELD · CHANNEL ISLANDS · CHICO · DOMINGUEZ HILLS · FRESNO · FULLERTON · HAYWARD · HUMBOLDT ONG BEACH · LOS ANGELES · MARITIME ACADEMY · MONTEREY BAY · NORTHRIDGE · POMONA · SACRAMENTO ON BERNARDINO · SAN DIEGO · SAN FRANCISCO · SAN JOSE · SAN LUIS OBISPO · SAN MARCOS · SONOMA · STANISLAUS

DAVID S. SPENCE EXECUTIVE VICE CHANCELLOR CHIEF ACADEMIC OFFICER

> March 2, 2004 Code: AA 2004-08

To:

**CSU Presidents** 

From:

David S. Spence

Subject:

Required Notice of Institutional and Financial Assistance Information

As a condition of your campus participation in federal Title IV student financial aid programs, each of you has executed a *Program Participation Agreement (PPA)* that obligates your campus to provide certain institutional and financial assistance information to current and prospective students and to current and prospective employees.

The systemwide report (Audit Report Number 02-22) by the California State University Office of the University Auditor included a recommendation that "the chancellor's office define, document, and transmit to campuses responsibilities for the disclosure of consumer information by *direct individual notice*." [emphasis added] The definition of notice, as defined in the *Code of Federal Regulations* (C.F.R.), is critical to campus compliance. Your attention is called to 34 C.F.R. 668.41 providing that:

Notice means a notification of the availability of information an institution is required by this subpart to disclose, provided to an individual on a one-to-one basis through an appropriate mailing or publication, including direct mailing through the U.S. Postal Service, campus mail, or electronic mail. Posting on an Internet website or an Intranet website does not constitute a notice.

A review of current federal statutes and regulations indicates that campuses must provide the following, by direct individual notice, to the indicated constituencies:

# Notice of availability of:

- Information on financial assistance available to students enrolled in the institution pursuant to 34 C.F.R. 668.42
- Information about the institution pursuant to 34 C.F.R. 668.43
- Completion or graduation rates pursuant to 34 C.F.R. 668.45

- Student rights under the Family Education Rights and Privacy Act (FERPA) and pursuant to 34 C.F.R. 99.7
- Athletic program participation rates and financial support governed by the Equity in Athletics Disclosure Act (EADA) and pursuant to 34 C.F.R. 668.47
- Annual campus security report (Clery Act) pursuant to 34 C.F.R. 668.46

For currently enrolled students, this notice must be provided **annually** through U.S. mail, campus mail, or to the student's e-mail address. The notice must describe the information that is available, provide the exact electronic address if the information is available on an Internet or Intranet site, indicate that the student is entitled to a paper copy upon request, and inform the student how to request a paper copy. The annual campus security report, or notice of its availability, must be distributed by October 1 each year.

For potential students, defined as anyone who has contacted the campus requesting information concerning admission to the campus, information on the completion or graduation rates must be available prior to the student's enrolling or entering into any financial obligation with the campus.

#### Report on completion and graduation rates of student athletes

 This report must be completed by July 1 each year in accordance with 34 C.F.R. 668.48 by any campus attended by students receiving athletically-related student aid

The report must be provided at the time athletically-related aid is offered to a prospective student athlete. The report must be provided to the prospective student athlete, his or her parents, high school coaches, and guidance counselors.

# Notice of availability of annual campus security report

All current employees must receive direct individual notice of availability of the annual report by October 1 if the report itself is not distributed to each employee. If the report is made available on an Internet or Intranet site, the notice must describe the information that is available, provide the exact electronic address, indicate that the employee is entitled to a paper copy upon request, and inform the employee how to request a paper copy.

All prospective employees, defined as anyone contacting the campus for purpose of requesting information concerning employment with the campus, must be

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provided with either the report or a notice of its availability. If the report is made available on an Internet site, the notice must describe the information that is available, provide the exact electronic address, indicate that the individual is entitled to a paper copy upon request, and inform the individual how to request a paper copy.

Attachment A includes additional information, references, and other resources regarding the above requirements as well as other disclosure and reporting requirements that do not require direct individual notice. Because of the broad range of information dissemination requirements addressed in this memorandum and the attachment you are encouraged to share this memorandum with other appropriate campus officials or offices not included on the distribution list.

Failure to comply with statutory or regulatory requirements governing federal Title IV student financial aid programs can subject the campus to a fine of \$27,500 per violation and may also result in limitation, suspension, or termination of eligibility to participate in the programs.

Questions about this memorandum and recommendations for modifications or additions to the attachment may be directed to Ms. Mary L. Robinson, Associate Director for Student Financial Aid, Academic Affairs, Student Academic Support, at (562) 951-4737 or <a href="mailto:mlrobinson@calstate.edu">mlrobinson@calstate.edu</a>.

DSS/mlr Attachment

cc: Provosts/Vice Presidents of Academic Affairs

Vice Presidents of Administration

Vice Presidents of Student Affairs

**Public Information Officers** 

Deans/Directors of Enrollment Management

Directors of Athletics

Directors of Campus Security

Directors of Financial Aid

Directors of Institutional Research

Directors of Outreach and Recruitment

Financial Aid Business Officers

Registrars

Chancellor Charles B. Reed

Mr. Richard P. West

Mr. Larry Mandel

Mr. Allison G. Jones

# Selected References Related to Institutional Compliance with Federal Requirements for Disclosure, Dissemination, and Reporting of Information

The following references are provided to assist campuses in locating federal statutory and regulatory provisions related to institutional responsibilities for disclosure, dissemination, and reporting of information including required disclosures to current and prospective students, current and prospective employees, and the public. References are also included for selected other resources from the California State University, government agencies, and higher education professional associations that relate to the requirements and provide further information.

This document is provided for reference purposes and is not intended to substitute for referring to governing statutes or regulations.

#### Abbreviations:

C.C.R.	California	Code of I	Regulations (	Title 5	provides	CSU s	pecific	information)

C.F.R. Code of Federal Regulations

Searchable at http://www.gpoaccess.gov/ecfr/

HEA Higher Education Act of 1965 (As Amended)

P.L. Public Law

Searchable at http://www.gpoaccess.gov/plaws/index.html

U.S.C. United States Code

Searchable at http://www.gpoaccess.gov/uscode/index.html

# Frequently Cited References:

CSU Mandatory Catalog Copy – The Office of the Chancellor (Academic Affairs, Student Academic Support) annually coordinates update and distribution of this document to campuses for incorporation in campus catalogs and other materials.

Federal Student Aid Handbook – The U.S. Department of Education produces the Handbook annually and makes it available at

http://www.ifap.ed.gov/IFAPWebApp/currentSFAHandbooksPag.jsp.

- AACRAO American Association of Collegiate Registrars and Admissions Officers Some information and publications are available to the public and some can only be accessed by members.\* <a href="http://www.aacrao.org">http://www.aacrao.org</a>
- NACUBO National Association of College and University Business Officers Some information and publications are available to the public and some can only be accessed by members.\* <a href="http://www.nacubo.org">http://www.nacubo.org</a>
- NASFAA National Association of Student Financial Aid Administrators Some information and publications are available to the public and some can only be accessed by members.\* <a href="http://www.nasfaa.org">http://www.nasfaa.org</a>
- \* If you are interested in a publication that requires membership for access, you may wish to inquire of a colleague on your campus with membership in the organization about the possibility of sharing the information with you.

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#### Athletes/Athletic Programs

See Report on Athletic Program Participation Rates and Financial Support Data See also Report on Completion and Graduation Rates of Student-Athletes

Campus Security and Crime Statistics (Jeanne Clery Act)

See Institutional Security Policies and Crime Statistics

#### **Completion Rates**

See Report on Completion and Graduation Rates
See also Report on Completion and Graduation Rates of Student-Athletes

#### **Drug and Alcohol Abuse Prevention**

Institutions that participate in federal campus-based student aid programs are required, under the Drug-Free Workplace Act of 1988, to certify annually that they provide a drug-free workplace. Steps that must be taken for the school to certify that it provides a drug-free workplace include:

- establishing a drug-free awareness program to provide information to employees;
- distributing a notice to its employees of prohibited unlawful activities and the school's planned actions against an employee who violates these prohibitions; and
- notifying the Department and taking appropriate action when it learns of an employee's conviction under any criminal drug statute.

Under the Drug-Free Schools and Communities Act, institutions that participate in any federal Title IV program are required to adopt and implement a program to prevent drug and alcohol abuse by students and to annually distribute to all students, faculty, and employees information concerning drug and alcohol abuse and the institution's prevention program.

#### References:

P.L. 101-690, Drug-Free Workplace Act of 1988 P.L. 101-226, Drug-Free Schools and Communities Act 34 C.F.R. 668.14(c)

#### Additional Resources:

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 2, pages 49-51 Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 7, pages 249-250

### **Employee Availability**

Institutions are required to designate an employee or group of employees who will be available on a full-time basis to assist students or prospective student in obtaining information about the institution, financial

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assistance, and required reports regarding completion or graduation rates, campus security and crime statistics, and athletics.

#### References:

20 U.S.C. 1092(c) 34 C.F.R. 668.44

#### Additional Resources:

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 7, page 234

#### **Equity in Athletics**

See Report on Athletic Program Participation Rates and Financial Support Data

# Family Educational Rights and Privacy Act (FERPA)

Among the FERPA requirements is the obligation of the institution to advise each student annually of his or her rights, under 34 C.F.R. 99.7, to:

- Inspect and review his or her education records;
- Seek amendment of the education records that the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the statute and 34 C.F.R. 99.31 authorize disclosure without consent; and
- File with the Department of Education a complaint under 34 C.F.R. 99.63 and 99.64 concerning
  alleged failures by the educational agency or institution to comply with the requirements of the
  statute and regulations.

The institution's notice must include procedures for exercising the right to inspect and review education records, the procedure for requesting amendment of records under 34 C.F.R. 99.20, and., if the institution has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

This annual notice to students presupposes that institutions are making known to students basic information regarding FERPA and the institutional policies and practices with respect to directory information.

# References:

20 U.S.C. 1232g 34 C.F.R., Part 99

#### Additional Resources:

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 7, pages 232, 261-264 CSU Office of General Counsel, Records Access Manual (Revised February 2003)

<a href="http://www.calstate.edu/GC/Docs/Records Access Manual.doc">http://www.calstate.edu/GC/Docs/Records Access Manual.doc</a>

Family Policy Compliance Office, U.S. Department of Education

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#### http://www.ed.gov/policy/gen/guid/fpco/index.html

AACRAO – Miscellaneous publications

#### **Financial Assistance Information**

Institutions must publish and make readily available to current and prospective students certain information on financial assistance. Notice must be provided annually to enrolled students and must be provided to prospective students about the availability of this information. The financial assistance information must include:

- A description of the federal, state, local, private, and institutional student financial assistance programs available to students who enroll at that institution;
- For each aid program, a description of procedures and forms by which students apply for assistance, student eligibility requirements, criteria for selecting recipients from the group of eligible applicants, and criteria for determining the amount of a student's award;
- A description of the rights and responsibilities of students receiving financial assistance including criteria for continued student eligibility under each program;
- The satisfactory academic progress standards that students must maintain for the purpose of receiving financial assistance and criteria by which the student who has failed to maintain satisfactory progress may reestablish eligibility for financial assistance;
- The method by which financial assistance disbursements will be made to the students and the frequency of those disbursements;
- The terms of any loan received by a student as part of the student's financial aid package, a sample loan repayment schedule, and the necessity for repaying loans;
- The general conditions and terms applicable to any employment provided to a student as part of the student's financial aid package;
- The institution's responsibility for providing and collecting exit counseling information for all student borrowers under the federal student loan programs; and
- The terms and conditions for deferral of loan payments for qualifying service under the Peace Corps Act, the Domestic Volunteer Service Act of 1973, or comparable volunteer community service.

# References:

20 U.S.C.

34 C.F.R. 668.41, 34 C.F.R. 668.42, 34 C.F.R. 668.42

#### Additional Resources:

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 7, pages 233-234, 265-267 CSU Mandatory Catalog Copy - Attachment XIX

NASFAA, Self-Evaluation Guide for Institutional Participation in Title IV and Other Federal Programs: Student Consumer Information

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# **Gender Equity in Athletics**

See Report on Athletic Program Participation Rates and Financial Support Data

#### **Graduation Rates**

See Report on Completion and Graduation Rates
See also Report on Completion and Graduation Rates of Student-Athletes

#### **Identity Theft**

Institutions participating in federal student aid programs are responsible for developing and applying adequate systems to identify and resolve discrepancies in information received from different sources with respect to a student's application for financial aid. Institutions are also responsible for referring to the Office of Inspector General (OIG) of the Department of Education for investigation of any credible information indicating that an applicant for Title IV financial aid may have engaged in fraud or other criminal misconduct in connection with the application for aid including the use of false identities. [34 C.F.R. 668.16(f)-(g)]

The OIG has recently established a Web site at <a href="www.ed.gov/misused">www.ed.gov/misused</a> that provides information to alert students about identity theft and the need to protect their Social Security Numbers and other personal information. The site includes a one-page informational handout that institutions are encouraged to download and make available to students.

#### **Immigration Require ments for Licensure**

The Personal Responsibility and Work Opportunity Reconciliation Act (PRAWORA) of 1996 (P.L. 104-193) included provisions to eliminate eligibility for federal and state public benefits for certain categories of lawful immigrants, as well as benefits for all illegal immigrants. Governor Pete Wilson issued Executive Order W-135-96 on August 27, 1996, requesting that the CSU and other state agencies implement "as expeditiously as reasonably practicable" the provisions of PRAWORA.

CSU campuses have been advised to disclose to prospective students that if they will be required to have a professional or commercial license from a local, state or federal government agency in order engage in an occupation for which the CSU may be training them, they must meet the immigration requirements of PRAWORA to achieve licensure.

References:

P.L. 104-193

Additional Resources:

CSU Mandatory Catalog Copy - Attachment XIII

# **Institutional Information (General)**

The Higher Education Amendments of 1976 initially implemented the "Student Consumerism" requirements by which institutions were required to provide certain information to all current and prospective students.

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Notice must be provided annually to enrolled students and must be provided to prospective students about the availability of this information. Institutional information that the institution must make readily available upon request to enrolled and prospective students includes:

- The cost of attending the institution, including fees and tuition charged to full-time and part-time students; estimates of costs for necessary books and supplies; estimates of typical charges for room and board; estimates of transportation costs for students; and any additional cost of a program in which a student is enrolled or expresses a specific interest;
- The refund policy or policies for the return of unearned tuition and fees or other refundable portions of costs paid to the institution;
- The requirements and procedures for officially withdrawing from the institution;
- A summary of the requirements for the return of Federal Title IV grant or loan assistance when a student withdraws (34 C.F.R. 668.22);
- The academic program of the institution, including the current degree programs and other educational and training programs; the instructional, laboratory, and other physical facilities that relate to the academic program; and the institution's faculty and other instructional personnel;
- The names of associations, agencies or governmental bodies that accredit, approve, or license the
  institution and its programs, and the procedures for requesting a copy of documents describing the
  institution's accreditation, approval or licensing process;
- A description of any special facilities and services available to disabled students;
- The titles of persons designated by the institution to assist enrolled or prospective students in obtaining information, and information regarding how and where those persons may be contacted (34 C.F.R. 668.44); and
- A statement that a student's enrollment in a program of study abroad, approved for credit by the home institution, may be considered enrollment at the home institution for the purpose of applying for assistance under the federal Title IV student aid programs.

#### References:

34 C.F.R. 668.43, 34 C.F.R. 668.44

#### Additional Resources:

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 7, pages 233-234

CSU Mandatory Catalog Copy - Attachment XIX

NASFAA, Self-Evaluation Guide for Institutional Participation in Title IV and Other Federal Programs: Student Consumer Information

# **Institutional Security Policies and Crime Statistics**

Commonly known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (or Clery Act), this federal statute requires the distribution of an annual security report to all current faculty, staff, and students and notice of its availability to prospective students, faculty, and staff. The annual security report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the institution, and on public

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property within, or immediately adjacent to and accessible from the institution. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters.

The California State University Office of the Chancellor has provided extensive advice to campuses to ensure compliance with the requirements of the Clery Act including an award winning video and viewer's guide.

The California State University has provided for compliance with the requirement for direct individual notice to all current employees by printing the required information on employee paychecks in September of each year.

# References:

20 U.S.C. 1092(a), 20 U.S.C. 1092(f) 34 C.F.R. 668.41, 34 C.F.R. 668.46

#### Additional Resources:

U.S. Department of Education

http://www.ed.gov/admins/lead/safety/campus.html

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 7, pages 231-232, 252-261 CSU Office of the Chanellor – From Understanding to Compliance: Your Campus and the Clery Act <a href="http://www.calstate.edu/Clery/CleryViewersGuide.pdf">http://www.calstate.edu/Clery/CleryViewersGuide.pdf</a>

California State University – links to campus Clery Reports

http://www.calstate.edu/Clery/

Security On Campus, Inc.

http://www.securityoncampus.org/schools/cleryact/index.html

# **Refund Policy**

Institutions that are required to comply with a refund policy must make information about that policy readily available to students upon request and provide notice to current and prospective students about availability of the information. CSU campuses must comply with the policies on refunds included in Title 5 of the *California Code of Regulations*.

#### References:

20 U.S.C. 1092(a)(1)(F)(i) 34 C.F.R. 668.43(2)

Title 5, California Code of Regulations Section 41802

#### Additional Resources:

CSU Mandatory Catalog Copy - Attachment VIII

CSU, Office of the Chancellor: Memorandum AA-2002-13, dated February 13, 2002, subject *Revised Title 5 Regulations on Refund of Fees Including Nonresident Tuition* available at <a href="http://www.calstate.edu/AcadAff/codedmemos/index.shtml">http://www.calstate.edu/AcadAff/codedmemos/index.shtml</a>

#### DRAFT - March 2, 2004

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# Report on Athletic Program Participation Rates and Financial Support Data

The Equity in Athletics Disclosure Act (EADA) requires that any coeducational institution of higher education that has an intercollegiate athletic program and participates in federal student aid programs prepare an annual report on participation rates, financial support, and other information on men's and women's intercollegiate athletic programs.

Campuses must provide an annual notice to all current students and a notice to prospective students that summarizes the report and provides information on how and where students can view or obtain a copy.

The Department of Education provides additional information on the Equity in Athletics Disclosure Act and data collection activities at:

### http://ope.ed.gov/athletics/index.asp

Institutional data reported to the Department of Education pursuant to the Equity in Athletics Disclosure Act is currently available at:

http://ope.ed.gov/athletics/Search.asp

#### References:

Section 485(g) of HEA as amended 20 U.S.C. 1092(g) 34 C.F.R. 668.48

#### Additional Resources:

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 7, pages 232, 244-248

#### **Report on Completion or Graduation Rates**

The Student Right-to-Know (SRK) Act requires institutions to disclose the completion or graduation rates and, if applicable, transfer-out rates for cohorts of certificate- or degree-seeking, full-time, first-time undergraduates students.

Campuses must provide an annual notice to all current students and a notice to prospective students that summarizes the report and provides information on how and where students can view or obtain a copy.

#### References:

20 U.S.C. 1092 34 C.F.R. 668.41, 34 C.F.R. 668.45

#### Additional Resources:

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 7, pages 232, 235-240, 265-267 AACRAO, various publications

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#### Report on Completion or Graduation Rates for Student-Athletes

This report for student athletes corresponds to the broader Student Right-to-Know (SRK) report for cohorts of first-time students but includes only students receiving athletically related student aid. The report must be completed by all institutions that offer athletic aid.

Campuses must make this report available by July 1 of each year and must provide a copy at the time athletically-related aid is offered to a prospective student athlete. The report must also be provided to the prospective student athlete's parents, high school coaches, and guidance counselors. Schools may receive a waiver of the requirement to distribute the report to coaches and counselors if the school is a member of an athletic association or conference that distributes graduation rate information to all secondary schools.

# References:

20 U.S.C. 1092(e) 34 C.F.R. 668.41, 34 C.F.R. 668.48

#### Additional Resources:

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 7, pages 232, 240-244, 265-267

# **Social Security Number**

See Use of Social Security Number See also Credit Bureau Reporting See also Identity Theft

#### Student Right-to-Know (SRK)

See Report on Completion or Graduation Rates

# Teacher Preparation Programs - Annual State and Institutional Report Cards

The Higher Education Amendments of 1998 (P.L. 105-244) mandated in Title II that all states receiving funds under that chapter annually prepare and submit to the Secretary of Education a state report card on the quality of teacher preparation in the state. This comprehensive report includes data on all teacher preparation programs in the state. The California Commission on Teacher Credentialing (CCTC) compiles the report for California, and the annual reports, including program information by institution, are available at <a href="http://www.ctc.ca.gov/reports">http://www.ctc.ca.gov/reports</a> on line.html. Institutions must provide their annual reports to CCTC in April and the state must provide its annual report to the Secretary in October.

The reports must contain information on the pass rate on teacher certification exams of students in each program and how that pass rate compares with the average pass rate for programs in the state; the number of students in the program, the average number of hours of supervised practice teaching, and the faculty-student ratio in supervised practice teaching; a statement of whether the program is approved by the state, if the state has such a program; and a statement of whether the program has been designated as low performing by the state.

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The statute also requires that institutions with a teacher preparation program that enrolls students receiving federal assistance report to the general public information that corresponds with the report required of the state. The information must be reported "through publications such as school catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates."

# References:

P.L. 105-244, Title II, Sections 207-208 20 U.S.C. 1027(f)

Additional Resources:

CSU Mandatory Catalog Copy, Section

#### **Use of Social Security Number**

Section 7 of the federal Privacy Act of 1974 provides that social security numbers may not be required unless pursuant to a state or federal law existing prior to January 1, 1975. The Act further provides that at the time a social security number is requested, the governmental agency must disclose to the applicant whether disclosure of the number is mandatory or voluntary, by what statutory or other authority the number is solicited, and what uses will be made of it.

Title 5, California Code of Regulations Seciton 41201 (effective January, 1971) authorizes CSU campuses to require an applicant for admission to "furnish the campus with his or her social security number." The CSU discloses the use of the social security number with statements in Mandatory Catalog Copy and the Application for Admission, both paper and electronic versions.

### References:

Privacy Act of 1974, uncodified section 7 5 U.S.C. 552a 42 U.S.C. 408(a)(8) Title 5, California Code of Regulations Section 41201 Additional Resources: CSU Mandatory Catalog Copy - Attachment XIV

# **Voter Registration**

The Higher Education Amendments of 1998, P.L. 105-244, added a provision to the Higher Education Act (HEA) requiring that institutions of higher education participating in federal Title IV financial aid programs make a good faith effort to distribute mail voter registration forms to each student enrolled in a degree or certificate program and to make such forms widely available to students at the institution. Reference to this provision was added to the *Program Participation Agreement (PPA)* that institutions execute with the Department of Education. (**Note:** The statute specifically prohibits any officer of the executive branch from instructing an institution in the manner in which this provision is carried out, therefore no regulations governing this provision have been issued.)

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The statute requires institutions to request mail voter registration forms from the state 120 days prior to the deadline for registering to vote within the state. If the campus does not receive a sufficient quantity of forms from the state within 60 days prior to the deadline for registering to vote, the campus will not be held liable for failing to meet the requirements during that election year.

The Office of the Secretary of State (see website information below) makes voter registration forms available electronically and facilitates on-line registration. The Federal Election Commission makes available a National Mail Voter Registration Form that can be used for many states.

# References:

20 U.S.C. 1094(a)(23)(A)

#### Additional Resources:

Student Financial Aid Handbook, 2003-04 edition, Volume 2, Chapter 2, pages 31-32

CSU, Office of the Chancellor: Memorandum dated September 20, 1999 from Allison G. Jones, Senior Director, Academic Affairs, Access and Retention, to Vice Presidents of Academic Affairs, Administration, and Student Affairs, subject *Campus Responsibility for Distribution of Voter Registration Forms* 

CSU, Office of the Chancellor: Memorandum AA-2003-31, dated October 14, 2003, subject *Campus Responsibility for Distribution of Voter Registration Forms* available at <a href="http://www.calstate.edu/AcadAff/codedmemos/index.shtml">http://www.calstate.edu/AcadAff/codedmemos/index.shtml</a>

State of California, Office of the Secretary of State (Voter Registration – General Information)

http://www.ss.ca.gov/elections/elections\_vr.htm

My Vote Counts

http://myvotecounts.ca.gov/

Federal Election Commission, National Mail Voter Registration Form (33 pages)

http://www.fec.gov/votregis/vr.htm

### Withdrawing from the Institution

Institutions are required to make available to all enrolled and prospective students a statement of the requirements for officially withdrawing from the institution.

## References:

20 U.S.C. 1092(a)(1)(F)(iii) 34 C.F.R. 668.43(3)

#### Additional Resources:

CSU Mandatory Catalog Copy - Attachment XXII

This reference document is still in the developmental stages. Suggested corrections, additions, and deletions along with comments should be directed to <a href="mailto:mlrobinson@calstate.edu">mlrobinson@calstate.edu</a>



BAKERSFIELD March 07, 2011

CHANNEL ISLANDS

CHICO <u>MEMORANDUM</u>

DOMINGUEZ HILLS

EAST BAY TO:

Charles B. Reed Charles B. Reed Chancellor FRESNO FROM:

FULLERTON

HUMBOLDT

LOS ANGELES

MONTEREY BAY

SAN BERNARDINO

SAN LUIS OBISPO

POMONA

MARITIME ACADEMY

**SUBJECT:** California State University – Emergency Management Program

Executive Order No. 1056

Attached is a copy of Executive Order No. 1056 relating to development, LONG BEACH

implementation and maintenance of the campus emergency management program. The campus president has the authority and responsibility to implement campus emergency management program policies that are

consistent with the California State University Emergency Management program. This executive order is in response to recommendations of the

Emergency Preparedness Systemwide Audit 09-43.

In accordance with policy of the California State University, the campus NORTHRIDGE

president has the responsibility for implementing executive orders where

applicable and for maintaining the campus repository and index for all

executive orders.

If you have questions regarding this executive order, please call SACRAMENTO

Ms. Charlene M. Minnick, Assistant Vice Chancellor, Risk Management and

Public Safety at 562-951-4580.

CBR/ztg SAN DIEGO

Attachment SAN FRANCISCO

c: Vice Chancellors SAN JOSÉ

Provosts/Vice Presidents for Academic Affairs Vice Presidents for Business and Finance

Campus Police Chiefs

**Campus Emergency Coordinators** 

**Human Resource Directors** 

Risk Managers SONOMA

STANISLAUS

SAN MARCOS

# THE CALIFORNIA STATE UNIVERSITY Office of the Chancellor 401 Golden Shore Long Beach, California 90802-4210 562.951.4580

**Executive Order:** 1056

**Effective Date:** March 01, 2011

**Supersedes:** Executive Order No. 1013

Title: California State University Emergency Management Program

This executive order is issued pursuant to Section II of the Standing Orders of the Board of Trustees of the California State University and in concert with The California Emergency Services Act in Section VII, commencing with Section 8550, of Division I of Title II of the Government Code.

#### I. Purpose

The purpose of the executive order is to maintain an emergency management program on each campus that will be activated when a hazardous condition, natural or manmade disaster reaches or has the potential for reaching proportions beyond the capacity of routine operations. This executive order supersedes and modifies Executive Order No. 1013 to further define the responsibilities and needs of an effective campus emergency management program.

#### II. **Definitions**

- Campus Multi-Hazard/Preparedness Plan (Plan) A document that establishes and outlines the campus' planned response to an emergency. Each campus plan must be compliant with both the California State Emergency Management System (SEMS) as developed by the State Office of Emergency Services (OES), the National Incident Management System (NIMS) as developed by the Department of Homeland Security, and the Incident Command System (ICS).
- Emergency Coordinator and Emergency Manager Are used interchangeably and both mean the designated person with responsibility for campus-wide emergency management activities.

- **Emergency Executive** The designated campus executive, such as the Vice President of Business and Administration or other commensurate management position, with overall responsibility for campus-wide emergency management planning and execution of the campus plan.
- **Emergency Management Program** A management framework for responding to and recovering from emergencies that may threaten the health and safety of the campus community or disrupt its programs and operations.
- **Emergency Operations Center** (EOC) A physical location at which the emergency management team convenes to establish and execute response strategies and tactics, deploy resources, implement mitigation measures and initiate the recovery process.
- Emergency Operations Center Director Overall direction and operation of the EOC assigned to coordinate campus-wide incidents or events involving the campus. Responsibilities include ensuring conflict resolution, providing guidance, ensuring that compatible objectives are established and strategies are selected for the delivery/coordination of critical resources in support of campus emergency operations.
- Incident Command System (ICS) The nationally used standardized onscene emergency management concept specifically designed to allow user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents without being hindered by jurisdictional boundaries. ICS is a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, with responsibility for the management of resources to effectively accomplish stated objectives pertinent to an incident.
- National Incident Management System (NIMS) A system mandated by the Homeland Security Presidential Directive/HSPD - 5 that provides a consistent nation-wide approach to enable all government, private-sector, and nongovernmental organizations to work together during domestic incidents. The intent of NIMS is to be applicable across a full spectrum of potential incidents and hazard scenarios, regardless of size or complexity, and to improve coordination and cooperation between public and private entities in a variety of domestic incident management activities.
- Standardized Emergency Management System (SEMS) A system created by California Government Code Section 8607 that is designed to ensure that all public agencies have a common system to utilize in responding to emergencies. The California Office of Emergency Services administers SEMS.
- **Training Record** Documentation of training for employees, including employee name or other identifier, training dates, type(s) of training, training providers, and attendee sign-in sheets.

### III. Responsibility

The Assistant Vice Chancellor for Risk Management and Public Safety is delegated systemwide administrative oversight and programmatic responsibility for systemwide emergency management.

The president of each campus is delegated the responsibility for the implementation and maintenance of an emergency management program on campus and for ensuring the following management activities are accomplished in support of the campus emergency management program:

- 1. Designate a primary, secondary and tertiary person with responsibility for campus-wide emergency management. Such persons shall be referred to as the campus Emergency Coordinator or Emergency Manager.
- 2. Establish and equip a functional campus EOC consistent with SEMS, NIMS, and ICS quidelines.
- 3. Develop a campus plan. On an annual basis or more frequently as needed, the plan should be reviewed, updated, and distributed to the emergency management team members and others as identified by the campus. Documentation of review, update and distribution must be in the form of a signed and dated written acknowledgement that is attached to the master campus emergency plan.
- 4. Train campus community on the SEMS and NIMS compliant campus Plan to include, at a minimum;
  - A. Overview training of every employee within one year of employment.
  - B. Specialized training annually for employees designated either as building coordinator or building floor marshal, EOC team member, or member of the campus emergency management team. Specialized training includes, but is not limited to, SEMS, NIMS and crisis response.
  - C. Training records for all campus training shall be kept consistent with guidelines found in EO 1031.
- 5. Conduct administrative review of the campus multi-hazard/preparedness plan annually or more frequently as needed. Testing of simulated emergency incidents and emergency communications, including the periodic testing of mutual aid and assistance agreements, shall be conducted utilizing one of the following formats and varying the type of event:
  - **Tabletop** Informal discussion of simulated emergency, no time pressures, low stress, useful for evaluating plans and procedures and resolving questions of coordination and responsibility. Testing of at least one hazard event should be done once a year.

- **Drill** Single emergency response function, single agency involvement, often a field component. Testing should be done at least once a year.
- **Functional Exercise** Policy and coordination personnel practice emergency response, stressful, realistic simulations, takes place in real time, emphasize emergency functions, EOC is activated. Testing should be done every other year.
- Full scale Exercise Takes place in real time, employees treat real
  people and use emergency equipment in the field, coordinates many
  agencies, including testing of mutual aid and assistance agreements,
  tests several emergency functions, EOC is activated, and produces a high
  stress environment. Testing should be done every five years, however
  activation of the EOC in response to an actual emergency or disaster will
  meet this testing requirement.
- Campus building evacuation drills Conducted at least annually or more frequently as needed.

At the completion of each exercise or simulated emergency incident, full documentation of test results and lessons learned shall be documented in the form of a Corrective Action Plan or After Action Report, reviewed with the campus emergency management team, and maintained by the emergency manager or emergency coordinator consistent with guidelines found in EO 1031. Such reports will be made available to the Systemwide Office of Risk Management upon request. Activation of the EOC in response to an actual emergency or disaster will count as training in meeting the requirements of this section provided such emergency is well documented and discussed with the campus emergency management team.

- 6. Develop a roster of campus resources and contracts for materials and services that may be needed in an emergency situation including equipment, emergency power, communications, food and water, satellite and other mobile phone numbers, and update at least annually or as needed. The "updated as of date" should appear on each roster. Campus resources should be typed in accordance with NIMS guidelines to ensure compatibility of resources with other agencies. Resource typing includes its category, kind, and type.
- 7. Continually communicate the Plan to the campus community in a variety of methods through public education (e.g., web-posting of the Plan, except for active-shooter/terrorist responses plans) or other mechanisms for dissemination of hazard planning materials.
- 8. Once a year by December 1 or more frequently as needed, provide the Systemwide Office of Risk Management at the Chancellor's Office a roster of emergency management team personnel as well as their designated back-up

essential to the operation of the campus emergency management programs such as:

	President
	Emergency Executive
	EOC Director
	Emergency Manager/Emergency Coordinator
7	Public Information Officer

The roster shall include name, office and emergency telephone numbers, including satellite phone numbers. These lists will be kept confidential and used only in emergency situations.

- 9. Support the Emergency Coordinators working group, which is an advisory body for CSU systemwide emergency management. The working group is part of the CSU WERCS (Workers Compensation, Emergency Management, Risk Management, Campus Safety/Loss Control) affinity group which is a multi-discipline committee comprised of Emergency Coordinators, Risk Managers, Environmental Health & Occupational Safety Directors and Workers' Compensation Coordinators and charged, in part, with studying and proposing solutions to systemwide issues such as emergency communications, mutual assistance protocols, and training.
- 10. On an annual basis or more frequently as needed, interact and coordinate comprehensive emergency management activities with appropriate city, county, operational area, state, federal government and private agencies to increase the readiness of the university. Attendance can be verified by meeting minutes, which should be kept for a minimum of two years.
- 11. Campus emergency operation policies and procedures must be compliant with related provisions of the Higher Education Opportunity Act (HEOA).

Charles B. Reed Chancellor

Champ B. Reed

Dated: March 7, 2011

San Francisco State University University Executive Directive #89-13: Time, Place, and Manner: Use of Buildings and Grounds

I. PREAMBLE
II. POLICY STATEMENT
III. AUTHORITY
IV. CAMPUS ACTIVITIES
V. LABOR ACTION
VI. AMPLIFICATION
VII. COMMERCIAL TRANSACTIONS (42350.1 - TITLE V)
VIII. SOLICITATION
IX. SELLING OF PUBLISHED MATERIALS (42351 - TITLE V)
X. HANDBILLS AND CIRCULARS (42352 - TITLE V)
XI. RESERVING UNIVERSITY VENUES
XII. NOTICE (42354 - TITLE V)
XIII. DEFINITIONS

#### I. PREAMBLE

Universities are venues for creative and thoughtful discourse where differing perspectives are debated and thoroughly discussed. San Francisco State University (SF State) is committed to the principles of equity and social justice. The University actively promotes free expression and the exchange of ideas, perspectives and viewpoints. Within the context of this policy, free speech activity includes, but is not limited to the following: pure or symbolic speech, assembly, meeting, demonstrations or rallies, picketing, petitioning, mime and theater, music and singing, and religious or political expression.

# II. POLICY STATEMENT

While the primary use of the buildings and grounds at San Francisco State University is to provide a high quality academic experience, these campus resources are also available for certain non-academic programming. This policy establishes the priorities for such use, legal requirements as needed and other matters relating to the scheduling and use of SF State facilities. The use of University facilities must always be in accord with the applicable provisions of law and University policies. Among these provisions are the California Education Code and the administrative regulations of the California State University (CSU) Board of Trustees (Title V of the California Code of Regulations), which regulate soliciting, selling, exposing for sale or offering for sale of goods, articles, wares, or merchandise on campus; and the holding of public meetings, performances, rallies and similar events on campus. Where applicable, University contracts, leases and operating agreements made with University Auxiliary Organizations for the specific use of campus property or facilities are in effect and augment the provisions of this policy.

#### III. AUTHORITY

This policy is promulgated under the authority of Title V, California Code of Regulations, and subsequent directives, resolutions, standing orders, and Executive Orders of the CSU Board of Trustees and Chancellor, and the President of SF State. All applicable state and federal statutes and laws apply.

California Education Code Sec. 89031 states that, "The trustees may establish rules and regulations for the government and maintenance of the buildings and grounds of the California State University. Every person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor."

#### IV. CAMPUS ACTIVITIES

Activities on the SF State campuses are permitted during the University's standard operation hours and may not interfere with or disrupt University business. Activities that are not permitted include, but are not limited to, the following examples:

- A. Interference with classes in session or other scheduled academic, educational, cultural/arts programs or with use of the library;
- B. Obstruction to the free flow of pedestrian or vehicular traffic;
- C. Employing unauthorized sound amplification;
- D. Violating any federal, state, or local safety code, including regulations set by the State Fire Marshal;
- E. The visual blockage or the physical displacement of performers/programs that have reserved a venue;
- F. Activities that damage facilities or interfere with necessary facilities maintenance and repair activities or the function of campus utilities (sewer, water, power, etc.);
- G. Activities that create substantial unreimbursed cleanup costs;
- H. Outdoor Lodging/Camping on the campus, at any time, day or night; and
- I. The erection of any structure(s) on campus without University approval.

There shall be no restrictions on legally-protected free speech activity based on the content of such speech or expression or on the political, religious, or other affiliations of speakers. Speech activity **not** protected by the U.S. Constitution or by this policy includes defamation, obscenity, terrorist threats, false advertising, and the promotion of actual or imminent violence or harm.

# V. LABOR ACTION

Among the guarantees of the U.S. Constitution is the right of citizens to inform others of their opinion by peaceful picketing. In California, the State Constitution also guarantees this right. Additionally, Code of Civil Procedure, Section 527.3 protects the right of

individuals to communicate information, including information involving a labor dispute, on public streets or any other place where persons may lawfully assemble.

The right to picket does not include the right to break the law by:

- A. Blocking entrances, exits or sidewalks;
- B. Using physical force on individuals;
- C. Disturbing the peace;
- D. Using language likely to promote violence;
- E. Creating excessive noise by use of any device; and or
- F. Committing any other criminal acts.

The University Police Department (UPD) has an obligation to protect the rights of free speech, assembly and petition as well as to protect the safety of the campus community at all times.

To insure that the orderly and peaceful flow of campus business and activities will not be disrupted, all labor organizations wishing to picket or to hold a demonstration on campus should schedule the location of such an event in advance by complying with the following procedures:

A. The representatives of all labor organizations, other than Unit 3, should contact the Associate Vice President of Human Resources, Safety and Risk Management, who in conjunction with the University Police Chief and the Director of LEAD (Leadership, Engagement, Action, Development), will advise such representatives of any conflict with a special campus or student event(s) scheduled to take place at the same location.

B. The representative(s) of Unit 3 should contact the Dean of Faculty Affairs and Professional Development, who in conjunction with the University Police Chief and the Director of LEAD, will advise such representatives of any conflict with a special campus or student event(s) scheduled to take place at the same location.

In compliance with these procedures, labor organizations will avoid scheduling conflicts that could lead to potential disruptions of previously scheduled campus activities as well as potential disruptions of the orderly conduct of campus business.

#### VI. AMPLIFICATION

Amplified events are routinely scheduled through LEAD to take place in the Malcolm X Plaza Monday through Friday from 12 p.m. -2 p.m. during the academic year, with the exception of the last week of classes and finals week for each semester. Amplification for any other location and/or time requires special permission through LEAD. Waivers must

be requested in writing at least five (5) business days prior to the event unless necessitated by extraordinary circumstances.

At outdoor events on campus, the amount of amplification is controlled through the use of a sound meter to ensure that sound does not exceed 75 decibels 25 feet from the amplified sound source. All amplified sound events on Malcolm X Plaza must use the Cesar Chavez Student Center (CCSC) sound system and coordinate with the Center's sound technicians. It is the responsibility of the sponsoring student organization/department and its performers in collaboration with LEAD staff and CCSC technicians not to exceed the 75-decibel level.

Recognizing the importance of instructional activities, sound complaints concerning outdoor events should be directed to LEAD, which is charged with administering complaint procedures. LEAD shall keep records of all written and verbal amplified sound complaints, providing the Associate Vice President for Student Affairs with reports annually. Decibel level is subject to administrative review.

# VII. COMMERCIAL TRANSACTIONS (42350.1 - TITLE V)

Commercial transactions and the display of property or services for sale on campus is prohibited except with written permission by the campus President. Such permission shall be granted if:

- A. The proposed activity aids achievement of the educational objectives of the campus, does not unreasonably interfere with the operation of the campus and is not prohibited by law, or
- B. The prospective buyer has agreed in writing in advance to an appointment, and prospective seller makes no more than one appointment for any day, and such the appointment does not interfere with the operation of the campus.
- C. This section shall not apply to private sales.

Transactions which aid in the achievement of educational objectives of the campus, do not unreasonably interfere with the operation of the campus, and are not prohibited by law may be conducted on campus contingent upon appropriate authorization. Such transactions shall be conducted in the University designated area(s). At no time shall commercial transactions be carried out in the residence halls, or in any academic building. Commercial transactions may occur only in reserved venues where a particular event takes place and event organizers have received prior approval.

### Commercial Vendors

Commercial vendors are permitted on campus through the LEAD Vendor Program and with sponsorship by a University recognized student organization. Craft vendors are also

allowed to sell their crafts at the bi-annual Associated Students Inc. sponsored Crafts Fair. All student organization-sponsored vending activities must obtain permits from LEAD. Permission shall only be granted if the off-campus vendor is providing funds to the student organization and the arrangement is outlined in writing prior to the activity. At the conclusion of the activity, the student organization shall provide LEAD with proof of the receipt of the funds. If the student organization fails to provide proof of receipt of funds, the vendor will not be allowed to conduct commercial transactions on campus in the future. The sponsoring student organization is responsible for all transactions. A form for requesting permission to host a vendor is required by and available in LEAD. The form must be submitted at least three (3) business days prior to the commencement of the proposed vending date. A standard LEAD coordination fee is also required and must be paid by the vendor prior to activity approval. Student organizations may not invite off-campus food vendors to sell food on campus as a fundraiser for the organization.

#### VIII. SOLICITATION

# A. Solicitation (42350.5 - Title V)

- Solicitation shall be permitted on a campus subject, however, to a reasonable regulation by the campus President as to time, place, and manner thereof. Solicitation in violation of established campus directives regarding time, place, and manner is prohibited.
- 2. All directives issued by the campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

# B. Commercial Solicitation (42350.6 - Title V)

- 1. Commercial solicitation on a campus is prohibited unless prior written authorization has been obtained from the campus President. Permission for commercial solicitation shall be granted by the campus President, subject however, to regulation as to time, place and manner thereof, unless such solicitation for sale would be in violation of law.
- 2. All directives issued by the campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354.

Solicitors shall abide by all laws and University policies.

CCSC, SF State Bookstore, University Housing and Office of Special Events may not sponsor commercial banking groups for solicitation of applications, and various banking services for profit-making ventures.

In the case where a contract currently exists between the campus and a banking firm, the terms of the contract may be fulfilled until new contracts are awarded. The President or designee may authorize the campus banking institution on contract to distribute literature about the services of the automatic tellers.

No money may be solicited unless it is for a non-profit group. Non-profit groups wishing to solicit donations must have:

- A. Proof of the group's non-profit status (letter from Attorney General or Internal Revenue Service); and
- B. Written authorization for the individual who is soliciting from the organization.

# IX. SELLING OF PUBLISHED MATERIALS (42351 - TITLE V)

- A. Except in the case of private sales and commercial transactions to which Section 42350.1 applies, the selling or displaying for sale of any books, newspapers, pamphlets and other published materials shall be permitted on campus provided:
  - Such published materials are not available for sale at the campus bookstore;
  - 2. The selling or display of such published materials is conducted in compliance with any time, place, and manner directives adopted by the President; and
  - 3. The published materials displayed or offered for sale are not in violation of the provisions of Chapter 7.5, Title 9, Part 1 (commencing with Section 311) of the Penal Code (relating to the sale and distribution of obscene matter), or of Chapter 6, Title 3 (commencing with Section 66400) of the Education Code (relating to the preparation, sale and distribution of term papers, theses and other materials to be submitted for academic credit).
  - B. Selling or displaying for sale of published materials in violation of subsection (A) is prohibited.

Prohibition concerning preparation, sale and distribution of term papers, thesis, etc. (66400 Education Code)

No person(s) shall prepare, offer to prepare, cause to be prepared, sell, or otherwise distribute any term paper, thesis, dissertation, or other written material for another person, for a fee or other compensation, with the knowledge, or under circumstances in which the individual(s) should reasonably have known, that such term paper, thesis, dissertation, or other written material is to be submitted by any other person(s) for academic credit at any public or private college, university, or other institution of higher learning in this state.

# X. HANDBILLS AND CIRCULARS (42352 - TITLE V)

A. No person or persons shall, upon any of the grounds on campus cast, throw, deposit, or distribute any advertising handbills or circulars which contain false, misleading, or illegal advertising.

B. The distribution of written or printed matter shall be permitted on campus, subject, however, to reasonable directives by the campus President as to the time, place, and manner thereof. All directives issued by a campus President pursuant to this section shall be available to the public at places designated pursuant to Section 42354. Distribution of written or printed matter in violation of established campus directives regarding time, place, and manner is prohibited.

Sale of literature may occur only in designated University areas (see section VII and X). Literature may not be distributed or sold inside University buildings. Literature that is sold must not be available in the Campus Bookstore, nor be a term paper, thesis or other materials to be submitted for academic credit. Literature that is sold must not be obscene.

Distribution of literature may occur in University outdoor areas as long as pedestrian traffic is not impeded. No literature shall be placed on vehicles or distributed in University Housing facilities. Materials may be posted only on indoor campus bulletin boards not identified for specific purposes or functions and authorization must be obtained from the individual college/school/department within the building. Outdoor signs may be posted in appropriate locations as designated by Facilities and Services Enterprises.

It is a misdemeanor for any person to place or maintain, or cause to be placed or maintained, without lawful permission upon any property of the State, or of a city or of a county, any sign, picture, transparency, advertisement, or mechanical device which is used for the purpose of advertising or which advertises or brings to notice any person, article of merchandise, business, or anything that is to be or has been sold, bartered, or given away. No commercial advertisement may be distributed unless it is a part of a student organization's fundraiser and the fundraiser has written permission from LEAD.

Any outdoor literature being sold must be in designated University vending areas per the University vending policy (see section VII). Literature materials may also be sold at student organization information tables. No specific permit is needed from UPD to distribute or sell literature if authorization to have the table is obtained from LEAD. All non-students may distribute literature outdoors without the use of a table.

# XI. RESERVING UNIVERSITY VENUES

- A. University Department Sponsors
  University departments should work directly with the appropriate venue scheduling office regarding reservation requests and/or questions. Departments hosting large campus events should also notify the Director of Special Events.
- B. Student Organization Sponsors
  All student organization events must be approved by LEAD ten (10) business
  days prior to the proposed event date. Recognized student organizations should

submit reservation requests directly to the appropriate venue scheduling office, but confirmation is not complete until LEAD approval is granted. Student organizations hosting events in a large campus venue will also be required to attend a University partners meeting. The meeting is hosted by LEAD, with the inclusion of the student event planner(s), UPD, the venue manager/scheduler, and other University offices as needed. During the meeting, all event details will be discussed and based on the event information recommendations will be provided concerning event needs and University expectations.

# C. Off-Campus Sponsors

All events being hosted by off-campus sponsors must work directly with the Director of Special Events. The Director serves as a liaison between the event sponsor and the University.

# D. Spontaneous Events

Spontaneous events occasioned by news or issues coming into public knowledge may be held on campus without advance permission so long as they adhere to all University policies and the restrictions outlined above (see section IV). Recognizing the University is a part of the community it serves, the University will attempt to accommodate and provide access to University space/facilities that are available and which do not interfere with scheduled events and programs. Student organizations and departments are strongly encouraged to work in collaboration with LEAD and UPD to assist with event coordination.

# XII. NOTICE (42354 - TITLE V)

Notice shall be posted at or near the principal entrances of each campus calling attention to the existence of regulations relating to use of CSU buildings and grounds and designating the places where copies thereof and of directives issued by the campus president pursuant thereto may be examined.

#### XIII. DEFINITIONS

- A. Freedom of/Free Speech and Freedom of/Free Expression are used interchangeably for the purpose of this document.
- B. Sale, selling or purchasing means an activity creating an obligation to transfer property or services for a valuable consideration.
- C. Commercial solicitation means any direct and personal communication in the course of a trade or business reasonably intended to result in a sale.
- D. Solicitation means to importune, or endeavor to persuade or obtain by asking, but

does not include "commercial solicitation."

- E. Private sale means occasional selling between persons who are campus students or employees.
- F. Commercial transaction means selling or purchasing or both selling and purchasing by any person in the course of employment in, or in the carrying on of, a trade or business.
- G. Campus President means the President of San Francisco State University.
- H. Student organization means an organization that has met all CSU and LEAD requirements.
- I. Student means any person enrolled in course work at SF State, has paid fees and is currently attending courses including Extended Learning courses.
- J. Non-student means faculty, staff or off-campus persons wishing to utilize SF State facilities.
- K. President's designee means any person the President has chosen to exercise his/her authority.
- L. University Housing means the areas/buildings including the residence halls, Seven Hills Conference Center, Dining Center, the Village at Centennial Square, the Towers at Centennial Square, University Park North and University Park South.
- M. Outdoor Lodging/Camping means the setting up and/or use of any bedding material, tent, portable shelter, structure, makeshift structure or building of any kind, on campus, day or night, for the purpose of staying, sleeping or living in, is strictly prohibited.
- N. University's Standard Operation Hours means the campuses' operation times for classes, lectures, events, activities, etc. The University operation hours are 7:00 AM 10:00 PM

Approved:	Not Approved:	
Signed by President Corrigan, August 3, 2010		
Robert A. Corrigan, President	Robert A. Corrigan, President	



# CHAPTER 6 Standard Operating Procedures

<u>Number</u>	<u>Title</u>
6-1	Contacting Students During Instructional Activities
6-2	Response to Off Campus University Related Property
6-3	Inner campus Vehicle Access Restrictions
6-4	Videotaping On-Campus Events
6-5	Alcohol and Drug Procedures Involving Employees
6-6	Use of Buildings and Grounds
6-7	Withdrawal of Consent to Remain on Campus
6-8	Non-Employee Ride Along
6-9	Statistical Reporting and Clery Compliance
6-10	Emergency Preparedness Program
6-11	Key Control
6-12	Employee Access to Union Representation
6-13	Response to Medical Marijuana Incidents
6-14	Number Not In Use
6-15	Distribution of Literature



NUMBER:7-1 APPROVED: Regiral Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: Nov. 3, 2006, Feb. 23, 2016, Dec. 16, REVIEWED/REVISED: 2016

2019

SUBJECT: ISSUANCE OF ON-CAMPUS PARKING PERMITS

I. PURPOSE: The purpose of issuing parking permits is to provide parking for faculty, staff, and oncampus student residents.

II. POLICY: It is the policy of Parking and Transportation to provide convenient parking facilities for all campus members and visitors of the campus. The procedure outlined herein is designed to meet the needs of those people.

# III. DEFINITIONS:

A. Parking Permits: On campus parking permits issued for a specified period of time. Each parking permit specifies an expiration date.

# IV. PROCEDURES:

- A. The issuance of faculty and staff parking permits by Parking and Transportation shall be based on the following circumstances.
  - Faculty and staff who are employed by SFSU are eligible to purchase a parking permit.
  - 2. Parking permit applications are obtained by applying in person at the Parking and Transportation Office.
  - 3. The parking permit database is maintained in Fiscal Affairs.
    - a) Faculty and staff who already have parking permits receive an email automatically each year to renew their parking permits.
    - b) New faculty or staff must have their Department email Parking and Transportation confirming that they are employed by SFSU. The email must include the faculty or staff's name, employee ID number and email address. Once they are added to the parking permit database the Parking and Transportation Department emails the faculty or staff informing them how to purchase a parking permit.

- B. The issuance of on-campus student resident parking permits by Parking and Transportation shall be based on the following circumstances.
  - 1. The student must be an on-campus resident to be eligible to purchase a semester permit.
  - 2. The student must bring proof of being a resident, which includes their housing ID card or their housing letter of acceptance and vehicle license and registration, to the Student Services Building or the Bursars Office in the Administration Building.
  - 3. All students must renew their permit each semester.
- C. Pursuant to the faculty contract, faculty members who are employed at more than one CSU campus are not required to purchase more than one parking permit.
  - 1. SFSU will honor parking permits from other CSU campuses that are displayed by faculty members.
- D. Parking rates for on campus staff and faculty under bargaining units are set based on approved current bargaining contracts.
  - 1. Parking rates for reserved spots, Confidential, MPP, Executives and Auxiliary employees are increased at the campus' discretion. The campus President has the authority and oversight to approve the adjustment of parking fees (per Executive Order 1102).
  - 2. Parking rates for daily rates for students and visitors is set based on P/T's parking fee increase recommendation and approval by the University President.
  - 3. Parking rates for on campus student permits can be raised at the discretion of the University but can not be more than the daily permit rate.
  - 4. Parking rates for off campus student permits is set by the daily rate. There is no discount for these permits and the rate goes down on a daily basis.

# V. APPENDIX:

A. Parking Permit

#### VI. ATTACHMENTS:

A. California State University Student Fee Policy Executive Order 1102



July 22, 2015 BAKERSFIELD

CHANNEL ISLANDS **MEMORANDUM** 

CHICO

TO: CSU Presidents DOMINGUEZ HILLS

FROM: Timothy P. White EAST BAY

Chancellor

FRESNO

California State University Student Fee Policy SUBJECT:

Executive Order 1102 FULLERTON

HUMBOLDT Attached is a copy of Executive Order 1102 relating to California State University

Student Fee Policy. The executive order updates the California State University

LONG BEACH Board of Trustees policies that comprise the CSU Student Fee Policy, incorporates

a new voluntary Student Involvement and Representation Fee, provides

LOS ANGELES clarification and new requirements for student success fees, incorporates the

statutory requirements of the Working Families Student Fee Transparency and MARITIME ACADEMY

Accountability Act, addresses reallocation of future Campus Mandatory Fees, and identifies Cal State Online as subject to fee policy. The referenced items make up

the overall strategic framework and guidelines for administration of CSU fees.

NORTHRIDGE

MONTEREY BAY

An index of CSU fees is available at: calstate.edu/budget/student-fees/fee-policy.

The website also contains further details on fees. Subsequent modifications POMONA

required for administration of this fee policy will be made via the website.

SACRAMENTO

In accordance with policy of the California State University, the campus president SAN BERNARDINO

has the responsibility for implementing executive orders where applicable and for

maintaining the campus repository and index for all executive orders.

If you have questions regarding this executive order, please call the Budget Office SAN FRANCISCO

at (562) 951-4560.

SAN JOSÉ

SAN DIEGO

TPW/jdw

SAN LUIS OBISPO

Attachments

SAN MARCOS

c: CSU Office of the Chancellor Leadership

SONOMA Vice Presidents of Academic Affairs

Vice Presidents of Business and Finance

STANISLAUS Vice Presidents of Student Affairs

#### **Executive Order 1102**

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4210
(562) 951-4560

**Executive Order:** 1102

**Effective Date:** July 22, 2015

**Supersedes:** Executive Order 1054

Title: California State University Student Fee Policy

This executive order is issued pursuant to Education Code Sections 89035, 66028, 89711, 89712 and Board of Trustees Standing Orders, Chapter II, subsection i.

# **Changes to California State University Fee Policy**

This executive order updates the California State University Board of Trustees policies that comprise the CSU Student Fee Policy, incorporates a new voluntary Student Involvement and Representation Fee, provides clarification and new requirements for student success fees, incorporates the statutory requirements of the Working Families Student Fee Transparency and Accountability Act, addresses reallocation of future Campus Mandatory Fees, and identifies Cal State Online as subject to fee policy.

# Student Involvement and Representation Fee (SIRF)

At the January 2015 Board of Trustees meeting, the Trustees voted to establish a new voluntary systemwide fee, the Student Involvement and Representation Fee, in an effort to expand opportunities for student involvement and representation on issues of importance. As the first voluntary systemwide fee, a new Category VI was created. Fee assessment commences in the fall of 2015. This fee will be managed by the California State Student Association.

#### Student Success Fees

At the January 2015 Board of Trustees meeting, the Trustees voted to make specific amendments to fee policy to incorporate clarification and new requirements for student success fees (Category II). These changes followed the formation of a working group to study the role, process, and enactment of category II campus-based mandatory student success fees, including their notification, accountability, and outcome reporting processes. The working group and subsequent fee policy changes were incorporated in response to Senate Bill 860, Education Code Section 89712, which required the chancellor to conduct a review of student success fees during fiscal year 2014-2015 and make recommendations to the trustees on changes to the fee policy.

#### **Executive Order 1102**

# Working Families Student Fee Transparency and Accountability Act

In September 2012, the governor signed into law the "Working Families Student Fee Transparency and Accountability Act," Education Code Section 66028, which enacts specific requirements for increasing or establishing new mandatory systemwide fees (Category I). In March 2013, the Board adopted a list of factors for consideration when reviewing fee increases, which also have been included in the update.

# Reallocation of Specified Future Campus Mandatory Fees

In September 2012 the governor also signed into law provisions for reallocation of campus mandatory fees (Category II). Education Code Section 89711 requires that any fee established by a majority vote of the student body after the effective date of this legislation must be brought back before the student body before it can be reallocated, unless the vote that established the fee authorized an alternative or automatic reallocation mechanism. Category II fees that do not fall under the purview of this law are exempt.

#### Cal State Online

At the January 2013 Board of Trustees meeting, the Trustees voted to make specific amendments to fee policy to incorporate Cal State Online into the nomenclature of Category V Fees, which are fines, fees and deposits paid to self-support programs.

# Bureau of State Audit Report on California State University's Extended Education

To effectively monitor and ensure that the campuses set self-support fees in accordance with state law and fee policy, responsibilities for the campus chief financial officer and president regarding development and consideration of revenue and expenditure statements before making a determination on self-support extended education program fees were added. These requirements previously applied only to Category II and III fees, but have been expanded to Category V extended education fees. Consultation requirements between the president and extended education dean also were included. Additionally, annual reporting on Category V extended education fees was clarified.

Reference documents supplemental to this update of CSU Student Fee Policy, including an index of fees, historical documents, and State Education Code information are available at: calstate.edu/budget/student-fees/fee-policy.

Timothy P. White, Chancellor

Dated: July 22, 2015

Executive Order 1102 July 22, 2015

#### THE CALIFORNIA STATE UNIVERSITY STUDENT FEE POLICY

(Fee Administration)

# I. Fee Policy Statement

The CSU makes every effort to keep student costs to a minimum. Fees listed in published schedules or student accounts may need to be increased when public funding is inadequate. Therefore, CSU must reserve the right, even after fees are initially charged or initial fee payments are made, to increase or modify any listed fees. All listed fees, other than mandatory systemwide fees, are subject to change without notice, until the date when instruction for a particular semester or quarter has begun. All CSU listed fees should be regarded as **estimates** that are subject to change upon approval by the Board of Trustees, the Chancellor, or the Presidents, as appropriate. Changes in mandatory systemwide fees will be made in accordance with the requirements of the Working Families Student Fee Transparency and Accountability Act (Sections 66028 - 66028.6 of the Education Code).

# **II. Fee Category Definitions**

- A. Category I Systemwide mandatory tuition and other fees that must be paid to apply to, enroll in, or attend the university, or to pay the full cost of instruction required of some students by statute.
- B. Category II Campus mandatory fees that must be paid to enroll in or attend the university.
- C. Category III Fees associated with state-supported courses. Specifically for materials and services used in concert with the basic foundation of an academic course offering.
- D. Category IV Fees, other than Category II or III fees, paid to receive materials, services, or for the use of facilities provided by the university; and fees or deposits to reimburse the university for additional costs resulting from dishonored payments, late submissions, or misuse of property or as a security or guaranty.
- E. Category V Fees paid to self-support programs such as extended education, Cal State Online extended education offerings, parking and housing including materials and services fees, user fees, fines, and deposits. Self-support programs are defined as those not receiving state general fund appropriations; instead, fees are collected to pay the full cost of a program. Costs of self-support instructional programs include support and development of the academic quality of the university.
- F. Category VI Systemwide voluntary fees.

# III. Authority

- A. The Board of Trustees provides policy guidance for all matters pertaining to student fees and has authority for the establishment of Category I and VI fees, and oversight and adjustment of Category I fees, pursuant to the Working Families Student Fee Transparency and Accountability Act (commencing with Section 66028 of the Education Code).
- B. The chancellor is delegated authority for the establishment, oversight and adjustment of Category II, Category III, and Category V Cal State Online fees extended education offerings. The chancellor also is delegated authority for the oversight and inflationary adjustment of the Category VI Student Involvement and Representation Fee. The allowance for inflationary adjustments shall not be considered automatic on an annual basis, but rather allowable should the chancellor deem it necessary following consultation with the California State Student Association (CSSA). The chancellor is not delegated authority for Category I fees, although the chancellor may approve individual campus tuition fee rates that do not exceed the maximum fee rates established by the Board of Trustees.
- C. The president is delegated authority for the establishment, oversight and adjustment of Category IV and Category V fees (with the exception of Cal State Online fees extended education offerings), and for the oversight and adjustment of Category II and III fees. The president is not delegated authority to establish Category I, or Category II fees, or to adjust Category I fees. The president does have limited authority to establish or adjust Category III fees only within a range established by the chancellor as shown below in Section VI.C.6 of this fee policy.

# IV. Responsibility

- A. The president is responsible for assuring that appropriate and meaningful consultation occurs prior to adjusting any campus-based fee and before requesting that the chancellor establish a new Category II or Category III fee.
  - The president shall establish a Campus Fee Advisory Committee comprised of student, faculty, staff, and administrative representatives to provide advice to the president. Membership of the Campus Fee Advisory Committee shall be established in consultation with the campus student body association and the campus faculty senate and shall include the president of the campus student body association and the chair of the campus faculty senate or their designees. The president shall appoint the chair of the Campus Fee Advisory Committee.
  - 2. The president shall appoint members to the Campus Fee Advisory Committee, excluding the student representatives who shall be appointed by the campus student body association. Faculty members shall be appointed consistent with normal campus

processes for selecting faculty members to serve on similar committees.

- 3. Students appointed by the campus student body association shall constitute a majority of the voting members of the Campus Fee Advisory Committee.
- 4. A statement of revenues and expenditures including a minimum of two years of projected revenue and expenditures and one year of actual costs for the fee revenue supported activity shall be developed by the campus chief financial officer and considered by the president prior to establishing or adjusting any Category II or III fee.
- 5. The president shall consult with the Campus Fee Advisory Committee before adjusting or requesting that the chancellor establish any Category II or III fees (subject to his/her approval in writing).
- 6. The Campus Fee Advisory Committee shall consider proposals for the establishment and adjustment of Category II or III fees, and shall then make a recommendation to the president.
- B. Appropriate and meaningful consultation with campus constituencies regarding Category II fees and the use of fee revenue is critical to assure that the delegated authority is exercised in a manner that is consistent with policies adopted by the board.
  - Appropriate and meaningful consultation includes consultation with bodies such as
    the campus faculty senate, the campus student body association and other
    constituencies affected by any proposed increase in an existing fee or establishment
    of a new fee.
  - 2. The policy presumes that a student fee referendum will be conducted before adjusting or establishing Category II fees. The president may waive the referendum requirement (unless it is required by education code or Student Success Fee policy Section VI.B) if he/she determines that a referendum is not the best mechanism to achieve appropriate and meaningful consultation.
  - 3. If a referendum is not conducted prior to adjusting Category II fees or requesting the chancellor to establish a new Category II fee, the president must demonstrate to the fee advisory committee the reasons why the alternative consultation methods selected will be more effective in complying with this policy.
- C. An advisory student referendum is expected in order to measure student support prior to adjusting a Category II fee or requesting the chancellor to establish a new Category II fee but is subject to the exception described in Section IV.B.2. The referendum may be conducted by the campus or the student body association. For referenda conducted by the campus, the following shall apply:
  - 1. The president in consultation with the student body association and the faculty senate shall develop guidelines applicable to the student fee referendum process designed to

assure that the referendum is open, fair, and objective.

- 2. The campus shall fund costs associated with the referendum.
- 3. The fee advisory committee shall issue a voter pamphlet providing objective analysis of the proposed fee action and statements solicited by the committee for and against the proposed fee action.
- 4. The fee advisory committee shall determine the specific statements that shall be included in the pamphlet.
- 5. Copies of the voter pamphlet and ballot and information regarding the dates, times, and polling locations shall be available to students and published in the campus newspaper and in other public locations around campus at least thirty days prior to the referendum.
- 6. The results of a referendum shall be considered favorable when a majority of students voting approve the fee action.
- 7. The results of the referendum shall be advisory to the fee advisory committee and the president, unless the Education Code or Student Success Fee policy (Section VI.B) requires that the referendum pass.
- D. If it is determined that a referendum is not the best mechanism for appropriate and meaningful consultation, and is not required by the Education Code or Student Success Fee policy (Section VI.B), an alternative consultation process may be utilized. The following shall apply:
  - 1. The president, upon deciding that a referendum will not allow for the best measure of student opinion, shall inform the fee advisory committee of his/her intent to begin alternative consultation.
  - Alternative consultation strategies shall be developed with input from the student body association and the fee advisory committee to ensure that the process is transparent and meaningful, and shall solicit the input of a representative sample of the student body.
  - 3. A representative sample should include students in leadership positions as well as students who are not involved in campus leadership. Efforts should be made to include students from many aspects of campus life regardless of the type of fee.
  - 4. Any written material regarding the new fee, or fee increase should follow the same guidelines as the referendum voter pamphlet (Section IV.C above) to provide objective analysis of the fee or fee increase.
  - Results of the alternative consultation process should be summarized and put in writing and used as additional advisory material to be taken into consideration by the fee advisory committee and the president.

- 6. If a Category II fee for a capital project (e.g., university union building or health services building) must be raised to meet minimum debt service revenue bond requirements that were not required when the fee was established, the president can make that adjustment without a full alternative consultation process, but must present the debt service requirements and revenue projections to the fee advisory committee prior to making the adjustment.
- E. Unless established prior to January 1, 2013, Category II fees established through an affirmative vote of the majority of the student body voting on the fee, but not specifically authorized by statute, shall not be reallocated to alternative purpose(s) without an affirmative vote of a majority of the members of either the student body or Campus Fee Advisory Committee voting on the reallocation. Category II fees established on or after January 1, 2013 through an affirmative vote of the majority of the student body voting on the fee, but not specifically authorized by statue, may be reallocated without an affirmative vote of a majority of the members of either the student body or Campus Fee Advisory Committee voting on the fee if the vote that established the fee authorized an alternative or automatic reallocation mechanism for that fee.
- F. The president shall consider revenue and expenditure statements reviewed and approved by the campus chief financial officer prior to making determinations on Category V extended education fees.
  - Prior to making a determination on Category V extended education fees, the president shall consult with the dean of extended education, including consideration of revenue and expenditure plans developed by the dean or designee and in consultation with the campus chief financial officer.
  - 2. The president shall notify the Campus Fee Advisory Committee of his or her decision.
- G. The chancellor shall consult with the CSSA prior to any Category VI Student Involvement and Representation Fee adjustments. Any decision to adjust the fee shall be reported to the Board of Trustees prior to its scheduled adjustment.

# V. Accountability

- A. The campus president shall provide to the fee advisory committee a report of all fees in Categories II, III, IV and V. New fees, fee increases, total revenue and unexpended balances should be included.
- B. Each campus shall report annually to the chancellor, for the most recently completed fiscal year, a complete inventory of all fees in categories II, III, IV and V, including current year fee rates, the total revenue collected in the past year for each fee, and the remaining balance for each fee. This reporting requirement includes a separate detailed

report on Category V extended education fees. The Category II fee report shall be presented to the board by the chancellor to allow the board to consider the level and range of campus mandatory fees charged to students.

C. The CSSA shall prepare an annual report for the chancellor that includes information on how revenue from the Category VI Student Involvement and Representation Fee has been used to provide additional funding support for the development of student policy recommendations; participation in system, state, and national governance; involvement in leadership development activities; and, program support through student and professional staff administration. The annual report shall be provided by October 1.

# VI. Additional Policy Regarding Specific Fees

- A. Graduate Business Professional Fee (Category I)
  - 1. Applicability
    - a. The Graduate Business Professional Fee shall be charged on a per-unit basis for all required courses in state-supported professional master of business degree programs that are subject to accreditation by the Association to Advance Collegiate Schools of Business International (AACSB International) and that are authorized by the trustees or chancellor to assess such fees.
    - b. The Graduate Business Professional Fee shall apply to required courses in the following degree programs: Master of Business Administration (M.B.A.); and Master of Science (M.S.) programs in Accountancy, Business Administration, Health Care Management, Business and Technology, Information Systems, and Taxation.
    - c. Students in conditionally classified admission status in graduate professional programs shall be charged the Graduate Business Professional Fee on a per-unit basis for each prerequisite course taken in fulfillment of graduation requirements for these fee-authorized programs.

# 2. Assessment of Fee

This fee shall be in addition to the systemwide tuition fees, applicable non-resident tuition, and any campus-based fees.

#### 3. Fee Waivers

Employee fee waivers and other fee waivers are authorized by statute. The terms of authorized employee fee waivers are subject to change and are agreed upon as outlined in collective bargaining contracts. Please consult current Human Resources Technical Memoranda.

# 4. Establishing Fees in Applicable Programs

Upon request of a campus president, the chancellor is authorized to approve the assessment of a Graduate Business Professional Fee upon students enrolled in state-supported professional master's degrees in business that are subject to accreditation by the Association to Advance Collegiate Schools of Business International and that are not included in the original roster of fee-authorized programs.

#### 5. Fee Revenue

In accordance with Education Code Section 89721(I), revenue collected from all higher education fees shall be deposited in a local trust unless otherwise specified.

# 6. Provision for Financial Aid

Presidents are directed to set aside a minimum of 25 percent and not more than 33 percent of the Graduate Business Professional Fee revenue for need-based financial aid, with such funds to be used first to meet the demonstrated financial need of students in affected campus professional graduate degree programs in business; and that any part of the revenue that is not awarded to professional business master's degree program students be made available to meet demonstrated financial need of any other undergraduate or graduate students on the campus.

### 7. Modification of Existing Fees

For each adjustment made by trustee action to the tuition fee for graduate students, an equal adjustment will be made to the Graduate Business Professional Fee.

# B. Student Success Fees (Category II)

- 1. A binding student vote shall be taken on implementation of any proposed new student success fee. All students who are eligible to vote in student government elections shall be eligible to vote on such student success fee proposals. A rigorous consultation process shall be undertaken to inform and educate students on the uses, impact and cost of any proposed student success fee prior to the binding student vote.
- 2. In the process of establishing new student success fees, and before the student vote occurs, it must be made clear to the students that if a portion of that fee is intended to support ongoing and/or long-term obligations, that portion of the fee will remain in place until the obligations are satisfied regardless of any subsequent vote to rescind the fee.
- 3. All student success fees enacted prior to January 28, 2015 shall remain unchanged, including any previously established increments. However, a campus that considers a net new addition to an existing student success fee shall proceed as described in paragraphs VI.B 1 and 2 above.

- 4. Any campus proposing a new student success fee or an increase not already scheduled to an existing student success fee will consult with the chancellor and must receive approval on the process that will be followed to obtain approval for the fee before proceeding.
- 5. Student success fee proposals may not be brought before the student body more frequently than once per academic year.
- 6. If the proposed student success fee is accepted by a simple majority of the students voting, imposition of the fee shall still be contingent on approval by the campus president and chancellor. If the proposed student success fee is for direct instructional purposes that historically were covered by tuition and state funding, then the chancellor shall consult with the chair of the Board of Trustees before final approval is granted.
- 7. Student success fees enacted after January 28, 2015 shall be in force for at least six years. Student success fees may be rescinded at any time after six years with another binding student vote wherein a simple majority of those students voting vote to rescind the fee. The campus decision to have a vote shall be made by the recognized student government. Rescission vote proposals may not be brought before the student body more frequently than once per academic year.
- 8. If a vote to rescind passes, the chancellor, in consultation with the chair of the Board of Trustees and the president, shall ensure that no ongoing contractual or other obligation/liability exists which will remain unsatisfied if the student success fee is rescinded. If any such obligations exist, that portion of the student success fee funding the obligations shall remain in effect and the obligations shall continue to be funded by the student success fee until the obligations are satisfied. No new contractual or other obligation which would be supported by the rescinded student success fee may be entered into following a vote to rescind the fee. In the process of reconsidering a student success fee, and before the student vote occurs, it must be made clear to the students that if a portion of that fee is intended to support ongoing obligations, that portion of the fee will remain in place until such time as the obligations are satisfied.
- 9. Student success fees enacted prior to January 28, 2015 may also be rescinded by a binding student vote under the same procedures described above for rescinding a fee, but no such student vote may be held until after January 1, 2021. If a vote to rescind passes, the chancellor, in consultation with the chair of the Board of Trustees and the president, shall ensure there are no ongoing, contractual or other obligations which will remain unsatisfied if the student success fee is rescinded. If any such obligations exist, that portion of the student success fee funding the obligations shall remain in effect and the obligations shall continue to be funded by the student success fee until the obligations are satisfied. No new contractual or other obligations which would be

- supported by the rescinded student success fee may be entered into following a vote to rescind the fee.
- 10. Each campus shall be required to have a transparent, online accountability protocol that clarifies the decision process and allocation of student success fees, with annual reporting to the chancellor and public by October 15 each year. All campuses shall be held to this standard for any existing and new student success fees imposed in the future.

### C. Miscellaneous Course Fees (Category III)

- 1. Miscellaneous course fees are defined as fees collected for materials, services or use of facilities used in concert with the basic complement of supplies needed for state-supported instruction. Miscellaneous course fees can only be charged for the actual cost of providing exceptional instructional materials, services or use of an off-campus facility. Students must have the option of attaining the materials or services required through alternative means; however, in cases where such alternative means are unavailable, students cannot opt out of utilizing the required material or service and must pay the miscellaneous course fee.
- 2. The following rules apply when determining if miscellaneous course fees can be charged for exceptional materials or services in the classroom:
  - a. Miscellaneous course fees can only be charged for the actual cost of the material, service or use of facility being provided.
  - b. A miscellaneous course fee *cannot* be charged for the basic complement of classroom supplies and materials required for instruction. These include but are not limited to: chalk, erasers, paper clips, pointers, classroom instructional equipment such as projectors (slide, overhead, computer, etc.) and associated supplies (bulbs, transparencies, software, etc.), or any other supplies deemed necessary to equip the instructional space for courses.
  - c. A miscellaneous course fee *cannot* be charged for the basic complement of laboratory supplies and instructional equipment necessary for classroom lab requirements identified in the course description. These include but are not limited to equipment, test tubes, work stations, computers or any supplies necessary to equip laboratory space to complement classroom course instruction.
  - d. Administrative charges and inflationary factors *cannot* be added to miscellaneous course fees. Only the actual cost of the material, service or use of a facility can be charged.
  - e. A miscellaneous course fee *cannot* be charged to fund the basic cost of instruction. Instructional costs are funded through marginal cost dollars, tuition fee revenue, and permanent base budget allocations.

- 3. Requests to establish fees above the approved ranges and requests to increase existing fees to an amount above the approved ranges must be forwarded to the chancellor's office for approval. If the requested fee or fee adjustment meets the policy guidelines, a coded memorandum shall be issued to authorize the campus to charge the fee.
- 4. Campuses must review all current miscellaneous course fees to ensure each one meets the requirements of the above described rules. If existing course fees exceed the approved ranges, campuses should review recent revenue and expenditure plans for that fee to ensure that the fee level is appropriate and make adjustments as necessary. All fees, including those that surpass the approved ranges that were previously approved by executive order prior to issuance of Executive Order 1034 in 2008 are grandfathered into this policy as long as they meet the policy guidelines above. Fees that do not meet the guidelines must be revised or eliminated.
- 5. CSU student fees are authorized, deposited, and refunded in accordance with applicable CSU policy, provisions of the law, and revenue bond indentures which may be outstanding.
- 6. Approved Fee Ranges:

\$0-\$150	Fees that supplement the basic complement of classroom and	
	laboratory instruction by providing materials and services that	
	would otherwise be unavailable to students, and which allow	
	students to meet the educational objectives of a given course.	
\$0-\$3,000	Fees for courses that require field trips or travel off-campus in	
	order to meet the educational objectives of a given course.	

- D. Student Involvement and Representation Fee (Category VI)
  - 1. Collection of the fee shall occur twice annually in the fall and spring academic terms, starting with the fall 2015 term.
  - 2. Each time the fee is assessed, students shall be provided a clear and unambiguous means to decline the payment of the fee.

# VII. References

Additional CSU student fee policy references including fee related laws and policies such as "Quality and Affordability: Policies for Pricing, Strategies for Paying" and "List of Factors for Future Considerations of Fee Changes," index of fees, definition of terms, and frequently asked questions can be found online at calstate.edu/budget/student-fees/fee-policy.



NUMBER: 7-2 APPROVED: Reynold Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Nov. 3, 2006, May 6, 2008, Aug. 3,

SUPERSEDES: F-4 REVIEWED/REVISED: 2015, Jul. 26, 2016, Dec. 16, 2019

SUBJECT: ISSUANCE OF TEMPORARY ON-CAMPUS PARKING PERMITS

I. PURPOSE: The purpose of issuing temporary parking permits is to provide temporary parking for faculty, staff, guests and special visitors, including use of disabled and loading zones.

II. POLICY: It is the policy of Parking and Transportation to provide convenient parking facilities for all campus members and visitors of the campus. The procedure outlined herein is designed to meet the needs of those people.

# III. DEFINITIONS:

- A. Temporary Parking Permits: On campus parking permits issued for a short period of time, issued by the Parking and Transportation Department.
- B. Emeritus Permits: On campus parking permits issued to emeritus faculty issued for a full academic year. Each parking permit specifies an expiration date.
- C. Inner Campus Permit: A permit that allows authorized vehicles to park on campus for unloading purposes or a construction project. Parking permit is issued for a specified period of time. Each parking permit specifies exact location and an expiration date.

# IV. PROCEDURES:

- A. The issuance of temporary parking permits by Parking and Transportation shall be based on the following circumstances.
  - Parking and Transportation will issue a temporary permit for faculty or staff parking permits holders using rental or loaner vehicles. A temporary permit shall be issued, at no cost, for the same lot assigned on the regular permit.
  - 2. Guests and visitors on campus shall be issued temporary parking permits at the cost of \$7.00 per day or \$4.00 for two hours.
    - a. California Code of Regulations Title 5. Education, Division 5. Board of Trustees California State University provides: The payment of a fee shall not be required of:
      - 1) Persons stopping or parking a vehicle when necessary to avoid conflict with

- other traffic or in compliance with a traffic control signal device or the direction of the Campus Police or a Campus Police Officer in the control of traffic;
- 2) Persons, not employed by the campus, visiting the campus for the purpose of transacting state business with the campus;
- 3) Persons stopping or parking a vehicle temporarily in areas designated by the campus for the purpose of loading or unloading merchandise or picking up or discharging passengers.
- 4) Persons temporarily stopping, parking or leaving a vehicle where such vehicle is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle on said property;
- 5) Occupants of residence halls constructed under the State College Revenue Bond Act of 1947 to whom parking facilities have been assigned pursuant to Section 42202;
- 6) Students with disabilities who possess a distinguishing license plate or placard issued by the State of California's Department of Motor Vehicles or by the appropriate authority of another state, and who have demonstrated financial need for parking fee financial assistance as determined by the campus president according to the need analysis procedure for campus based financial aid authorized by Title IV of the federal Higher Education Act of 1965, as amended (20 U.S.C. s 1087kk et seq.), and have received a campus parking fee waiver.
- 3. All permits will be authorized by either:
  - a. Pre-arrangement by the department/office authorizing the visit.
  - b. Approval by the Parking and Transportation Manager.
- 4. Loading Zones- Permits shall be issued for twenty minutes only and shall be valid only in those zones specified on the permit.
- B. Persons Authorized to Issue Temporary Permits:
  - 1. Permanent employees of the Parking and Transportation Department may issue temporary parking permits.
  - 2. Temporary employees may issue permits with prior approval of the Parking and Transportation Manager.
  - 3. Temporary permits shall be issued for Lots 19, 20 and 25, unless special arrangements are made with the Parking and Transportation Manager.
- C. The issuance of Emeritus parking permits by the Parking and Transportation shall be based on the following circumstances.
  - 1. The Emeritus Faculty must be on the President's approved faculty list. This list is provided by the President's Office to the Parking and Transportation Department.
  - 2. The Emeritus Faculty must bring in an ID when picking up the permit.
  - 3. The Emeritus parking permit must be renewed each academic year.

- D. The issuance of Inner Campus permits is completed by the Plant Operations, Work Control Desk and the University Police. Once the permit is issued the following procedure is followed.
  - 1. Facilities & Services Enterprises, Work Control Desk will fax a copy of the permit to the Parking and Transportation Department.
  - 2. If the area that is being accessed needs barricades taken down, or any assistance by the University Police, the Commander will assign the appropriate personnel to the detail.
  - 3. Copies of all inner campus permits are filed at the Parking and Transportation Department.
- E. Payment procedures for Temporary parking permits.
  - 1. Staff/Faculty or visitors who purchase parking permits in the Parking and Transportation Office must pay through emarket. Their options are debit/credit card or echeck. The Staff/Faculty or visitor enters their own information using the Department laptop dedicated to payments. The Parking and Transportation Employee does not physically touch the credit/debit card. Employee's do validate the echeck information with the routing and bank numbers before Staff/Faculty or visitors submits payment.
  - 2. The parking permit sold is written down on the Daily Permit Log.
    - a. The Daily Permit Log is then entered into the Daily Permit database.
  - 3. For mailed in checks for parking permits the checks are endorsed are placed in a safe inside of the Parking and Transportation Manager's Office, by noon they are entered into the cashnet system by the Parking and Transportation Manager. The Parking and Transportation Manager does a daily deposit slip and places checks into the safe. The daily permit log and the daily deposit is reconciled. Twice a week the checks and daily deposit slips is sent to the Bursar's Office in the Administration Building by a Parking Officer. The Parking Officer brings back the processed deposit receipt.
  - 4. Bursar's Office emails a report on a daily basis and it is printed and reconciled.

## V. APPENDICES:

- A. Temporary Parking Permit
- B. Temporary Scratch Off permit
- C. Inner Campus Parking Permit

VI. ATTACHMENTS: None



NUMBER: 7-3 APPROVED: Regard Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: F-5 REVIEWED/REVISED: Nov. 3, 2006, Aug. 3, 2015, Dec. 16,

2019

SUBJECT: PARKING PERMITS FOR DISABLED PERSONS

I. PURPOSE: The purpose of issuing temporary parking permits is to provide temporary parking for faculty, staff, guests and special visitors, including use of disabled and loading zones.

II. POLICY: It is the policy of Parking and Transportation to provide convenient parking facilities for all disabled persons who are members of the campus community. The procedure outlined herein is designed to meet the needs of those disabled persons who possess valid parking permits.

## III. DEFINITIONS:

- A. Temporary Parking Permits: On campus parking permits issued for a short period of time, issued by the Parking and Transportation Department.
- B. Disabled Persons: Staff, Faculty or Campus Visitor with a valid California Department of Motor Vehicles Placard.

#### IV. PROCEDURES:

- A. When a disabled person contacts the Parking and Transportation Department to request parking, the following guidelines shall be used.
  - Faculty/Staff (Permanent Permit): Faculty and Staff who possess a valid DMV placard and valid SFSU permit can park in any valid space on University property, except the reserved space in Lot 1, loading zones, the Corporation Yard and red zones.
  - Faculty/Staff (Temporary Permit): Faculty and Staff who have a temporary disability must obtain a temporary DMV placard in order to utilize a blue zone. A valid SFSU is also required to park on campus.
  - 3. Students: All parking permits for permanently or temporarily disabled students will be issued by the Disability Programs and Resource Center.
  - 4. Disabled Visitors: DMV Placard Holders visiting San Francisco State University can call the University Police Department at (415) 338-7200 if they do not have a SFSU permit. The dispatcher shall issue notification to parking enforcement officers of a

visitor utilizing a blue zone.

5. When No Disabled Zones Available: Disabled persons who display a valid DMV placard and a valid SFSU permit may utilize any valid parking space on University property, except the reserved space in Lot 1, loading zones, Corporation Yard or red zones.

V. APPENDIX: None

VI. ATTACHMENT: None



NUMBER: 7-4 APPROVED: Regarded Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: F-6

REVIEWED/REVISED: Nov. 28, 2006, Nov. 3, 2006, Dec. 3,

2010, May 20, 2015, Dec. 16, 2019

SUBJECT: COIN COLLECTING PROCEDURES

I. PURPOSE: To set forth specific procedures for the collection and accounting of money obtained from the parking permit dispensers.

II. POLICY: It shall be the policy of the University Police to ensure that moneys from the parking permit dispensers are collected and accounted for as comprehensively and accurately as possible.

#### III. DEFINITIONS:

- A. Permit Dispenser: Dispenser machine that accepts dollar bills and coins to issue parking permit in the parking lots.
  - 1. While school is in session during the Fall and Spring Semesters, Parking Control Officers will collect the dollar bill canisters and the coin canisters from the individual permit dispensers on a daily basis. The collection time will be dependent upon operations during the course of the day and the Parking Officer's shift.
  - 2. While school is in session during the Winter Break and Summer Sessions, the Parking Control Officers will collect the dollar bill canisters and the coin canisters from the individual permit dispensers twice a week. Collection days will be dependent upon operations during the course of the week.
  - 3. Collection Procedures for Permit Dispensers:
    - a. Two Parking Control Officers will collect the money as a team. If there are not two Parking Control Officers available; prior to collection of money, the Parking Control Officer will request, from the Watch Supervisor, that a Police Officer be provided for a cash escort and they will work as a team. As the money is collected, the canisters will be stored in the truck, while transitioning to the various collection locations.
      - A Student Parking Officer may assist a full-time Parking Officer with the coin collection; however, the Student PCO shall not be the only PCO performing the coin collection.

- b. The Parking Control Officer will collect the dollar bill canister and the coin canister from each permit dispenser in either order. Upon the removal of a container the Parking Control Officer will label the computer generated collection strip and label it with the dispenser number and designate whether it was currency or coins. Each computer strip will be attached to the appropriate canister.
- c. Each permit dispenser will be identified by a number, "1-25" which identifies its location.
- d. The Parking Control Officers should advise Dispatch when the coin collection begins and what location they are at. Parking Control Officers will then continue to advise Dispatch at each location change.
- e. Once coin collection is completed, Parking Control Officers should advise
   Dispatch that they are going to the Student Services Building for deposit of
   canisters.

# 4. Storage of canisters:

- a. Upon completion of the collection of the canisters, the Parking Control Officer will return the canisters to the Bursar's Office in the Student Services Building.
- b. Both Parking Control Officers will escort the canisters to the safe, where they will be deposited. The parking safe will be left unlocked and open for this purpose. Once the canisters are in the safe, it will be closed and locked.
  - 1) If the collection concludes after the Bursar's Office has closed, the Parking Control Officer will request to be met by a police officer at the Student Services Building. The Police Officer will give them access to the building and specifically the Bursar's office. The requirement for the police officer is due to their specifically possessing the alarm codes required to enter the Bursar's office.
  - 2) The police officer assigned will escort the Parking Control Officer to the safe where the canisters will be deposited. The parking safe will be left unlocked and open for this purpose. Once the canisters are in the safe, it will be closed and locked. The police officer will escort the Parking Control Officer out of the Bursar's office and the building locking doors and resetting the alarms as they go.
  - 3) If at any time there is not a police officer available to allow access to the Bursar's office, then the Parking Control Officer will transport the canisters to the station and wait with them in the vehicle, until an officer is available. At no time and under no circumstance will the canisters be stored or secured in the police facility, parking office or any location other than in the safe at the Bursar's office.

# 5. Coin Count/Deposit:

a. The assigned Parking Control Officer will conduct the count with the assigned cashier for the day. The resulting cash slips for the deposit for the dispenser collection will be submitted to the Parking and Transportation Office for record keeping.

- 1) A Student Parking Officer may assist a full-time Parking Officer with the coin count; however, the Student PCO shall not be the only PCO performing the coin count.
- b. If a canister is significantly over/short, the Parking Control Officer will inform the Parking Coordinator once the deposit has been completed.
  - 1) A significant difference between the actual count and the amount on the slips is equal to \$10.00 for a coin canister and \$50.00 for a bill canister.
- 6. Storage of Coin Collection Canister Keys:
  - a. At the end of the Parking Officer's shifts the coin collection canister keys will be placed in the safe that is located in the Parking and Transportation Department.
  - b. The following people will have access to the combination of the safe in the Parking Office: the parking enforcement supervisor and full time Parking Control Officers.
  - c. Upon the departure of any personnel that had access to the combination of the safe, the combination of the safe will be changed, and the combination will be distributed.
- 7. Policy in Regards to Access to the Bursar's Office Safe:
  - a. The following people will have access to the combination of the safe in the Bursar's Office: the parking enforcement supervisor and full time Parking Control Officers.
  - b. Upon the departure of any personnel that had access to the combination of the safe, the combination of the safe will be changed, and the combination will be distributed.

#### IV. PROCEDURES:

A. Parking Officer's Responsibilities: See General Order 3-49, "Parking Control Officers".

#### V. APPENDIX:

A. Daily permit and receipt dispensed from permit dispenser.

#### VI. ATTACHMENT: None



NUMBER: 7-5 APPROVED: Reguld Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: F-9 REVIEWED/REVISED: November 3, 2006, May 6, 2015, Aug.

4, 2015, Dec. 16, 2019

SUBJECT: SYSTEMWIDE PARKING PASSES

I. PURPOSE: To provide procedures for identifying Systemwide parking passes for the purpose of parking enforcement.

II. POLICY: The Office of the Chancellor issues Systemwide parking passes, which are valid at all CSU campus. It shall be the policy of this Department to honor these Systemwide parking passes when the passes are displayed in the vehicles.

#### III. DEFINITIONS:

A. Systemwide Parking Pass: Parking passes issued by the Office of the Chancellor.

#### IV. PROCEDURES:

#### A. Issuance:

1. The Office of the Chancellor issues permits to holders, which they display in their vehicles. These Systemwide parking passes are valid at all CSU campuses.

## B. Identification:

- Each fiscal year the permits will be identified with a different color with black writing.
   A photocopy is attached.
- C. Systemwide Parking Permit List:
  - 1. The Parking and Transportation Manager will receive the updated Systemwide Parking Permit list each year from the Chancellor's Office.
  - 2. A copy is given to Dispatch and the original copy is retained at the Parking and Transportation Office.

#### D. Enforcement:

- 1. While engaged in routine parking enforcement in the campus parking lots, officers shall not issue citations to vehicles displaying a valid Systemwide permit while parked in a legal parking space.
- 2. The Systemwide permits are not to be utilized in lieu of employee or student parking permits. Systemwide permits are intended to facilitate parking for staff conducting state business at the campuses.
- 3. If a question arises as to the validity of a Systemwide permit, the officer shall contact the Parking and Transportation Manager or the Citation Process Coordinator to verify the validity of the permit.

#### V. APPENDIX:

A. Systemwide Parking Pass

VI. ATTACHMENT: None



NUMBER: 7-6 APPROVED: Regard Par

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: F-2

Nov. 28, 2005, Nov. 3, 2006, Nov. 12,

REVIEWED/REVISED: 2010, May 6, 2015, Aug. 4, 2015, Dec.

16, 2019

SUBJECT: ISSUANCE OF PARKING VIOLATION PROCEDURES

I. PURPOSE: To clarify the position of the Department relative to Officers initiating enforcement activities and outline authorized procedures for parking citation issuance in regards to both motorized and non-motorized vehicles.

II. POLICY: Within the guidelines established under VC 40202 and San Francisco State University Executive Order 2010-1, both University Police Officers and Parking Officers are empowered to issue citations for appropriate violations that occur in their presence. Officers are also empowered with discretionary powers as to when to issue citations, within the guidelines established by utilizing common sense and good judgment. It shall be the policy of this Department to encourage an active enforcement policy when violations occur and an Officer witnesses it.

#### III. DEFINITIONS:

- A. AutoCITE: Handheld units used for parking citation issuance.
- B. AutoPROCESS: Computer operating system used for processing parking citations.
- C. Circulation Path: An exterior or interior way of passage provided for pedestrian travel, including but not limited to, walks, hallways, courtyards, elevators, platform lifts, ramps, stairways, and landings.

# IV. PROCEDURES:

#### A. Citation Issuance:

- 1. If a vehicle is unattended during the time of the violation, the Parking Control Officers or University Police Officers are authorized to enforce parking laws and regulations.
- 2. Officers must securely attach to the vehicle a notice of parking violation. Citation will include reference to:
  - a. The section of California Vehicle Code that was violated.
  - b. The date and the approximate time of the issuance of the citation.
  - c. The location where the violation occurred.

- d. The vehicle license number and registration expiration date if they are visible, the last four digits of the vehicle identification number, if that number is readable through the windshield. If not visibile, enter "VNVTW"
- e. The color of the vehicle.
- f. If possible, the make and model of the vehicle.
- g. A statement printed on the notice indicating that the date of payment is required to be made not later than 31 calendar days from the date of citation issuance; and the procedure for the registered owner, lessee, or rentee to deposit the parking penalty or, pursuant to Section 40215 within 21 days, contest the citation.
- 3. Parking Control Officers utilize the AutoCITE handheld units for citation issuance. The University Police Officers use a hand written citation, which is entered manually into the AutoPROCESS system.
- 4. The notice of parking violation shall be served by attaching it to the vehicle either under the windshield wiper or in another conspicuous place upon the vehicle so as to be easily observed by the person in charge of the vehicle upon the return of that person.
- 5. The notice of parking violation, or copy thereof, shall be considered a record kept in the ordinary course of business of the issuing agency and the processing agency and shall be prima facie evidence of the facts contained therein.
- 6. The San Francisco Municipal Transportation Agency (MTA) also issue citations on the adjacent streets to the University. San Francisco State is not affiliated with MTA, questions, payments and disputes with citations issued by MTA are handled at MTA.

# B. Voiding of Citations by Parking Officer:

- 1. Parking Officers are authorized to void a citation if the vehicle's driver comes to the vehicle before the parking officer placed the citation on the windshield.
- 2. If the parking officer had already entered it into the AutoCITE, the driver of the vehicle needs to bring the citation into the Parking and Transportation Office and an Immediate Review/Dismissal or Citation Cancellation Form must be completed.
- 3. If there is a repeat offender that keeps coming out to the vehicle when a parking officer is issuing a citation this needs to be reported to the Parking and Transportation Office. The Parking and Transportation Manager or the Citation Process Coordinator will notify the Captain of the Operations Division with a memo. At this point, the Captain will determine if this repeat offender should be cited even if they are present when citation is being issued. The Captain will inform the Parking Officers and the Parking Office of the decision.
- C. Issuance of Parking Citations on University Property Established by the Chief of Police:
  - 1. California Vehicle Code violations for red, green and white curbs, fire lanes, disabled/ handicapped parking spaces.
  - 2. No valid campus permits displayed.
  - 3. No valid campus permit for designated parking such as Disabled/Handicapped, loading areas, state vehicle space, staff/faculty lots and designated authorized

vehicles.

- 4. When a temporary campus permit has been altered, e.g., date, time, signature, location, etc., has been changed from what was issued by Parking Administration.
- 5. Posted time limit was exceeded.
- 6. Parked in hatch marks, unmarked spaces, unpaved spaced area or grass.
- 7. Repeat offenders for the same violation during any one academic period, e.g., staff or faculty who keep forgetting to display their permit.
- 8. Blocking of roadways, curb cuts and other access areas.
- 9. Areas where "No parking" signs are posted.
- 10. Vehicles that are double parked/ over the line vehicles.
- 11. Non-designated spaces in Lot 19 staff and faculty lot, roof area of parking garage.
- D. Non-Issuance of Parking Citations on University Property Established by the Chief of Police:
  - 1. Citations should not be issued when a painted curb is faded and not adequately marked.
    - a. Any curb that is faded needs to be reported to the Parking and Transportation Manager. The Parking and Transportation Manager will then make the necessary arrangements for the painting of the curb.
- E. Citation Issuance for Non-Motorized Vehicles
  - 1. Pursuant to San Francisco State University Executive Order 2010-1, Parking Control Officers and University Police Officers are authorized to enforce regulations contained in the Rehabilitation Act of 1973 and Americans with Disabilities Act (ADA) by issuing citations for vehicles that are tethered to handrails.
  - 2. When an Officer witnesses a vehicle tethered to a handrail, the Officer shall use a department kryptonite lock to secure the vehicle to handrail. The kryptonite lock shall contain directions for the owner of the vehicle to contact the University Police Department to obtain release of the vehicle.
  - 3. When the owner of the vehicle contacts the University Police Department, dispatch will obtain the subject's name, date of birth and University ID number (if possible). Dispatch will run the subject prior to dispatching the call.
    - a. If the subject is 10-30 or has danger potentials, two (2) Police Officers shall be dispatched to the location. Parking Officers will not be dispatched to these calls for safety issues.
    - b. If the subject is not 10-30 and does not have any danger potentials, a Parking Officer will be dispatched and the individual will be cited in accordance with the regulations below.
    - c. If dispatch does not run the subject prior to dispatching the Parking Officer, the PCO will provide dispatch with the subject's name and date of birth.
    - d. If the subject refuses to supply the name and date of birth or the subject is 10-30 or has danger potentials, the PCO will request a Police Officer to respond to the location to assess the situation. The PCO will not issue a citation to the subject

until that subject's identity has been verified.

- 4. Once the owner of the vehicle contacts the University Police Department, and Officer shall be dispatched to the location of the vehicle. Before the vehicle is released, the owner shall be cited for a violation of the ADA. The officer shall use CVC 21113(a) as the infraction code. The citation shall contain:
  - a. Date, Time, and Day of Violation.
  - b. Description specifics for the individual being cited, which includes full name, current mailing address, phone number, height, weight, eye color, hair color, race, age, date of birth, and driver's license number (or identification card number).
  - c. Faculty/Staff/Student identification number, if possible.
  - d. Location of the incident.
  - e. A statement printed on the notice indicating that the date of payment is required to be made not later than 31 calendar days from the date of citation issuance; and the procedure for the individual to deposit the parking penalty or, pursuant to Section 40215 within 21 days, contest the citation.
- 5. Both Parking Control Officers and University Police Officers shall issue handwritten citations for vehicles that are tethered to handrails.
- 6. The citation shall be served by handing a copy of the citation to the individual.
- 7. After the citation has been served, the Officer may release the University kryptonite lock from the vehicle.
- 8. Officers shall turn the written citation into Parking and Transportation for processing.
- 9. The notice of violation, or copy thereof, shall be considered a record kept in the ordinary course of business of the issuing agency and the processing agency and shall be prima facie evidence of the facts contained therein.
- F. Voiding of Citations by Parking Officer
  - 1. Officers are authorized to void a citation only if there has been an error made on the citation that can not be amended immediately.
  - 2. Officers will bring the voided citation to Parking and Transportation and fill out a Citation Void/Amendment form.
- G. Issuance of Citations Relating to the Tethering of Vehicles to Handrails on University Property Established by the Chief of Police:
  - 1. Vehicle protrudes in excess of four (4) inches.
  - 2. Vehicle disrupts the continuity of the handrail.
  - 3. Vehicle intrudes on the minimum width of thirty-six (36) inches for a wheelchair ramp or passageway.
  - 4. Vehicle intrudes on the minimum passing space of sixty (60) inches for accessible circulation paths, ramps and walkways.
- H. Issuance of Citations After a Tethered Vehicle has been Confiscated by the Department

# Established by the Chief of Police:

- It shall be the policy of the University Police Department to consider any vehicle tethered to a handrail, for more than seventy-two (72) hours, abandoned.
   Abandoned vehicles are subject to having the personal locks cut and the vehicle confiscated by the University Police Department for safe keeping.
  - a. Confiscation and release procedures are contained in General Order 7-9 Parking Enforcement Booting Policy.
- 2. Owners of confiscated vehicles may obtain release for the vehicle by going to the University Police Department.
  - a. The owner of the vehicle must be able to show proof of ownership for the vehicle before it will be released.
- 3. Either a Parking Control Officer or a University Police Officer must be present when the vehicle is released.
  - a. The Officer will explain the violation and inform the owner where appropriate areas to secure vehicles on University property are located.
  - b. The owner of the vehicle will be cited following the procedures contained in Section E of this General Order.
- I. Non-Issuance of Citations Relating to the Tethering of Vehicles to Handrails on University Property Established by the Chief of Police:
  - 1. Citations should not be issued when the owner of the vehicle in question returns to the vehicle prior to the Officer securing the department kryptonite lock to the vehicle.
    - a. The Officer should advise the owner of the violation and inform the owner of the nearest location to secure the vehicle properly.

V. APPENDIX: None

VI. ATTACHMENT:

A. SFSU Citation Processing Department Immediate Review/Dismissal Form

# ATTACHMENT A

CITATION PROCES	STATE UNIVERSITY SING DEPARTMENT /IEW/DISMISSAL
Citation Number	Violation(s)
Date and Time	Vehicle License
Violation Location	Officer
Respondent's Name	School/Faculty ID Number
Student	Staff/Faculty
Dismissed	Void
Reason for Dismissal:	
Valid Daily Permit	Permit Not Displayed
Permit Upside Down	Other
Valid H/C Placard	2nd Warning
Valid Temp Permit	3rd Warning
Valid Semester Permit	Permit Number
Reviewed By	Date et he attached for auditing nurneses
copy of the citation and permit mu	st be attached for auditing purposes.



NUMBER: 7-7 APPROVED: Reynold Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Nov. 28, 2005, Nov. 3, 2005, May 6,

SUPERSEDES: F-3 REVIEWED/REVISED: 2015, Aug. 4, 2015, Dec. 16, 2019

SUBJECT: CITATION REVIEW PROCESS

I. PURPOSE: To provide procedures for the processing and reviewing of parking citations issued by Parking Control Officers and University Police Officers under VC 40202.

II. POLICY: Once the citation is issued (placed on shield), under VC 40215, it cannot be withdrawn without going through a review process. The review process's sole purpose is to determine whether the citation issued was a valid citation.

#### **III. DEFENITIONS:**

- A. Immediate Review The process of dismissing and voiding parking citation based on cancellation criteria.
- B. Citation Cancellation Review A three level review process to determine the validity of the parking citation.

#### IV. PROCEDURES:

- A. Immediate Review and Dismissal of Citation:
  - 1. If an error or omission is realized, after issuing a citation, the issuing officer must submit a copy of the citation to the Citation Process Coordinator for review and dismissal or voiding. If the Citation Processor's decision of dismissal or voiding is warranted, based on the criteria listed below, the Citation Processing Department completes the Immediate Review/Dismissal form.
    - a. A significant error or omission on the part of the campus official, parking signage, or the officer writing the citation.
    - b. The citation was for "No Valid Permit" and a member of the parking staff verified the permit.
    - c. A valid SFSU and/or standard permit was issued to the person for the area and time on the citation, e.g. loading permit, temporary permit, DMV handicapped placard, etc.
    - d. The vehicle was cited as a result of being disabled, Parking Administration and/or

- The University Police were notified, and there is an entry in the University Police log covering the date and time on the citation.
- e. If the Owner/Driver provides the following criteria an "Immediate Review/ Dismissal Form will be completed:
  - 1) Valid daily permit
  - 2) Permit was upside down
  - 3) Permit was not displayed
  - 4) Valid Handicapped Placard
  - 5) Valid Temporary Permit
  - 6) Valid Semester Permit
- B. Citation Cancellation Review Process is conducted on three levels:
  - 1. Level One (Citation Cancellation Form):
    - a. The person may request an initial review of the citation by completing a Citation Cancellation Request form (Attachment C) making a written statement of the circumstances, which indicate that the citation should be canceled. The form is available through the Parking and Transportation Office and the Parking and Transportation web site: http://www.sfsu.edu/~parking/. This step is required within 21-calendar days form the issuance of the citation date or 14 calendar days from the mailing of a notice of delinquent parking violation.
    - b. The Parking Control Officer that issued the citation will comment on the reason the citation was issued. The Parking and Transportation Manager is the administrative reviewer who makes the determination to dismiss or uphold the validity of the citation. Administrative reviews for the following types of citations will routinely result in a valid citation decision:
      - 1) Standard California Vehicle Code violation, e.g., RED CURB, FIRE LANE, WHITE CURB, DISABLED/HANDICAPPED parking space, etc.
      - 2) "No valid campus permit displayed" when the driver did not pay the appropriate parking fees required by the Trustees of the California State University.
      - 3) No valid campus permit for designated parking such as DISABLED/ HANDICAPPED, LOADING AREAS, STATE VEHICLE SPACE, staff/faculty lots and designated authorized vehicles.
      - 4) A temporary campus permit has been altered, e.g., date, time, signature, location, etc., were changed from what was issued by Parking Administration.
      - 5) The posted time limit was exceeded, e.g., green curb, 20-minute spaces, etc.
      - 6) Parked in HATCHMARKS, UNMARKED SPACE, UNPAVED AREAS, GRASS, etc.
      - 7) Repeat offenders for the same violation during any one academic period.
      - 8) No timely response. Administrative Reviews should be filed within 21 calendar days from the issuance of the citation date.
  - 2. Level Two (Administrative Review)

- a. If the person is dissatisfied with the results of level one review, the person must complete a Request for Administrative Review form (Attachment E) within 21 calendar days of the mailing of the level one decision. The person requesting an Administrative Review must deposit the bail amount of the citation. Level two appeals are done in writing only.
- b. The level two Administrative Review is conducted by the hearing examiner, who is appointed by the Chief of Police in accordance with VC40215 (C). The hearing shall provide an independent, objective, fair, and impartial review of contested parking violations. If the Administrative Review's decision is found not liable, the deposited bail amount will be returned in full with the written decision. If the decision is found liable, the deposit will be retained as payment of the citation.

# 3. Level Three (San Francisco Superior Court)

- a. If the person disagrees with the level two Administrative Review's decision, they may request a civil review with the San Francisco Superior Court in person within 30 calendar days of the mailing of the hearing examiner's decision. A \$25.00 filing fee is required by the Superior Court.
- b. A judge of the San Francisco Superior Court conducts the civil review. If the citation is found not liable, the filing fee and the citation fee will be refunded in full by the Citation Processing Department. If the citation is found liable, the person forfeit all penalties and fees on deposit and the civil judgment rendered is final.
- C. In accordance with the Trustee Auditor's review of citation tracking, all citations assigned to this agency must be accounted for. Therefore, any citation submitted to be voided, including those not placed on a vehicle, must be accompanied by an appropriate form.

#### V. APPENDIX:

A. Assembly Bill 408 Epple 1991-1992 Ch 1244

## VI. ATTACHMENTS: None

- A. Citation Processing Review Procedure
- **B.** Adjudication Process
- C. Request For Citation Cancellation Review Form
- D. Hearing Information
- E. Request for Administrative Review Form
- F. Administrative Hearing Statement of Rights and Responsibilities
- G. SFSU Citation Processing Department Immediate Review/Dismissal Form

# ATTACHMENT A

#### San Francisco State University Citation Processing Review Procedure

Once a citation is issued, by law, it cannot be withdrawn without going through a review process. The review process's sole purpose is to determine whether the citation issued was a valid citation.

If you wish to appeal your parking citation, please read the information below and follow the directions. Use this form to track the process of your citation. If you have additional questions, please call (415) 338-7827.

The review process is conducted on three level	S.
	Citation Number:
Level 1	Date Completed:

To contest a ticket you must complete a "Citation Cancellation Request" form. This step is required within 21 days from the citation date of issuance or within 14 days of the notice date. Place your comments on the lines provided or attach a statement. Please include a copy of the original citation, a copy of a valid permit, or any other evidence that will support your claim.

#### Review Process

- 1. The parking control officer that issued the citation will comment on the reason the citation was issued.
- 2. An administrative reviewer makes the determination to "Approve" or "Disapprove" cancellation request.
- 3. The results are mailed back to the claimant within 2 to 3 weeks.
- 4. At this time a "stop processing" flag is placed on your citation. If you are found liable for the citation, you have 14 days to pay the citation without additional late fees added after receiving the decision in the mail.
- 5. If you have not received a decision in the mail within 3 weeks, please contact us at (415) 338-7827.

Level	2	Date	Completed:

If you disagree with the level 1 decision and would like to further contest, you must complete a "Request for Administrative Hearing" form. This step is required within 21 days of the mailing of the Citation Processing Department's Level 1 decision. You must pay a deposit of the citation ball amount to proceed to the Level 2 review process.

#### Review Process

- 1. You may meet with the Hearing Examiner in person, or the Hearing Examiner can read your statement without your presence.
- 2. Administrative hearings are conducted on the first and third Thursday of each month, between 3 pm and 4:30 pm. Appointments usually last 5 to 10 minutes and can be scheduled at the Department of Public Safety. Appointments will not be scheduled until all the proper papers are submitted.
- 3. If you are found not liable, your deposit will be returned in full with your decision. If you are found liable, the deposit will be retained as payment of the citation.
- The results are mailed back to claimant within 1 week.

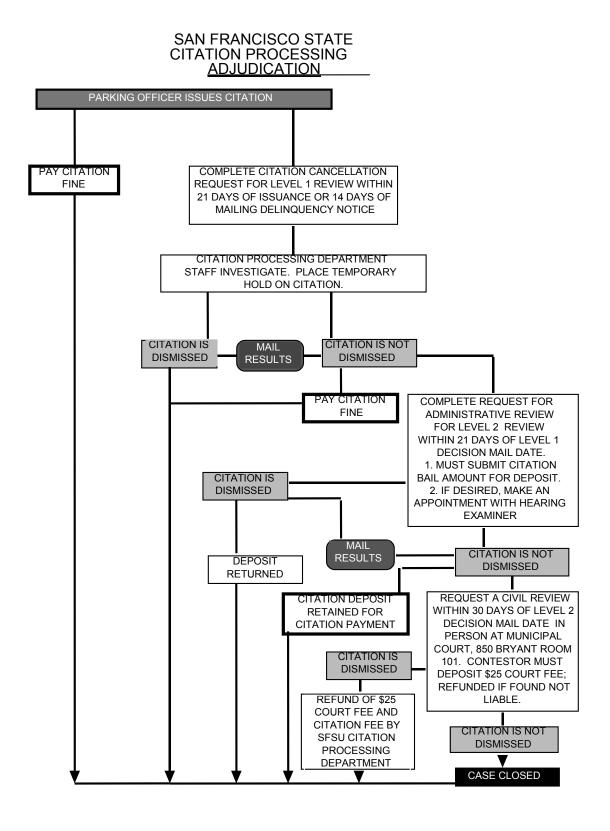
Level 3	Date	Completed:

If you disagree with the level 2 decision, you must request a civil review with the municipal court at 850 Bryant Street, Room 101. This step is required within 30 days of the mailing of the Hearing Examiner's decision.

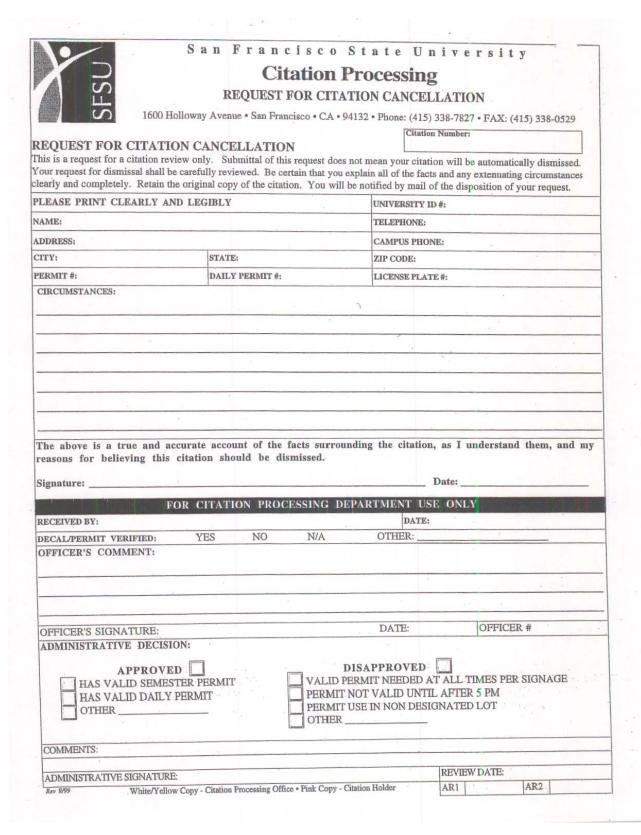
#### Review Process

- 1. A \$25 filing fee is required.
- If you are found not liable, the filing fee and the citation fee will be refunded to you in full. The refund form can be requested from the Citation Processing Department or calling 415-338-7827. If you are found liable, you will forfeit all penalties and fees on deposit.
- 3. The civil judgment rendered is final.

#### ATTACHMENT B



#### ATTACHMENT C



# ATTACHMENT D

# SAN FRANCISCO STATE UNIVERSITY CITATION PROCESSING DEPARTMENT

#### HEARING INFORMATION

#### BEFORE REQUESTING A HEARING:

A request for citation cancellation appeal must have been received by the SFSU Citation Processing Department within 21 days of the issue date on the citation before a hearing can be set. If this time limit is not met, it is not possible to contest the citation through the Administrative Hearing process or Civil Court.

If a written appeal was received by the SFSU Citation Processing Department within the time limit and the appeal is denied, the citation can be further contested by requesting a hearing. Hearings may be conducted by personal conference (in person) or by written declaration (by mail) and requires the posting of a sum in the amount of the citations penalty. Payment must be made by personal check, money order, or cashier's check. Other payment arrangements can be made by contacting the Citation Processing Department.

Make checks payable to : SFSU Citation Processing

HEARINGS MUST BE REQUESTED WITHIN 21 DAYS OF THE POSTMARK DATE ON THE LETTER OF DENIAL SENT FROM THE SFSU CITATION PROCESSING DEPARTMENT

# HEARINGS ARE HELD AT: SAN FRANCISCO STATE UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

#### TO SCHEDULE A HEARING:

If you wish to appear at your hearing in person, contact the SFSU Citation Processing Department at (415) 338-7827. The request for an Administrative Hearing and citation penalty must be posted before a hearing can be scheduled.

To reschedule a hearing, a request must be made to the SFSU Citation Processing Department, (415) 338-7827, at least 24 hours prior to the original appointment.

#### PLEASE BE PROMPT:

If an individual is not present for their scheduled hearing appointment, another hearing for the contested citation cannot be scheduled.

#### THE HEARING:

The hearing is a *civil hearing only*, NOT A TRIAL. At the hearing you will be given the opportunity to explain why you feel the citation you received is invalid, and you may present any evidence that you feel is pertinent to your case, including witnesses.

You will be notified of the Hearing Examiner's decision by mail.

# ATTACHMENT E



# San Francisco State University Citation Processing Department

1600 Holloway Ave. San Francisco, CA 94132 Phone: (415) 338-7827 Fax: (415) 338-0529

# REQUEST FOR ADMINISTRATIVE REVIEW

An Administrative Review may be requested in writing.

Please be specific when explaining why you feel that a dismissal of the citation is warranted.

Please attach any documents that pertain to your case.

\*\* Must deposit penalty before review will be processed.\*\*

Citation Number:	Date Issu	ied:	University ID:
Name:			
Address:			
City:	State:		ZIP Code:
Home Phone:		Work Phone:	
Citation Number:		Violation Location	on:
wish to dispute the parking citation	n(s) issued to me for the	following reasons:	
-			
			× 4
-	×		
Signature:		Date:	
	For Off	ice Use Only	
Hearing type: Wr	itten In Person	Receiv	ved by:
		Check	Number

# ATTACHMENT F

# San Francisco State University, Citation Processing Department ADMINISTRATIVE HEARING STATEMENT of RIGHTS and RESPONSIBILITIES

In accordance with the California State Vehicle Code you have been granted an Administrative Hearing for the adjudication of a parking violation(s). The purpose of the hearing is to dispute the validity of the citation issued for parking violation(s). The Hearing Examiner will make her/his decision based on all evidence presented.

#### Be advised that:

- All hearings will be recorded.
- The Hearing Examiner will only consider for disposition those citations which have been prepared for the hearing at this time.
- If you are not the registered owner of the vehicle in issue, you must state your reason for appearing.
- You will be asked to make one of the following pleas:
  - (a) Admit liability

OF

- (b) Deny liability
- 5. You must bring with you to the hearing any and all evidence you plan to submit which as a whole shows that the citation in question was not validly issued. Such evidence includes, but is not limited to: records; documents or testimony of witnesses; photographs of the location where the vehicle was parked showing relevant signs posted or curb striping.
- You are to remain in the hearing room until your hearing is completed. If you should leave prior to the completion of your hearing, you will forfeit the deposited penalty amount and filing fee.
- You have the right to appeal the final determination of the Hearing Examiner within twenty (20) days from the mail date of the Hearing Examiner's decision. Appeals must be filed with the San Francisco County Municipal Court at 850 Bryant Street Room 101. The Municipal Court charges a twenty-five dollar (\$25.00) filing fee to process an appeal. The court will notify you of your hearing date.

I have read the above procedures and conditions and acknowledge my rights and responsibilities under the terms of the California Vehicle Code and the Citation Processing Department for the adjudication of parking violations.

Signature:	Date:
D. C. C. C. C. C. C. C. C. C. C. C. C. C.	

This form must be signed and returned to the Citation Processing Department prior to your Administrative Hearing.

# ATTACHMENT G

Citation Number	Violation(s)
Date and Time	Vehicle License
Violation Location	Officer
Respondent's Name	School/Faculty ID Number
Student	Staff/Faculty
Dismissed	Void
Reason for Dismissal:	
Valid Daily Permit	Permit Not Displayed
Permit Upside Down	Other
Valid H/C Placard	2nd Warning
Valid Temp Permit	3rd Warning
Valid Semester Permit	Permit Number



NUMBER: 7-8 APPROVED: Registed Pa

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

Nov. 3, 2006, May 6, 2008, May 6, SUPERSEDES: REVIEWED/REVISED: 2015, Aug. 4, 2015, Feb. 22, 2016,

Jul. 26, 2016, Aug. 22, 2016, Sept.

SUBJECT: RECONCILIATION OF PARKING CITATIONS
6, 2018, Dec. 16, 2019

I. PURPOSE:To establish the procedures of collecting of parking citation fines and reconciling of citation payments.

II. POLICY: Per VC 40203 and 40206, a notice of parking violation shall be mailed to the vehicle's registered owner notifying of the parking violation. Once parking citation payment is received and there is no contest as to that parking violation, under VC 40204, the parking citation entered into the Citation Processing Center system as "paid" and "closed".

# III. DEFINITIONS:

- A. Late Notices: Reminder notices sent out to vehicle-registered owner notifying of outstanding parking violation.
- B. DMV Hold Notices: Notification that citation is on a DMV hold.
- C. State Tax Franchise Board Notice: Notification that citation fee owed sent to State Tax Franchise Board.
- D. Payment Plan: Divided scheduled payments for payment of parking fines.
- E. DMV Hold: Uncollected parking fines within a defined period are placed on a DMV registration hold.
- F. Collection Hold: Uncollected parking fines within a defined period are submitted to a collection agency.

#### IV. PROCEDURES:

- A. Parking and Transportation Collection Procedures:
  - 1. Late Notices/Collections
    - a. Citation Processing Center imports the registered owner information for all open citations directly from DMV.
    - b. The first mailing notice with a due date is generated in the Citation Processing Center system on the 21st day with three different due dates. A \$15 late fee is General Order 7-8 Reconciliation of Parking Citations Page 2 of 10

- added to the second due date and another \$15 is added to the third due date.
- c. If the citation is not paid within 45 days, a second mailing is generated, notifiying the registered owner the citation is past due and is now on DMV hold.
- d. After 90 days a third notice is mailed informing the registered owner that the citation is now at collections.
- e. After 120 days a final notice is mailed informing registered owner the amount owed will be sent to the State Franchise Tax Board.

# 2. Citation Payments

- a. Credit Card payments and E-check payments are accepted in the Parking Office through EMARKET and online on the DataTicket, Citation Processing Center's website or by their toll-free 1-800 phone number. Payment in cash is accepted at the Bursar's Offices in the Administration Building and Student Services Building.
- b. DMV citations are paid directly to DMV. Payments can also be done through Parking and Transportation and if Parking and Transportation accepts payment and enters it into system the Citation Processing Center's website will automatically send notice to DMV to clear citation.
- c. Mailed payments are immediately endorsed and entered into the payment log and Citation Processing system by the receptionists.
- d. Twice a week checks and deposit sheets are prepared by the Parking and Transportation Manager and delivered to the Bursar's Office, Administration Building by a Parking Officer. The Parking Officer returns a deposit receipt for reconciliation. A daily report is emailed by the Bursar's Office which is then printed and reconciled by the Citation Process Coordinator.
- e. Once a month a statement is sent by Data Ticket with all payments listed by location; At SF State, DMV or by credit/debit card online.
- f. Once a year, The Parking and Transportation Manager prepares and processes report of all paid citations for the calendar year and a payment is made to the Municipal Court.

#### 3. Citation Refunds

- a. For citation refunds, applicants must submit proof that a citation was double paid or cleared; such as a canceled check, bank statement, an immediate dismissal, or appeal form or a receipt of payment. These refunds are entered into the Citation Processing System by the Citation Processor and refund is issued by DataTicket.
- b. Forms are prepared and sent to the Accounting office for review and issuance.
- c. SFSU pays Munipal Court \$10 per paid citation.

# 4. Payment Plans

- a. If a person cannot afford to pay their parking citation(s) in one payment, they are given the option to start a payment plan with a \$25 fee to be paid with the first installment.
- b. Requests are evaluated by the Citation Process Coordinator. Once approved the

- system calculates the monthly payments per <u>I</u>CSUAM 4071.00, which varies depending on the amount of the citation with a maximum of nine months and a minimum monthly payment of \$25.
- c. If a person is delinquent with a payment the system cancels the payment plan and all late fees are added and the collection procedures will begin.

# B. Outside Agency Collection procedures:

#### 1. DMV Holds

- a. If the Citation is not paid within 45 days the late fees are added to the citation fine and the citation is put on a DMV hold.
- b. Citation Processing Center sends all eligible open citations to DMV and enters the status on the Citation Processing System.
- c. The Citation Process Coordinator generates a monthly DMV report to monitor that the DMV holds are being placed on a timely manner.

#### 2. Collection Holds/ State Franchise Tax Board

- a. If out-of-state license plate citation is not paid within 45 days the late fees are added to the citation fine and the citation is sent to collections.
- b. Any rejected citations from DMV hold will be placed on collection hold.
- c. If the citation is not paid within 120 days, the citation is sent to the State Franchise Tax Board.
- 3. Any rejected citations from DMV hold will be placed on collection hold.

# C. Municipal Court payment per Government Code 79372(b):

- 1. SFSU pays Municipal Court \$10.00 per paid citation.
- 2. The Citation Processing system generates report, which states how many citations were paid and calculates the amount that needs to be paid to the Municipal Court.
- 3. The Parking and Transportation Manager prepares a memo to the Associate Director of Operations requesting that a check be paid out to the Municipal Court. The Fiscal Services Specialist will process the request and submit the check payment request to Fiscal Affairs. When the check is ready the Parking and Transportation Manager picks up the check at the Disbursement Office, Administration Building and mails the check to Municipal Court.

# D. Compliance with the Gramm-Leach-Bliley Act:

- 1. All Parking and Transportation employees complete the following forms:
  - a. SFSU Confidentiality Access and Compliance Form. Which is kept in each employee's personnel file and the Human Resources Department.
  - b. DMV- Employee Security Statement Form. Which is kept in each employee's

personnel file and sent to DMV.

- c. Oath of Confidentiality Form. Completed by all student assistants. Kept in each employee's personnel file.
- V. APPENDIX: None
- VI. ATTACHMENTS:
  - A. Payment Plan Form
  - B. DMV- Employee Security Statement FormC. Oath of Confidentiality Form

  - D. Data Ticket Services for SF State

# ATTACHMENT A

	San Francisco State University Litation Processing Department	-
REQUEST FOR PAY	MENT SCHEDULE OF PARKIN	G PENALTY/FEES
Respondent Name:		H .
ID Number:		
Address:	Pho	a att.
	License Plate	ne#:
Citation Number(s):	incomb Little	viumber,
Please complete the following:		
1. EMPLOYMENT:	2. SUPPORTED BY:	3. PERSONS SUPPORTED:
☐ Employed	□ Self	☐ Self ,
☐ Full-time	☐ Spouse	☐ Spouse
□ Part-time	☐ Parents	☐ Children (# of)
☐ Unemployed	☐ Welfare	☐ Other
☐ Disabled	□ S.S.I.	
☐ Student	☐ A.F.D.C.	
☐ Homemaker	☐ Unemployed	Total
☐ Military	Other	
Other		
<ul><li>4. Your NET income (take hom</li><li>5. If unemployed: Months of</li></ul>	e pay, welfare, etc.): \$	every days.
6. ASSET (Value)	7. MONTHLY	
	. Deat /N feeters	de .
Motor Vehicle(s) \$ Rent/Mortgas		\$= \$
LIUILL	Loans/Credit	
Savings Account(s) \$	Food/Clothin	
Checking Account(s) \$   Transportation		
Cash on Hand \$————   Medical/Dental   All Others		\$
	TOTAL TVI	ZNICTIC ¢
TOTAL ASSETS . \$	TOTAL EXPI	TOTO P
8. If a fine is imposed, how m	uch could you afford to pay eac	n month? \$
RESPONDENT SIGNATURE	<u> </u>	DATE
ICEDI CITALIA	THE PERSON OF THE	(
THE STATE OF THE S	FOR OFFICE USE ONLY	
	FOR OFFICE USE ONL:  ☐ Granted ☐ Denied	
Waiver of Fee Deposit: Total Owed:		

#### ATTACHMENT B



#### **EMPLOYEE SECURITY STATEMENT**

(To be completed by Employer and Employee)

EMPLOYEE NAME:	COMPANY OR GOVERNMENT ENTITY NAME: San Francisco State University Police Dept.
DRIVER LICENSE OR IDENTIFICATION CARD NO. AND STATE:	PHYSICAL ADDRESS: North State Drive/Lake Merced Blvd.
EMPLOYEE ADDRESS:	MAILING ADDRESS: 1600 Holloway Ave., San Francisco, CA 94132-404

By signing this form, the employee has read, understands, agrees to its contents and realizes the penalties for non-compliance to its terms.

The Department of Motor Vehicles (DMV) collects confidential and personal information from the public to administer the various programs for which it has responsibility. DMV is committed to protect this information from unauthorized access, use, or disclosure. The following policies and regulations have been adopted to address commercial and governmental employees' responsibilities for handling and protecting information obtained from the DMV. I understand the following are my responsibilities:

- As an employee of a requester, I may access information only when necessary to accomplish the responsibilities of my employment.
   I may not access or use information from the DMV for personal reasons. (Examples of inappropriate access or misuse of DMV information include, but are not limited to: making personal inquiries or processing transactions on my own records or those of my friends or relatives; accessing information about another person, including locating their residence address, for any reason that is not related to my job responsibilities.)
- 2. I may disclose DMV information only to individuals who have been authorized to receive it through the appropriate procedures as regulated by DMV. Requesters of information must complete the appropriate forms, submit them to DMV as specified, and pay all applicable fees. In the case of confidential or personal information, a proper accounting of all disclosures must be made, and the subject must be notified in accordance with statute and DMV directives. (Examples of unauthorized disclosures include, but are not limited to: telling someone the address of another person when it is not an authorized disclosure or part of my job responsibilities.)
- 3. To keep the requester code and/or password confidential. I must take reasonable precautions to maintain the secrecy of the requester code assigned to the company or government entity that I am employed by, and/or my password. Reasonable precautions include not telling or allowing others to view my password or requester code; securing my terminal with a locking device if one has been provided; storing user documentation to sensitive programs in a secure place; and reporting any suspicious circumstances or unauthorized individuals I have observed in the work area to my supervisor.
- To promptly notify DMV and an officer of the company named above of any indication of misuse or unauthorized disclosure of confidential or restricted information by any officer or employee of this company or government entity.
- I hereby acknowledge that pursuant to California Vehicle Code Section 1808.21 any residence address in any record obtained from DMV is confidential information.

I have read and understand the security policies and regulations stated above. I understand that failure to comply with these policies and regulations may result in disciplinary action in accordance with Section 19572 of the government code, federal laws and regulations, and/ or civil or criminal prosecution in accordance with applicable statutes against me and/or my employer. I further understand that I can undergo disciplinary action from my employer up to and including termination from employment.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing statements are true and correct.

EXECUTED AT	CITY		COUNTY	STATE
1600 Holloway Avenue	San Francisco	X 11,	San Francisco	CA
DATE	EMPLOYEE SION TIRE			
	X	F 4 - 4 -		
DATE	EMPLOYER	//	4)	
	X		400	

This form must be completed annually and RETAINED AT THE WORKSITE of the Requester Account Holder with a current list of employees who are authorized direct or incidental record access for the life of the agreement and for two years following the deactivation or termination of the agreement. This current completed form, the list, and the agreement must be made available upon request to DMV Audit Staff.

#### ATTACHMENT C



# Student Assistant Oath of Confidentiality

I understand the rules and regulations regarding access to confidential information and use of information contained in parking database, permit applications, DMV information, Citation Cancellation Forms and the citation processing database.

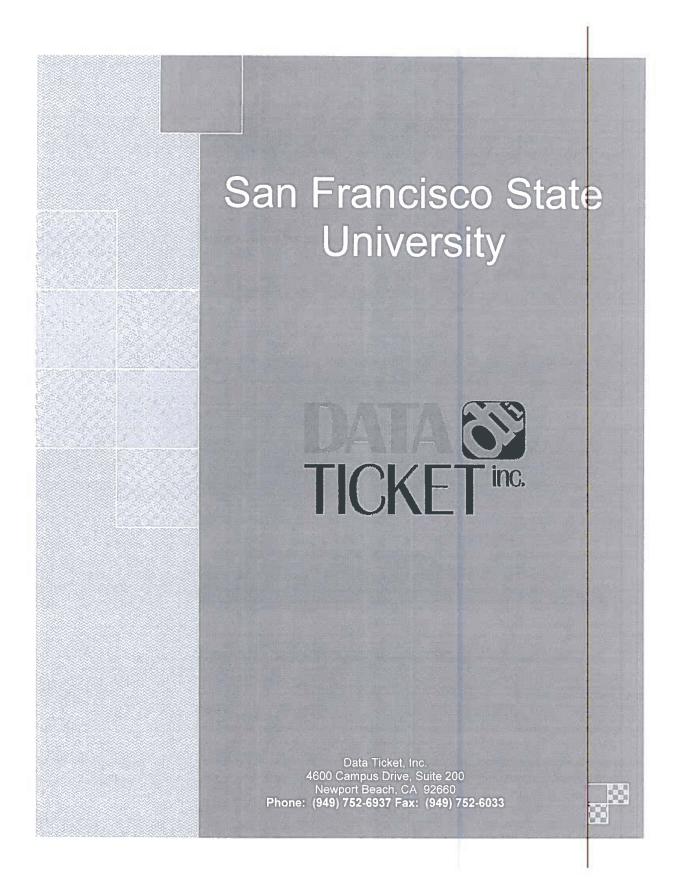
I understand that if I misuse personal information/data that I obtain through my employment, I will be subject to disciplinary action up to and including termination.

Printed Name	
Signature	
Date	

# Rules regarding confidentiality

- Accessed information/data is strictly limited to the specific information/data that is relevant and necessary to perform job related duties.
- It is prohibited to access information/data that is not relevant and necessary to perform job related duties.
- Information/data will be stored under secure conditions.
- Employees will maintain the privacy and confidentiality of the information/data that is obtained by the Department.
- Every reasonable effort to interpret the information/data obtained accurately and in a professional manner and will not be modified or deleted unless authorized by a supervisor.
  - Employees will sign off the automated systems when they are not actively using it.
  - Employees will keep their password(s) to themselves and will not disclose it to others unless supervisor authorizes such disclosure in writing.
- Employees will store and secure confidential/sensitive information, data, reports, etc. in a manner that will maintain its confidentiality when it is not being used.
- Confidential/sensitive information/data will be disposed in a manner that will preserve its confidentiality.

# ATTACHMENT D



Data Ticket, Inc. 4600 Campus Drive, Suite 200 949 752 6937, x. 337 or 310 San Francisco State University Parking Citation Processing Cost Proposal

#### CONFIDENTIAL INFORMATION DISCLAIMER

This proposal contains certain confidential and valuable information in the form of ideas, know-how, concepts, processes, plans and trade secrets that belong to Data Ticket, Inc. In accordance with the California Public Records Act, this confidential information shall not be disclosed outside the University and shall not be duplicated, used, or disclosed in whole or in part for any purpose except in the procurement process. Confidential information contained in this document is noted on each applicable page or image. Serious and irreparable competitive disadvantage in future procurements could result from the release of any confidential information contained in this proposal. Please notify us immediately, in writing if there is a request for disclosure of any confidential information so that Data Ticket will have an opportunity to participate in any disclosure discussions.

The following data, furnished in connection with this solicitation, shall not be disclosed except to those who are directly involved with the evaluation within the University and shall not be duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the proposal provided. If a contract is awarded to this offer or in connection with the submission of this data, the University shall have the right to duplicate, use or disclose the data to the extent provided in the contract. This restriction does not limit the University's right to use information contained in the data, unless it is obtained under proper authorization from another source without restriction.

Data Ticket, Inc. 4600 Campus Drive, Suite 200 949 752 6937, x. 337 or 310 San Francisco State University Parking Citation Processing Cost Proposal

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San Francisco State University Parking Citation Processing Cost Proposal

## PRICING EXPLANATION

Data Ticket is acutely aware of the current economic environment and as such has always and will continue to strive to partner with our Clients to provide competitive prices with the highest level of service and collections. We firmly believe the level of service provided by Data Ticket far exceeds any of our competitors.

On the following pages, Data Ticket has provided San Francisco State University with a cost proposal for Data Ticket to perform these specific services. If University Staff prefers to perform these services, Data Ticket will be happy to assist University Staff with these services at anytime.

Many of the Services quoted are optional, however, if the University would like maximum revenue collection and compliance, the full service offered is highly recommended.

## **Manual Parking Citation Processing:**

\$0.48

Services for the above-mentioned items include:

- On-site data entry of manually written citations performed within 48 hours of receipt
- On-site quality assurance verification of manually entered citations
- Scanning of all manually written citations onto our network for storage and ease of retrieval
- Bi-monthly shredding of manually written citations

## Electronic Parking Citation Processing: Services for the above-mentioned items include:

\$0.42

- Automated citation transmission into Data Ticket's Citation Management Solution
- Automated confirmation email detailing successfully transmitted citations
- Automated transmission of photos attached to citations

## **Courtesy Notice:**

\$0.75

## Services for the above-mentioned item include:

- Semi-custom Courtesy Notice that is printed on an 8 ½ x 11" piece of paper with a perforated tear-of payment stub provided in a window envelope sent to the registered owner of a vehicle
- · All notices are attached to the citation online and are viewable via the web
- All notices sent via 1<sup>st</sup> Class Mail
- All notices include a return envelope in which the responsible party may submit payment
- This charge is only incurred if the individual does not pay off the windshield and a notice is sent to the individual as a result

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San Francisco State University Parking Citation Processing Cost Proposal

#### **Out-of-State Collections:**

#### 24% of revenue collected

- This fee will cover all expenses associated with obtaining out-of-state registered owner information and will be due when a citation is paid
- Data Ticket is a recognized Strategic Partner with NLETs and we will utilize the University's and our ORI
- This fee is not combined with any other contingency fee. For example if a citation is rolled to a delinquent status, only 26% of revenue collected will be charged
- If Data Ticket does not collect on a citation that is issued to an out of state plate, the University does not owe this fee.

#### **Delinquent Collections:**

#### 24% of revenue collected

- This fee will be assessed when a citation is ninety (90) days past the citation issue date, assuming a first notice has been sent to the registered owner and the citation is not on hold for any reason
- Three Delinquent Notices will be sent to the registered owner at no cost to the Agency
- All notices are sent via First Class mail and all notices are printed on an 8 ½ x 11" sheet of paper and folded into a window envelope; in addition, a window envelope is provided for the recipient to return payment
- All notices are attached to the citation online and are viewable via the web
- If Data Ticket does not collect on a citation that is delinquent, the University does not
  owe this fee
- Notices will be sent via 1<sup>st</sup> Class Mail, and Data Ticket will be responsible for the cost incurred and all customer service and payment entry

## FRANCHISE TAX BOARD PROCESSING (OPTIONAL)

SSN Look-up

\$2.50 per SSN

- This fee will be assessed to lookup a social security number associated with a particular registered owner and address
- This charge is charged per unique SSN, not per citation

#### **FTB Collections**

## 15% of revenue collected

- This fee is charged if a citation is paid at the Franchise Tax Board
- This charge is not combined with any other charge; for example if a citation is rolled to delinquent status and paid at FTB, only the 15% of revenue collected will be charged
- Data Ticket will send an FTB Notice to the Customer as required by the Interagency Intercept Program; this notice will be sent via 1<sup>st</sup> Class Mail
- · All notices are attached to the citation online and are viewable via the web
- Data Ticket will pay for the Agency's cost to participate in the FTB program; annually, FTB will send an invoice to the University for the number of debts placed at FTB; the University will simply provide this invoice to Data Ticket and Data Ticket will pay it in full

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- If Data Ticket does not collect on a citation that is at FTB, the University does not
  owe the collection fee
- Data Ticket will send an FTB Notice to the Customer as required by the Interagency Intercept Program; this notice will be sent via 1<sup>st</sup> Class Mail and will be sent at no cost to the University

# Credit Reporting Collections Legal Action Not Required 26% of revenue collected (OPTIONAL)

- This fee is charged if a citation is paid at Advanced Credit Reporting Collections
- This charge is not combined with any other charge; for example if a citation is rolled to delinquent status and paid at Credit Reporting Collections, only the 26% of revenue collected will be charged

#### Adjudication:

## 1<sup>st</sup> Level Review Hold & Scanning of Review Request

\$0.50 per citation

- Data Ticket will review all documentation received by the Appellant and determine whether the request received within the required timeframe
- If the request was received within the required timeframe, Data Ticket's Adjudication
  Department will place the citation on an Administrative Review Request Hold and
  scan all received documentation into the Citation Management Solution so that it is
  displayed on the web for the University's Staff
- If the request is received outside the required timeframe, the University will have the
  option to proceed as though the request was received within the timeframe or it may
  elect to have Data Ticket send a "time expired letter" rejecting the appeal

#### 1<sup>st</sup> Level Review Disposition (OPTIONAL)

\$1.00 per citation

- Data Ticket will review all documentation received by the Appellant and render a disposition
- The disposition will be available online for the University's Staff to review
- This fee is only charged if Data Ticket actually performs the 1<sup>st</sup> Level Reviews and the University does not

## 1<sup>st</sup> Level Review Disposition Letters (OPTIONAL)

\$1.25 per letter

- Data Ticket will send a custom disposition letter to the Appellant via 1<sup>st</sup> Class Mail
- All letters are attached to the citation online and are viewable via the web.

## 2<sup>nd</sup> Level Hearing Hold, Scanning and Scheduling of Hearing \$0.50 per citation

- Data Ticket will review all documentation received by the Appellant and determine whether the request received within the required timeframe
- If the request was received within the required timeframe, Data Ticket's Adjudication Department will place the citation on an Administrative Hearing Request Hold and

San Francisco State University Parking Citation Processing Cost Proposal

scan all received documentation into the Solution so that it is displayed on the web for the University's Staff and the Hearing Officer

- If the request is received outside the required timeframe, the University will have the option to proceed as though the request was received within the timeframe or it may elect to have Data Ticket send a "time expired letter" rejecting the appeal
- Data Ticket will work with the designated Hearing Officer to schedule the Hearing based on either a pre-determined schedule or an ad hoc basis, depending on the University's schedule

## 2<sup>nd</sup> Level Hearing Disposition (OPTIONAL)

\$85.00 per hour

- Data Ticket's independent, certified, insured hearing officers will be provided to the to perform in-person, phone and written hearings
- Each hearing request will be reviewed, heard or read, and all required research will be performed
- The Hearing Officer will enter a judgment into the Citation Processing System for viewing by the University, Appellant and Data Ticket
- · Hearings will be scheduled
- The University will incur costs associated with mileage as defined by Federal guidelines
- Data Ticket will work with the University to arrange for the use of space at the
  University location or the University may elect to have appeals heard at a centralized
  location within the County

## 2<sup>nd</sup> Level Hearing Schedule & Disposition Letters (OPTIONAL)

\$1.25 per letter

- Data Ticket will send a custom disposition letter to the Appellant via 1<sup>st</sup> Class Mail
- All letters are attached to the citation online and are viewable via the web
- Disposition letters will be sent Monday Friday

# Joint / Escrow Banking Services (OPTIONAL)

\$100.00 per month

- Services for the above-mentioned item include:
- Daily deposits of funds to the University's escrow account
  Online, real-time reconciliation reports that tie directly to the bank statement
- Processing of all credit card charge-backs and Insufficient Funds
- Month-end reconciliation of all funds collected
- Disbursement of County/State Surcharges at month-end
- Payment of Data Ticket's invoice
- Disbursement of the net remittance to the University
- Scanning of all payments directly to joint bank account daily using remote check deposit
- The University will be responsible for the purchase of banking supplies, including checks and endorsement stamps; these fees typically run \$200.00 per year

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## Charge-backs and NSF's (OPTIONAL)

## \$5.00 per issued instance

- Data Ticket will process credit card charge-backs and NSFs when notified of each occurrence
- Once processed, Data Ticket will send a custom letter to the individual detailing the returned item and the amount due on the citation

## Refunds (OPTIONAL)

## \$5.00 per issued instance

- Data Ticket will process refunds when notified of each need
- In the event the utilizes Joint Banking Data Ticket will verify, generate and send each refund due
- Refunds will be issued weekly
- Refunds will be sent via 1<sup>st</sup> Class Mail

#### Services Included in the Above Costs:

## Online Access for the University's Customers:

Included

The University's Customers will have the ability to perform the following functions online:

- View real-time citation(s) data
- Pay for a single or many citation(s)
- Request a 1<sup>st</sup> Level Administrative Review and attach up to three documents supporting their position
- Request a 2<sup>nd</sup> Level Administrative Hearing Request and attach up to three documents supporting their position
- Print a receipt
- View pictures of the citation taken by the issuing officer (if the University allows)

#### Online Access for the University's Staff:

Included

Access to the University's data is based on unique usernames and passwords assigned to each individual who requires access to the system. Data Ticket does not limit the number of individuals who have access to the system and the number and types of access can change at any point with a simple email request to Data Ticket.

Our Solution is setup to maintain a complete audit trail for each and every transaction in the system so that the username is displayed next to every transaction in the system, indicating who performed the transaction and when.

Dependent on the access rights provided to each University Staff member, the following capabilities are available:

- View real-time citation(s) data, including pictures taken by the Issuing Officer
- Accept payment via VISA, MasterCard, Discover and American Express credit/debit cards
- Accept payment via Cash, Check or Money Order
- Process NSFs and Refunds

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San Francisco State University Parking Citation Processing Cost Proposa

- Reduce or increase violation amounts, dismiss citations, void citations and place a citation on hold
- Change citation data, including violations, date, time, plate, location, comments, make, model, color, registration expiration date and others
- · Perform Administrative Reviews online by entering the disposition directly online
- Generate a time expired or letter of non responsibility for a citation in the adjudication process
- View the complete reason for the Review Request and supporting documentation provided by the Appellant directly online
- Edit Appellant information
- Upload disposition documents sent to the Agency via US Mail
- Add a note to a citation and see all comments added to the citation
- View the reason for the 2<sup>nd</sup> Level Administrative Hearing Request online and view the supporting documentation provided by the Appellant, directly online
- Print a receipt with or without registered owner information

Reporting: Included

- Data Ticket offers 24 reports online for our Clients to generate, print and re-print 24/7. We provide real-time reports that can be generated for any timeframe required and we provide pre-processed/month-end reports that reflect the month-end view of data.
- All reports are available online and because we do not purge data unless specifically requested to do so by a Client, the data is available as long as the University is a Client
- All reports are generated in HTML so our Clients can copy and paste the data into Excel for data manipulation purposes.
- If the University were to request a report that was not already available, Data Ticket
  would work with the University to design the report and provide it to the University at
  no cost.

#### Manual Payment Processing:

Included

- Manually received payments (checks, cash, money orders and credit card payments sent via US Mail) are received at our PO Box in Newport Beach where a bonded and insured courier picks up the mail daily and delivers it to our Newport Beach office
- On-site Mail Department opens, sorts and batches the payments before providing them to our on-site Data Entry Department
- After double-blind entry of each payment, the citations are updated by our Quality Assurance team
- Payments are then provided to our Accounting Department where daily deposit slips are completed and provided to a bonded, insured courier who takes them to the bank

#### Registered Owner Information:

Included

• Registered owner information for all citations issued on California license plates
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San Francisco State University Parking Citation Processing Cost Proposal

- Turnaround time for acquisition of California registered owner information is same day
- · Registered owner information for all citations issued on out of state license plates
- Data Ticket is a recognized Strategic Partner with NLETs and has access to registered owner information nationwide through the NLETs service
- Access to this system requires the use of the University's ORI for tracking purposes only; Data Ticket will utilize its own ORI for actually acquiring the out of state data
- Turnaround time for acquisition of out of state registered owner information using NLETs is same day

#### **CA DMV Holds and Releases:**

Included

Included

- California DMV Holds and Release performed daily via an online connection
- Holds and releases can also be performed real-time, upon request
- Citation amounts placed on hold are updated daily in the event a partial payment is made

#### Customer Service:

- Data Ticket provides a live, bi-lingual, on-site Customer Service Department that is
  fully trained to answer questions related to citation issuance, payment, adjudication,
  fix-it tickets, sign-offs, FTB, advanced credit reporting collections and more
- All calls are recorded to quality assurance and recordings can be sent to the University at any time for review.
- Data Ticket's IVR is bi-lingual and accessible via several toll-free numbers; the IVR provides real-time information to the caller regarding current status, including the amount due
- The IVR accepts VISA, MasterCard, Discover, and American Express

#### Web Presence: Included

- Data Ticket's Solution is 100% web-based and Section 508 Compliant and is provided at: <a href="www.CitationProcessingCenter.com">www.CitationProcessingCenter.com</a>; this is a generic website in the sense that it is not University branded. This website allows for the University and the University's Customers to access citations online
- If the University prefers to have an University branded website, one in which the look and feel mimics that of the University's website, Data Ticket can and will provide this feature to the University.

San Francisco State University Parking Citation Processing Cost Proposal

## ADDITIONAL OPTIONAL SERVICE OFFERINGS

Data Ticket also offers several additional service options. The following services can be performed by University Staff using our solution or Data Ticket can perform them. If the University chooses to perform these services, there is no cost to the University. We have provided the costs per service offering if Data Ticket were to perform these services.

## **Payment Plan Processing**

\$0.00

- An administrative fee will be assessed to customers who wish to participate in a payment plan
- This fee will cover the cost of the payment plan initiation, and the cost of a confirmation letter that is sent to the customer confirming the details of the payment plan
- The University will have the ability to determine whether payment plans are accepted and, if so, what the parameters for payment will be

## FEES CHARGED TO THE CITIZEN

Credit / Debit Card Processing

\$3.50 per transaction

- Data Ticket is PCI compliant and provides for the ability to pay via VISA, MasterCard, Discover, and American Express on our website, <a href="https://www.CitationProcessingCenter.com"><u>www.CitationProcessingCenter.com</u></a>, via our toll-free, bi-lingual customer service Representatives, and via our toll-free, bi-lingual IVR solution
- There is no charge to the University for credit / debit card processing; however, the customer is charged \$3.50 per transaction; this means the customer can pay for a single or many citations at once and incur a single \$3.50 fee

## Credit Card Chargeback Processing

\$30.00 per transaction

- If a chargeback occurs, a fee will be charged to the customer for the processing of the chargeback
- · No fee will be charged to the University



APPROVED: Registed Par NUMBER: 7-9

Reginald Parson, Chief of Police

EFFECTIVE: September 1, 2004

SUPERSEDES: F-8

Nov. 3, 2006, April 20, 2009, Jan.

REVIEWED/REVISED: 11, 2011, May 6, 2015, Aug. 4,

2015, Dec. 16, 2019

SUBJECT: PARKING ENFORCEMENT BOOTING POLICY (VEHICLE IMMOBILIZATION) AND **TOWING** 

I. PURPOSE: To establish the policies and procedures under which mechanical boots will be utilized to immobilize vehicles within the jurisdiction of the University Police.

II. POLICY: Under California Vehicle Code 22651.7, the primary purpose of the booting device is to immobilize vehicles that have incurred five (5) or more outstanding parking citations and have failed to respond to outstanding fines within the prescribed time periods as defined by CVC 40215. Vehicles that have been immobilized will not be released until all delinquent parking fines have been paid in full, or an approved payment plan has been established with the Citation Processing Department.

> A secondary purpose, under CVC 22655.5, is the immobilization of vehicles that have been positively identified as being involved in criminal activity, e.g. stolen vehicle or license plate(s), counterfeit and/or altered parking permits, etc., and the immobilization of the vehicle will assist in the investigation of the criminal act.

Pursuant to San Francisco State University Executive Order 2010-1, University Police and Parking Control Officers are authorized to impound non-motorized vehicles, which are tethered to handrails and handicapped ramps on University property. Impounded vehicles will not be released until the user of the vehicle has been issued a citation.

Impounded non-motorized vehicles that have not been claimed within seventy-two (72) hours shall be considered abandoned and may be confiscated. Confiscated vehicles will be held by the Police Department pursuant to the Department's policy regarding lost and found items. Confiscated vehicles will not be released until the user of the vehicle has been issued a citation.

## III. DEFINITIONS:

A. Boot: Mechanical device used to immobilize a vehicle.

## IV. PROCEDURES:

- A. Vehicle Immobilization During Business Hours (8:00 am to 4:00 pm):
  - The Citation Process Coordinator will provide the Parking Control Officers a
    quarterly boot list of vehicles that have five (5) or more outstanding parking citations
    that have become delinquent.
    - a. An outstanding parking citation becomes delinquent after 31 days and late notices have been sent out.
  - 2. When a Parking Control Officer encounters a license plate that is on the boot list, the PCO will contact Parking and Transportation requesting verification that the vehicle is listed in the boot list. If the Parking Control Officer is a student employee they will request that a full time Parking Control Officer to come to that location. The full time Parking Control Officer will assume responsibilities for the remaining actions.
  - 3. Parking and Transportation, during normal business hours will verify that the vehicle in question is, in fact, delinquent on the payment of outstanding parking citations. Parking and Transportation will notify the Parking Control Officer that the vehicle is subject to booting. Parking and Transportation will provide basic information (make, model and color of vehicle, number of outstanding citations and total amount owed) on an Immobilization Notice and Immobilization Report, which will be retrieved by the Parking Officer.
  - 4. The Parking Control Officer will issue a citation for any applicable violations that are occurring at that specific point. In the remarks section they will indicate that the vehicle is booted. Any fines attributable to this citation may not be used in determining the amount of payment due to obtain the release of the vehicle.
  - 5. The Parking Control Officer will boot the vehicle and leave an Immobilization Notices on both the windshield and the driver-side window of the booted vehicle and complete an Immobilization Report. The vehicle boot will be placed either on the front driver side wheel, or if that is not possible in another conspicuous location that is easily visible by the owner of the vehicle.
  - 6. The Parking Control Officer will return the completed Immobilization Report Form to Parking and Transportation. The Citation Processing Department will complete an Impounding Vehicles/Outstanding Parking Citations Advisory Notice. If the registered owner fails to retrieve their vehicle by the end of the business day, the booting paperwork will be given to the on-duty Dispatcher and the Watch Commander.
    - a. The booting paperwork shall consist of:
      - 1) The Immobilization Report
      - 2) The Impounding Vehicles/Outstanding Parking Citations Advisory Notice
      - 3) A memo stating the vehicle's license plate, the date and time it was booted, the number of outstanding citations and the total amount owed in order to have the vehicle released.
  - B. Vehicle Immobilization After Regular Business Hours (After 4:00 pm):
    - 1. The Citation Process Coordinator will provide the Parking Control Officers a list of

vehicles that are primarily cited after 4:00pm and have five (5) or more outstanding parking citations that have become delinquent. The Citation Process Coordinator will fill out the Immobilization Notice, Impounding Vehicles/Outstanding Parking Citations Advisory Notice and Citation Inquiry Sheet for these vehicles and provide them to the PCO's.

- a. The Citation Process Coordinator shall fill out the Immobilization Notice and Impounding Vehicles/Outstanding Parking Citations Advisory Notice stating how many outstanding citations the vehicle has and the amount owed in order for the vehicle to be released.
- 2. When a PCO encounters a vehicle, for which the Immobilization Notice and Impounding Vehicles/Outstanding Parking Citations Advisory Notice have already been received, the PCO shall complete the forms by filling in the location of the vehicle, and the time and date that the vehicle was located. The PCO will turn copies of the notices in to the on-duty Dispatcher.
  - a. If the owner of the vehicle does not contact the University Police Department by 10:00 pm, the on-duty Dispatcher will place the paperwork bundle in Parking and Transportation's inbox.
- 3. The Parking Control Officer will issue a citation for any applicable violations that are occurring at that specific point. In the remarks section they will indicate that the vehicle is booted. Any fines attributable to this citation may not be used in determining the amount of payment due to obtain the release of the vehicle.
- 4. The Parking Control Officer will boot the vehicle and leave a copy of the Immobilization Notice on the windshield of the booted vehicle and complete an Immobilization Report. The vehicle boot will be placed either on the front driver side wheel, or if that is not possible in another conspicuous location that is easily visible by the owner of the vehicle.
- The Citation Process Coordinator will update the paperwork as needed, removing any vehicles that have paid the outstanding fees prior to the PCO encountering the vehicle.
- C. Vehicle Release During Regular Business Hours (8:00 am to 4:00 pm):
  - The Citation Processing Department will prepare an Impounding Vehicles/ Outstanding Parking Citations Advisory Notice that will indicate the amount due in order to release the vehicle.
  - 2. The registered owner/driver is required to pay the total amount due and a \$205.00 boot removal fee. If the vehicle is not claimed on the initial day that it is booted, there will be a boot storage fee of \$25.00 per day added to the total amount due. The Citation Processing Department only accepts money orders and cashier's checks. Payment with cash can be made at the Cashier's Office in the Administration Building or the Student Services Building during business hours. The registered owner/driver would take the Impounding Vehicles/Outstanding Parking Citation Advisory Notice to the Cashier's Officer in order to pay the outstanding balance.

- The Cashier's Office has been informed of the proper depositing procedure. The Cashier's Office will issue the driver a receipt, which will be brought back to the Parking and Transportation Office as proof of payment.
- 3. If the registered owner/driver is unable to pay the total amount due, they may request to pay their outstanding citation fees on a payment plan. They may request a payment plan through the Citation Processing Department during regular business hours. The registered owner/driver must pay the \$205.00 boot removal fee, any daily boot storage fees, and 25% of the total outstanding citation fee. The Immobilization Notice, Impounding Vehicles/Outstanding Parking Citations Advisory Notice and payment or receipt of payment should be stapled together and placed in the parking box for further action.
  - a. The Citation Process Coordinator shall determine if the registered owner/driver is eligible for a payment plan. Individuals currently affiliated with San Francisco State University (faculty, staff, students, etc.) shall be eligible for payment plans.
  - b. If the registered owner/driver is not eligible for a payment plan, the full amount owed must be paid before the vehicle will be released.
- 4. After the registered owner/driver shows proof of payment, a Parking Control Officer is called to release the boot between 7:00 am and 10:00 pm.
- 5. If the vehicle is not claimed within 72 hours, it will be towed. The registered owner must pay the \$205.00 boot removal fee, daily boot storage fee, and outstanding balance for all citations or 25% of the citations balance to start a payment plan to have the vehicle released. Towing and storage fees are not included in these fees and are the responsibility of the registered owner/driver.

## D. Vehicle release after business hours:

- 1. If the registered owner/driver fails to retrieve their vehicle before the end of the business day, the appropriate forms and information will be conveyed to the Watch Supervisor and the on-duty Dispatcher, cashier's checks and money orders will be accepted. If the registered owner/driver would like to pay via payment plan, they must return during normal business hours. Cash payments must be made at the Bursar's Office in either the Administration Building or the Student Services Building, procedures for paying by cash are the same as detailed in C-2 above. The Immobilization Notice, Impounding Vehicles/Outstanding Parking Citations Advisory Notice and payment or receipt of payment should be stapled together and placed in the parking box for further action.
- 2. When booting after normal business hours, the Parking Control Officer will be responsible for completing the related paperwork. The Parking Control Officer will submit the appropriate forms and information to the Watch Supervisor and advise the on-duty Dispatcher of the booted vehicle.
- 3. After payment is received, a Parking Control Officer or Police Officer is called, before 10:00 pm, to release the boot.
- 4. If the vehicle is not claimed within 72 hours, it will be towed. The registered owner must pay the \$205.00 boot removal fee, daily boot storage fee, and outstanding balance for all citations or 25% of the citations balance to start a payment plan to

have the vehicle released. Towing and storage fees are not included in these fees and are the responsibility of the registered owner/driver.

## E. Responsibilities:

## 1. Parking Control Officers

a. Will patrol the parking lots on the University grounds and actively pursue outstanding violators through planned and scheduled enforcement periods.

## 2. Citation Processing Department

- a. Quarterly: Prepare an updated boot list of vehicles by the number of outstanding citations qualifying the vehicle for booting.
- b. As Necessary: Maintain electronic records pertaining to citation payments and payment plans that have been started.

## F. Failure to appear to release vehicle:

1. If the owner or person in control of the vehicle does not retrieve their vehicle on the date it was booted, a \$25.00 boot storage fee per day will be assessed. If the vehicle is not claimed within seventy-two (72) hours, it will be towed under section CVC 22651.7. The vehicle will only be released upon furnishing the department evidence of ownership, an address within California, at which, owner can be located, and the payment of the \$205.00 immobilization fee and any daily boot fees storage fee accrued. Towing and storage fees are not included in these fees and are the responsibility of the registered owner/driver.

## G. Fees:

- 1. The initial day that a boot has been installed, the Registered Owner will not incur a daily charge but will incur a \$205.00 boot removal fee.
- 2. Payment of booting fees and outstanding fines will be made by cashier's check or money order. Cash payment can be made at the Cashier's Office in the Administration Building or the Student Services Building, during normal business hours.

## H. Criminal Activity/Result in Towing of Vehicle:

- Vehicles that are found illegally parked and with no license plates or other evidence of registration displayed as described in section 22651.7 of the California Vehicle Code are subject to immediate booting.
- 2. If a vehicle, which has been positively identified as having been or has a relation to criminal activity, is parked within the jurisdiction of the San Francisco State University Police Department, the Watch Supervisor may authorize that the vehicle be immobilized if it will assist in the investigation of the criminal act. There are no fees associated with the application of a booting device under these circumstances.

- 3. If a vehicle displays or uses a counterfeit/altered SFSU parking permit on campus, which is considered forgery, the vehicle may be immobilized (484g P.C.). The Parking Control Officer will issue a citation for 'no valid permit' in the remarks section and it will indicate that the vehicle is displaying an altered permit. There are no fees associated with the application of a booting device under these circumstances.
- I. Impounding Non-Motorized Vehicles Tethered to Handrails:
  - 1. Pursuant to San Francisco State University Executive Order 2010-1, Parking Control Officers and University Police Officers are authorized to enforce regulations contained in the Rehabilitation Act of 1973 and Americans with Disabilities Act (ADA) by impounding vehicles that are tethered to handrails.
  - 2. When an Officer witnesses a vehicle tethered to a handrail, the Officer shall use a department kryptonite lock to secure the vehicle to the handrail. The kryptonite lock shall contain directions for the owner of the vehicle to contact the University Police Department to obtain release of the vehicle.
    - a. When securing the vehicle, the Officer shall try to ensure that the placement of the additional lock does not increase the impediment to the circulation path.
    - b. If possible, the Officer shall to loop the department kryptonite lock through the front tire, the frame and handrail when securing the vehicle.
  - 3. Once the owner of the vehicle contacts the University Police Department, an Officer shall be dispatched to the location of the vehicle. Once the owner has been cited pursuant to General Order 7-6, the Officer will remove the department kryptonite lock from the vehicle.
- J. Confiscating Impounded Non-Motorized Vehicles:
  - 1. If the owner does not claim the impounded vehicle within twenty-four (24) hours, an Officer will place a 72 Hour Notice of Confiscation on the vehicle (Attachment C).
    - a. The Officer will give a copy of the 72 Hour Notice of Confiscation to Parking and Transportation and another copy to Lost and Found Clerk.
  - 2. If the owner does not claim the impounded vehicle within the seventy-two (72) hour time frame contained within the Notice of Confiscation, the Officer shall confiscate the vehicle.
  - 3. Before the Officer removes the department kryptonite lock and cuts any personal lock, the PCO shall request that a Police Officer respond to the location.
    - a. The Police Officer shall witness that the vehicle is tethered to a handrail, or otherwise in violation of the ADA. The Police Officer shall request an incident number be generated for the report.
    - b. The PCO shall remove the department kryptonite lock and cut any personal lock. The PCO will remove the vehicle from the handrail and transport it back to the

- Sally Port behind the Police Department. The vehicle shall be logged in, by the Police Officer, according to the procedures for receiving property.
- c. If the PCO is unable to cut the personal lock, the PCO will request that Work Control be contacted for an expedited response to the location. Any fees charged to the University Police Department by the Work Control for the cutting of locks will be passed on to the owner of the vehicle.
- 4. If the owner of the vehicle comes to the Police Department to claim a confiscated vehicle, the owner will be cited in accordance with General Order 7-6 and charged any other applicable fees. Once the owner has been cited, the vehicle may be released to the owner.
- 5. If no one claims the vehicle, it will be destroyed in accordance with the Department's procedures for destroying property.

## K. Responsibilities:

- 1. Parking Control Officers
  - a. Will patrol the building entrances and handrails on the University grounds and actively pursue outstanding violators through planned and scheduled enforcement periods.
- L. Immediate Confiscation of Non-Motorized Vehicles:
  - 1. If an Officer witnesses a vehicle in violation of the ADA, which in the opinion of the Officer presents a clear and present danger to pedestrians, the Officer shall request that a Sergeant respond to the location for an appraisal of the situation.
  - 2. If the Sergeant agrees that the vehicle presents a danger to others, the Sergeant may authorize that the vehicle be confiscated immediately without notice.
  - 3. The vehicle shall be confiscated in accordance with the procedures above.

## M. Fees:

- 1. There shall be no additional fees charged to the owner of an impounded vehicle above the citation fee.
- 2. The owner of a confiscated vehicle shall be responsible for any fees charged to the University Police Department related to removal of a personal lock.
- 3. The owner of a confiscated vehicle may also be responsible for additional fees as established by the President.

## V. APPENDIX: None

## VI. ATTACHMENTS:

- A. Impounding Vehicles/ Outstanding Parking Citations Advisory Notice.
- B. WARNING DO NOT MOVE THIS VEHICLE.

C. Bicycle Impound Notice

## ATTACHMENT A

	lmn ou malin - 1/ /		Departm		
	Impounding Veh	ADVISORY N	nding Parki OTICE	ing Citations	
			٦		
Name	First			License Plate Numbe	er
Your v	ehicle was towed due eve your vehicle, you	to outstanding	parking citat	tions. In order for	you
5.90gs (c) 5.60gs (c)		are required to	make me ju	llowing payments.	
	Towing and stores				
Initial	Towing and storage the responsibility of	e fees are not in f the owner / ag	ncluded in th	ese fees and are t	the
Initial	the responsibility of	f the owner / ag	ncluded in th gent.	lese fees and are t	the
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Initial	Pay the amount of  Complete a "Reque form. You are requ	or est for Payment dired to pay an (25% of Outstan s will be due ac	(Total Outstandi t Schedule o intial paymen	ng Fines ) f Parking Penalty/I nt of	Fees"
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## ATTACHMENT B

Case #					SAN FRANCISCO STATE UNIVERSITY ITATION PROCESSING DEPARTMENT		DPS/CP 97	
		(FORWAR	D OR BACKV	WARNI DO NOT MOVE THIS VARD MOVEMENT MA	VEHICL		DUS DAMAGE)	
Make of Vehicle	T V		LIZATION NO			1 9 0		Non Books Bloom
Make of Venicle	Year	Model	Color	License Plate Number	State	Tag Year	Date	tion Device Place
Location of Vehic	le						Officer	Device #
RELEASE: Arrangement Police Depa Installation of parking notic money order	ts for releated the forment in last this devices of infrass, and case	ase of this vehicle Lot 8, phone 415- ce, or the vehicle action, traffic warra shier's checks are	must be made v 338-7827 or 415 will be removed ints, and traffic v accepted at the	with the San Francisco Stati- 338-7200 after 5 pm. Arrand impounded. To secure iolation citations and for the Citation Processing Depart or business hours.	e Universit angements e release o	y Citation Proc s for the releas f this vehicle, p n of immobiliza	essing Department e must be made wit ayment must be ma tion and/or boot sto	located within the Univ hin 72 hours of the ide for all outstanding rage fee. Personal ch
RELEASE: Arrangemen Police Depa Installation o parking notic money order Cashier's Of FEES OWEI To release to fee to remov	ts for releating the state of t	ase of this vehicle Lot 8, phone 415- ce, or the vehicle ction, traffic warra shier's checks are nistration Room 1  Registered Own and a \$25.00 per	must be made v 338-7827 or 415 will be removed . Ints, and traffic v accepted at the 54 during regula er/Agent must pi day boot storag	with the San Francisco Stat 1-338-7200 after 5 pm. Arr and impounded. To secure iolation citations and for the Citation Processing Depart or business hours.  ay the amount of e fee. After 72 hours of im	e Universit angements a release o a applicatio ment. Cas	y Citation Process for the release f this vehicle, pan of immobilizath and credit catter for outstanding	essing Department to must be made with ayment must be madition and/or boot stourd payments are accitations fees and second payments.	located within the Unix hin 72 hours of the ide for all outstanding rage fee. Personal ch cepted at the \$50.00 immobilization
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RELEASE: Arrangement Police Depainstallation of parking notice money order Cashier's Offeeto removation of included DAMAGE TO This device is SAN FRANCOFFICIAL REPENALTIES. San Francisco	ts for releaterment in if this devices of infra es of	ase of this vehicle Lot 8, phone 415- Ce, or the vehicle ction, traffic ware shier's checks are nistration Room 1  Registered Own and a \$25.00 per ses and are the n  IMMOBILIZATION arty of San Franci TE PROPERTY. S OBTAINED CON	must be made v 338-7827 or 415 will be removed ints, and traffic v accepted at the 54 during regula er/Agent must pe day boot storag esponsibility of th I VEHICLE: soo State Univers REMOVING THE ISTITUTES A SE	with the San Francisco State 338-7200 after 5 pm. Arrand impounded. To secure iolation citations and for the Citation Processing Departer business hours.  ay the amount ofe fee. After 72 hours of imperior owner/agent.	e Universit angements a release o a applicatio ment. Cas  f mobilizatio  ALL MAKE IIS VEHICL AL OFFEN hicle or its	y Citation Proces for the release for the release f this vehicle, processed from the proc	essing Department is a must be made with ayment must be made tion and/or boot stoord payments are acceptations fees and will be towed. Towing the towed of the to	located within the Univitin 72 hours of the ide for all outstanding rage fee. Personal characteristics at the \$50.00 immobilizationing and storage fees a HE DESTRUCTION OWNNER BEFORE AN FENDER TO CRIMINA

## ATTACHMENT C

## WARNING 72 HOUR NOTICE OF IMPOUND

SAN FRANCISCO STATE UNIVERSITY CITATION PROCESSING DEPARTMENT Case #

## NO DICYCLE DADKING IN THIS ADEA

IMMOBILIZATION NOTICE		Immobiliz	zation Device Placed
Bicycle Description	Color	Date	Date of Notice
Location of Bicycle/ Scooter		Officer	Device #
area.			
Arrangements for release of this vehicle must be 1415-338-7200. Arrangements for the release must			
Arrangements for release of this vehicle must be release-415-338-7200. Arrangements for the release must removed and impounded.  DAMAGE TO DEVICE IMMOBILIZATION This device is the property of San Francisco State DESTRUCTION OF SAN FRANCISCO STATE BY ANY MEANS OR IN ANY MANNER BEFORM	VEHICLE: University and ANY DAMAGE SHALL MAPROPERTY. REMOVING THIS DEVICE ORE AN OFFICIAL RELEASE IS OBTAIN	of the device, or the bicycle  AKE THE OFFENDER I  OR MOVING THIS BIC  ED CONSTITUTES A SI	le/scooter will be LIABLE FOR THE YCLE/SCOOTER
RELEASE: Arrangements for release of this vehicle must be a 415-338-7200. Arrangements for the release must removed and impounded.  DAMAGE TO DEVICE IMMOBILIZATION This device is the property of San Francisco State DESTRUCTION OF SAN FRANCISCO STATE BY ANY MEANS OR IN ANY MANNER BEFOR ADDITIONAL OFFENSE AND MAY SUBJECTS San Francisco State University assumes no liability Attempting to operate this bicycle/scooter while the	VEHICLE: University and ANY DAMAGE SHALL MAPROPERTY. REMOVING THIS DEVICE OF AN OFFICIAL RELEASE IS OBTAINED THE OFFENDER TO CRIMINAL PENALTY for the loss of damage to this bicycle/scoot	AKE THE OFFENDER LOR MOVING THIS BIC ED CONSTITUTES A SITTIES.  er or its contents while in	LIABLE FOR THE YCLE/SCOOTER EPARATE AND



APPROVED: Reginde Par NUMBER: 7-10

Reginald Parson, Chief of Police

EFFECTIVE: January 3, 2005

REVIEWED/REVISED: Nov. 3, 2006, Aug. 4, 2015, Dec. 16, 2019

SUPERSEDES:

SUBJECT: ENFORCEMENT OF MISUSE OF DISABLED PLACARDS AND EXPIRED DISABLED **PLACARDS** 

I. PURPOSE: To establish the policies and procedures for enforcement of the misuse of disabled placards and expired disabled placards within the jurisdiction of the University Police.

II. POLICY: It is the policy of the University Police to strongly enforce violations of disabled placards to ensure that valid placard holders will have adequate parking spaces available.

> Under VC 22511.56 any person using a placard shall, upon request of any peace officer or person authorized to enforce parking laws, ordinances, or regulations, present identification and evidence of the issuance of that placard to that person. Failure to present the requested identification and evidence of the issuance of that placard shall be a rebuttable presumption that the placard is being misused and that the associated vehicle is illegally parked. In addition to an issuance of a citation for no valid disabled placard, the officer or parking enforcement person may confiscate a placard being used for parking purposes that benefit any person other than the person to whom the placard was issued by the Department of Motor Vehicles.

**DEFINITIONS: NONE** 

#### PROCEDURES: IV.

- A. Misuse of disabled placards:
  - 1. All Officers will patrol SFSU-related parking areas that have designated disabled parking spaces and actively pursue potential misuse of disabled placards.
  - 2. When it is suspected that the driver of the vehicle is not the valid user of the disabled placard, an Officer may approach them and ask to see their driver's license and DMV-issued paperwork for the placard.
  - 3. The Officer will verify that the driver's ID matches the paperwork.
    - a. If it is discovered that the disabled placard is being misused, the Officer will then confiscate the disabled placard and give the driver a Misuse of Disabled Placard Form.

- 1.) The Officer will turn the disabled placard to the Parking and Transportation Office.
- 2.) The Parking and Transportation will forward the placard and a copy of the Misuse of Disabled Placard Form to the Department of Motor Vehicles. A copy of the placard and the Misuse of Disabled Placard Form will be forwarded to the Operations Division Commander, and the original will be maintained in the Parking and Transportation records.
- b. The Officer will also issue a citation to the vehicle. The violation code will be VC22511.56 with the bail amount of \$500.00.
- B. Expired disabled placards (temporary or permanent):
  - When an expired disabled placard is displayed an Officer may issue a citation for no valid disabled placard with the violation code VC22507.8 (a) with a bail amount of \$275.00.
  - 2. Once the Officer issues the citation, a photo of the expired temporary placard will be taken. The photo will be kept at the Parking and Transportation Office.
  - 3. Parking and Transportation Office will send a memo to the Department of Motor Vehicles reporting the expired temporary placard with vehicle license number and placard ID number information. Memos will be maintained in the Parking and Transportation Department's Office records.
- C. Drivers transporting a disabled person.
  - 1. A placard lawfully used by a person transporting a disabled person shall not be confiscated.

V. APPENDIX: None

VI. ATTACHMENT:

A. Misuse of Placard Form

## ATTACHMENT A



## San Francisco State University Citation Processing Department 1600 Holloway Avenue

San Francisco, CA 94132 Phone: (415) 338-7827 Fax: (415) 338-0529

# **Misuse of Disabled Placard Form**

Per California Vehicle Code 22511.56(c), your disabled placard has been confiscated by the SFSU Department of Public Safety due to the misuse of your placard for being used for parking purposes other than the person to whom the placard was issued by the Department of Motor Vehicles. The confiscated placard will be returned and reported to Department of Motor Vehicles.

NAME	
ADDRESS	
CITY	STATE ZIP CODE
PLACARD NO.	DRIVER LICENSE NO.
VEH. LIC. NO./VIN.	

For additional questions please contact SFSU Citation Processing Department at (415) 338-7827.



APPROVED: Regindel Par NUMBER:7-11

Reginald Parson, Chief of Police

EFFECTIVE: Nov. 1, 2012

REVIEWED/REVISED: May 6, 2015, Aug. 4, 2015 Dec. 16, 2019 SUPERSEDES:

SUBJECT: BICYCLE IMMOBILIZATION/IMPOUND POLICY

I. PURPOSE: To establish the policies and procedures under which U-Locks will be utilized to immobilize bicycles within the jurisdiction of the University Police Department.

II. POLICY: The primary purpose of the U-Lock device is to immobilize a bicycle that has violated SF State Ordinance Section 2010-1 or if the bicycle has been immobile (abandoned) for more than 3 months. Bicycles that have been immobilized for violations will not be released until the owner has been issued a citation. Owners of an abandoned bicycle can pick up the bicycle if it's within the 6 month storage period.

#### III. DEFINITIONS:

A. U-Lock – Lock used to secure bicycles from being removed.

## IV. PROCEDURES:

- A. Bicycle Immobilization for bicycles in violation of laws or Campus Ordinances
  - 1. When a Parking Control Officer finds a bicycle in violation they will contact Dispatch and/or the Citation Process Coordinator to request an Impound form be completed. If the parking control officer is a student employee they will request that a full time parking control officer meet with them. The full time parking control officer will assume the responsibilities for enforcement.
  - 2. The Parking Control Officer will go to the Parking Department for the 72 Hour Notice of Impound No Bicycle Parking Form and pick up a U-Lock. They will then place the notice on the bicycle and secure it with the U-Lock. A copy of the form will be left with the Parking Department.
  - 3. Once the owner calls Dispatch for assistance, a Parking Control Officer will issue a citation for the violation of SF State Ord. 2010-1. Once the citation is handed to the owner the U-Lock will be taken off and the bicycle released.
  - 4. If during the course of a business day the owner fails to retrieve their bicycle, the Parking Control Officer will inform the Watch Commander and Dispatcher where the

bicycle is located. If an owner comes in during this time, it will be determined by the Watch Commander if the bicycle will be released that night or if the owner has to come back during regular business hours. If an Officer handles the release; a citation is issued and the copy will be placed in the Parking and Transportation inbox for processing.

## B. Bicycle Immobilization for Abandoned Bicycles

- 1. If a Bicycle has been in a location for over 9 months the Department may assume that it is an Abandoned Bicycle.
- 2. A Parking Control Officer will place a "Warning 72 Hour Notice of Impound/ Abandoned Bicycle Form" on the bicycle.
- 3. If not claimed after 72 hours a Parking Control Officer shall impound the bicycle and place it in Lot 20 storage. Paperwork is then given to the Transportation Coordinator and information is kept in a database and bicycle information is put into RIMS.
- 4. If the owner does not claim the bicycle after 6 months the bicycle is then destroyed. Refer to General Order 4-13.
- C. Failure to appear to release bicycle that is impounded for violation
  - 1. If the owner does not retrieve their bicycle within 72 hours, it will be impounded and stored for 6 months. The bicycle will only be released upon furnishing the department evidence of his or her identity, an address and proof of ownership.
  - 2. A citation will be issued before the bicycle is released back to the owner if it was impounded for violating Ord. Sec. 2010-1.

## D. Responsibilities

- 1. Parking Control Officers.
  - a. Will patrol University grounds and actively pursue violators through planned and scheduled enforcement periods.

V. APPENDIX: None

VI. ATTACHMENT: None



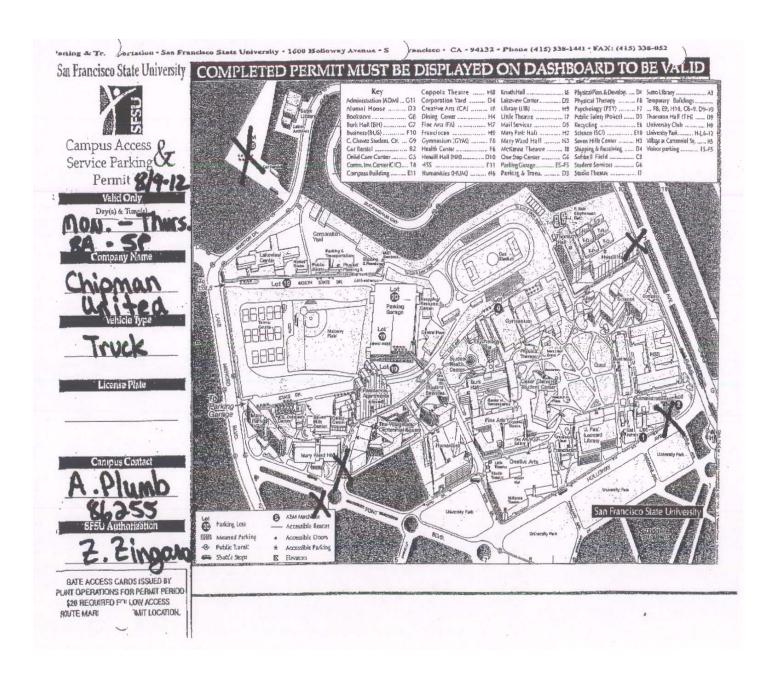
1006833

# Parking Services TEMPORARY PARKING PERMIT

LOT	
ISSUED TO:	
DEPARTMENT AND CONTACT NUMBER:	
VALID FROM: DATE:	TIME:
EXPIRES ON: DATE:	TIME:
AMOUNT OF PAYMENT:	
TITLE V EXEMPTION FOR PAYMENT/REASON:	
ISSUED BY:	
NO REFUNDS	<b>VOID IF ALTERED</b>
White - Parker	Pink - Parking

## General Order 7-2

## APPENDIX C



## General Order 7-4

## **APPENDIX A**



## APPENDIX A



Please hang on review mirror with this side facing the interior of the vehicle to avoid citation. Keep vehicle locked when displaying this permit.

Permits are for the exclusive use of the registrant. Permits may not be sold, exchanged, given away or purchased from any person.

Permit authorizes parking in faculty, staff and student parking only on CSU campuses. Permit does not guarantee a place to park. Vehicle must be parked in compliance with California Vehicle Code and CSU Campus parking regulations.

Permit may not be reproduced or altered. Display of reproduced or altered permit is a violation of CSU parking regulations and may result in citation. Permit remains the property of CSU and may be revoked if impreperly used.

If found, please return to CSU, Office of the Chancellor, Operations Department, 401 Golden Shore, 2nd Floor West, Long Beach, CA 90802-4210 or call (562) 951-4051.

## 1991-92 REGULAR SESSION

363

A.B. No. 408—Epple.

An act to amend Section 1463.28 of, and to repeal Sections 1462.3 and 1463.009 of, the Penal Code, and to amend Sections 22651, 22651.7, 40200, 40200.4, 40200.5, 40202, 40203.5, 40204, 40205, 40206, 40206.5, 40207, 40209, 40210, 40211, 40220, 40221, 40224, 40225, 40510, 40519, and 40521 of, to repeal Sections 40200.1, 40200.2, 40226, and 41102 of, and to repeal and add Sections 40200.3, 40200.7, 40215, and 40230 of, the Vehicle Code, relating to vehicles.

4—Read first time. To print. Feb.

5—From printer. May be heard in committee March 7. 14—Referred to Com. on TRANS. Feb.

Feb.

Mar. 7—From committee chairman, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.

Mar. 11—Re-referred to Com. on TRANS.

April 8-In committee: Set, first hearing. Hearing canceled at the request of author.

-From committee chairman, with author's amendments: Amend, and April 22re-refer to Com. on TRANS. Read second time and amended.

Re-referred to Com. on TRANS. In committee: Hearing postponed April 23by committee.

From committee chairman, with author's amendments: Amend, and May re-refer to Com. on TRANS. Read second time and amended.
-Re-referred to Com. on TRANS.

May

-From committee: Amend, do pass as amended, and re-refer to Com. May

on W. & M. (Ayes 13. Noes 2.) (May 6).

Read second time and amended. May Re-referred to Com. on W. & M.

Joint Rule 61 suspended. Tune

-From committee: Do pass. (Ayes 21. Noes 0.) (June 13). une

15—Read second time. To third reading.

-Read third time, passed, and to Senate. (Ayes 48. Noes 22. Page Tune

In Senate. Read first time. To Com. on RLS. for assignment.

lune

27—Referred to Com. on JUD. 18—In committee: Set, first hearing. Hearing canceled at the request of July

-From committee chairman, with author's amendments: Amend, and re-refer to Com. on JUD. Read second time and amended. Aug. Re-referred to Com. on JUD.

1992

June 11-From committee chairman, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on IUD.

In committee: Set, second hearing. Hearing canceled at the request June of author.

From committee: Amend, do pass as amended, and re-refer to Com. July on APPR. (Ayes 9. Noes 1.

-Read second time, amended, and re-referred to Com. on APPR.
-In committee: Set, first hearing. Hearing canceled at the request of July July

-From committee chairman, with author's amendments: Amend, and Aug. re-refer to committee. Read second time, amended, and re-referred

to Com. on APPR. -From committee: Amend, and do pass as amended. (Ayes 9. Noes Aug. 0.).

-Read second time, amended, and to third reading. Aug.

-To inactive file - Senate Rule 29. Aug.

19-From inactive file. To second reading. Read second time and Aug. amended. Ordered returned to second reading.

Read second time. To third reading. Aug.

Read third time, passed, and to Assembly. (Ayes 38. Noes 0. Page Aug.

In Assembly. Concurrence in Senate amendments pending. Aug.

Senate amendments concurred in. To enrollment. (Ayes 69. Noes 1. Aug. Page 9480.)

Sept. Enrolled and to the Governor at 2 p.m. 364

#### ASSEMBLY FINAL HISTORY

Sept. 29—Approved by the Governor.
Sept. 30—Chaptered by Secretary of State - Chapter 1244, Statutes of 1992.

#### A.B. No. 409-Moore.

An act to add Section 12439.5 to the Government Code, relating to the Controller.

1991

Feb.

Read first time. To print.
From printer. May be heard in committee March 7. Feb.

-Referred to Com. on U. & C. Feb

From committee chairman, with author's amendments: Amend, and re-refer to Com. on U. & C. Read second time and amended. April

April Re-referred to Com. on U. & C.

April 25—Withdrawn from committee. Re-referred to Com. on G.O. May 6—Joint Rule 61 suspended. In committee: Set, first hearing. Hearing canceled at the request of author.

1992

From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(a) of the Constitution. Jan. 31-

556

#### 1992 SUMMARY DIGEST

enacted last.

(50) This bill would amend Section 40604 of the Vehicle Code, relating to notice to appear, by incorporating certain changes made by SB 602 and making additional changes, to be operative only if SB 602 is also enacted.

(51) This bill would incorporate additional changes in Section 42001.5 of the Vehicle Code, proposed by AB 2289, to be operative only if AB 2289 and this bill are both enacted and become effective on or before January 1, 1993, and this bill is enacted last.

(52) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that for certain costs no reimbursement is required by this act

However, the bill would provide that, if the Commission on State Mandates determines that this bill contains other costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be payable from the State Mandates Claims Fund.

(53) The bill would declare that it is to take effect immediately as an urgency statute.

Ch. 1244 (AB 408) Epple. Vehicles: traffic violations.

(1) Existing law contains procedures governing the procedure for the enforcement and criminal prosecution of any violation of a standing or parking offense. Those provisions provide, among other things, for an issuing agency to post notice of a parking violation, serve or mail a notice of delinquent parking violation, set, collect, and dispose of parking penalties and administrative fees, file notices of parking violations with the Department of Motor Vehicles for collection, and file complaints in court for criminal prosecution of the unlawful standing or parking offense. Existing law also authorizes agreements for the courts, other issuing agencies, or private vendors to process administrative parking penalties for issuing agencies.

This bill would revise and recast those procedures by generally providing that any violation of an unlawful standing or parking provision of law shall be subject to a civil penalty schedule established by the governing body of the jurisdiction in which the notice of parking violation is issued, and that the enforcement of those penalties shall be governed by a revised civil procedure, including an administrative investigation and

review procedure and an administrative and judicial appeal process.

The bill would specifically require each court that has been processing notices of parking violations and notices of delinquent parking violations to provide in an agreement for the orderly transfer of the processing activity as soon as possible but not later than January 1, 1994, with a limited exception for Contra Costa County and San Mateo County. The bill would delete the authority for an issuing agency to contract with a municipal or justice court for purposes of processing parking violations.

The bill would make conforming changes.

The bill sets forth certain legislative findings and declarations.

The bill would impose a state-mandated local program by reallocating duties and responsibilities for enforcement and processing of standing and parking violations.

The bill would become operative on July 1, 1993, with the provisions concerning the establishment of an administrative review procedure to be phased in, and fully implemented by, January 1, 1994.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement

This bill would provide that no reimbursement is required by this act for a specified

Ch. 1245 (SB 1422) Bergeson. Teaching.

 Existing law specifies the minimum requirements for a teaching credential. This bill would delete those requirements and instead prescribe minimum require-

NOTE: Superior numbers appear as a separate section at the end of the digests

## Assembly Bill No. 408

#### CHAPTER 1244

An act to amend Section 1463.28 of, and to repeal Sections 1462.3 and 1463.009 of, the Penal Code, and to amend Sections 22651, 22651.7, 40200, 40200.4, 40200.5, 40202, 40203.5, 40204, 40205, 40206, 40206.5, 40207, 40209, 40210, 40211, 40220, 40221, 40224, 40225, 40510, 40519, and 40521 of, to repeal Sections 40200.1, 40200.2, 40226, and 41102 of, and to repeal and add Sections 40200.3, 40200.7, 40215, and 40230 of, the Vehicle Code, relating to vehicles.

[Approved by Governor September 29, 1992. Filed with Secretary of State September 30, 1992.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 408, Epple. Vehicles: traffic violations.

(1) Existing law contains procedures governing the procedure for the enforcement and criminal prosecution of any violation of a standing or parking offense. Those previsions provide, among other things, for an issuing agency to post notice of a parking violation, serve or mail a notice of delinquent parking violation, set, collect, and dispose of parking penalties and administrative fees, file notices of parking violations with the Department of Motor Vehicles for collection, and file complaints in court for criminal prosecution of the unlawful standing or parking offense. Existing law also authorizes agreements for the courts, other issuing agencies, or private vendors to process administrative parking penalties for issuing agencies.

This bill would revise and recast those procedures by generally providing that any violation of an unlawful standing or parking provision of law shall be subject to a civil penalty schedule established by the governing body of the jurisdiction in which the notice of parking violation is issued, and that the enforcement of those penalties shall be governed by a revised civil procedure, including an administrative investigation and review procedure and

an administrative and judicial appeal process.

The bill would specifically require each court that has been processing notices of parking violations and notices of delinquent parking violations to provide in an agreement for the orderly transfer of the processing activity as soon as possible but not later than January 1, 1994, with a limited exception for Contra Costa County and San Mateo County. The bill would delete the authority for an issuing agency to contract with a municipal or justice court for purposes of processing parking violations.

The bill would make conforming changes.

The bill sets forth certain legislative findings and declarations.

The bill would impose a state-mandated local program by reallocating duties and responsibilities for enforcement and

Ch. 1244 — 2 —

processing of standing and parking violations.

The bill would become operative on July 1, 1993, with the provisions concerning the establishment of an administrative review procedure to be phased in, and fully implemented by, January 1, 1994.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Existing statutory requirements for enforcing and contesting unlawful standing and parking violations in the courts impose an unnecessary burden on the motorists and the public.

 (b) Criminal penalties are not appropriate sanctions for standing and parking violations; and criminal procedures are not necessary for

the fair enforcement of those violations.

- (c) With the enactment of appropriate fiscal and procedural safeguards, cities, counties, districts, public colleges and universities, and other public entities can collect most standing and parking penalties, and fairly resolve most contested parking violations without court involvement.
  - SEC. 2. Section 1462.3 of the Penal Code is repealed. SEC. 3. Section 1463.009 of the Penal Code is repealed.

SEC. 4. Section 1463.28 of the Penal Code is amended to read: 1463.28. (a) Notwithstanding any other provision of law, for each option county, as defined by Section 77004 of the Government Code, which has adopted the resolution specified in subdivision (b), that portion of fines and forfeitures, whether collected by the courts or by other processing agencies, which are attributable to an increase in the bail amounts adopted subsequent to the resolution pursuant to subdivision (c) or (d) of Section 1269b which would otherwise be divided between the county and cities within the county shall be deposited into the county general fund up to the annual limit listed in subdivision (b) for that county. Fine and forfeiture increments which exceed the specified annual limit shall be divided between the county and the cities within the county as otherwise provided by law. The scheduled bail amounts in such a county may exceed any limit established pursuant to subdivision (d) of Section 1269b.

 (b) The counties which may adopt a resolution directing that future increments in fines and forfeitures as specified in subdivision
 (a) be deposited in the county general fund and the annual limit

applicable to those counties is as follows:

Alpine       \$ 300,000         Amador       200,000         Butte       900,000         Calaveras       300,000         Contra Costa       100,000         Del Norte       200,000         Fresno       700,000         Humboldt       200,000         Kings       300,000         Lake       400,000         Lassen       200,000         Mariposa       200,000         Mendocino       600,000         Mono       200,000         Mono       200,000         San Benito       300,000         San Diego       5,200,000         San Joaquin       1,000,000         Stanislaus       1,900,000         Stanislaus       1,900,000         Trinity       200,000         Trulare       2,000,000         Tuolumne       400,000         Yuba       900,000	County	Annı	al Limit
Amador       200,000         Butte       900,000         Calaveras       300,000         Contra Costa       100,000         Del Norte       200,000         Fresno       700,000         Humboldt       200,000         Kings       300,000         Lake       400,000         Lassen       200,000         Madera       600,000         Mariposa       200,000         Mendocino       600,000         Mono       200,000         Plumas       200,000         San Benito       300,000         San Diego       5,200,000         San Joaquin       1,000,000         Santa Clara       3,200,000         Stanislaus       1,900,000         Stanislaus       1,900,000         Trinity       200,000         Tulare       2,000,000         Tuolumne       400,000         Yolo       700,000	Alpine	3	300,000
Butte         900,000           Calaveras         300,000           Contra Costa         100,000           Del Norte         200,000           Fresno         700,000           Humboldt         200,000           Kings         300,000           Lake         400,000           Lassen         200,000           Los Angeles         15,000,000           Madera         600,000           Mendocino         600,000           Modoc         200,000           Mono         200,000           Plumas         200,000           San Benito         300,000           San Diego         5,200,000           Santa Clara         3,200,000           Stanislaus         1,900,000           Sutter         800,000           Trinity         200,000           Tulare         2,000,000           Tuolumne         400,000           Yolo         700,000			
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Tulare       2,000,000         Tuolumne       400,000         Yolo       700,000			
Tuolumne	Tulare		
Yolo 700,000			

(c) Except as provided in Sections 40200.3 and 40200.4 of the Vehicle Code, this section does not apply to the collection of parking penalties.

SEC. 5. Section 22651 of the Vehicle Code is amended to read: 22651. Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code; or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city or a county in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under any of the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes

an obstruction to traffic.

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(b) When any vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway.

(c) When any vehicle is found upon a highway or any public lands and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move the vehicle from in front of the driveway to another point on the

highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move the vehicle from in front of the fire hydrant to another point

on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is stopped, parked, or left standing for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade and the driver, if present, cannot move the vehicle under its own power.

(g) When the person or persons in charge of a vehicle upon a highway or any public lands are, by reason of physical injuries or illness, incapacitated to an extent so as to be unable to provide for

its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by this code or other law, required or permitted to take, and does take, the person into

custody.

(i) (1) When any vehicle, other than a rented vehicle, is found upon a highway or any public lands, or is removed pursuant to any subdivision of this section, and it is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has not responded to the agency responsible for processing notices of parking violation or the registered owner of the vehicle is known to have been issued five or more notices for failure to pay or failure to appear in court for traffic violations for which no certificate has been issued by the magistrate or clerk of the court hearing the case showing that the case has been adjudicated or concerning which the registered owner's record has not been cleared pursuant to Chapter 6 (commencing with Section 41500) of Division 17, the vehicle may be impounded until that person furnishes to the impounding law enforcement agency evidence of his or her identity and an address within this state at which he or she can be located and satisfactory evidence that all parking penalties due for the vehicle and all traffic violations of the registered owner have been cleared, or both. A notice of parking violation issued for an unlawfully parked vehicle shall be accompanied by a warning that repeated violations may result in the impounding of the vehicle. In lieu of requiring satisfactory evidence that the parking penalties and failures to appear have been satisfied, the impounding law enforcement agency may, in its discretion, issue a notice to appear for the offenses charged, as provided in Article 2 (commencing with Section 40500) of Chapter 2 of Division 17. In lieu of either furnishing satisfactory evidence that the bail has been deposited or accepting the notice to appear, that person may demand to be taken without unnecessary delay before a magistrate within the county in which the offenses charged are alleged to have been committed and who has jurisdiction of the offenses and is nearest or most accessible with reference to the place where the vehicle is impounded. Evidence of current registration shall be produced after a vehicle has been impounded or a notice to appear for violation of subdivision (a) of Section 4000 shall be issued to that person.

(2) A vehicle shall be released to the legal owner, as defined in

Section 370, if the legal owner does all of the following:

(A) Pays the cost of towing and storing the vehicle.

(B) Submits evidence of payment of fees as provided in Section 9561.

(C) Completes an affidavit in a form acceptable to the impounding law enforcement agency stating that the vehicle was not in possession of the legal owner at the time of occurrence of the offenses relating to standing or parking. A vehicle released to a legal owner under this subdivision is a repossessed vehicle for purposes of disposition or sale. The impounding agency shall have a lien on any surplus that remains upon sale of the vehicle to which the registered owner is or may be entitled, as security for the full amount of the parking penalties for all notices of parking violations issued for the vehicle. The legal owner shall promptly remit to, and deposit with, the agency responsible for processing notices of parking violations from that surplus, on receipt thereof, full amount of the parking penalties for all notices of parking violations issued for the vehicle.

(j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed, the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding law enforcement agency evidence of his or her identity and an address within this state at which he or

she can be located.

(k) When any vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance

authorizing removal.

(1) When any vehicle is illegally parked on a highway in violation of any local ordinance forbidding standing or parking and the use of a highway, or a portion thereof, is necessary for the cleaning, repair, or construction of the highway, or for the installation of underground utilities, and signs giving notice that the vehicle may be removed are erected or placed at least 24 hours prior to the removal by local

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authorities pursuant to the ordinance.

(m) Wherever the use of the highway, or any portion thereof, is authorized by local authorities for a purpose other than the normal flow of traffic or for the movement of equipment, articles, or structures of unusual size, and the parking of any vehicle would prohibit or interfere with that use or movement, and signs giving notice that the vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.

(n) Whenever any vehicle is parked or left standing where local authorities, by resolution or ordinance, have prohibited parking and have authorized the removal of vehicles. No vehicle may be removed

unless signs are posted giving notice of the removal.

(o) (1) When any vehicle is found upon a highway, any public lands, or an offstreet parking facility with a registration expiration date in excess of one year before the date it is found on the highway, public lands, or the offstreet parking facility. However, if the vehicle is occupied, only a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove the vehicle. For purposes of this subdivision, the vehicle shall be released to the owner or person in control of the vehicle only after the owner or person furnishes the storing law enforcement agency with proof of current registration and a currently valid driver's license to operate the vehicle.

(2) As used in this subdivision, "offstreet parking facility" means any offstreet facility held open for use by the public for parking vehicles and includes any publicly owned facilities for offstreet parking, and privately owned facilities for offstreet parking where no fee is charged for the privilege to park and which are held open for

the common public use of retail customers.

(p) When the peace officer issues the driver of a vehicle a notice to appear for a violation of Section 12500, 14601, 14601.1, or 14601.2 and there is no passenger in the vehicle who has a valid driver's license and authorization to operate the vehicle. Any vehicle so removed from the highway or any public lands shall not be released to the registered owner or his or her agent, except upon presentation of the registered owner's or his or her agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of a court.

(q) Whenever any vehicle is parked for more than 24 hours on a portion of highway which is located within the boundaries of a common interest development, as defined in subdivision (c) of Section 1351 of the Civil Code, and signs, as required by Section 22658.2, have been posted on that portion of highway providing notice to drivers that vehicles parked thereon for more than 24 hours will be removed at the owner's expense, pursuant to a resolution or

ordinance adopted by the local authority.

(r) When any vehicle is illegally parked and blocks the movement

of a legally parked vehicle.

SEC. 6. Section 22651.7 of the Vehicle Code is amended to read: 22651.7. In addition to, or as an alternative to, removal, any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations, of a city or county in which a vehicle is located may immobilize the vehicle with a device designed and manufactured for the immobilization of vehicles, on a highway located within the territorial limits in which the officer or employee may act if the vehicle is found upon the highway and is known to have been issued five or more notices of parking violation over a period of five or more days to which the owner or person in control of the vehicle has not responded or the registered owner of the vehicle is known to have been issued five or more notices for failure to pay or failure to appear in court for traffic violations for which no certificate has been issued by the magistrate or clerk of the court hearing the case showing that the case has been adjudicated or concerning which the registered owner's record has not been cleared pursuant to Chapter 6 (commencing with Section 41500) of Division 17. The vehicle may be immobilized until that person furnishes to the immobilizing law enforcement agency evidence of his or her identity and an address within this state at which he or she can be located and satisfactory evidence that full amount of parking penalties has been deposited for all notices of parking violation issued for the vehicle or that bail has been deposited for all traffic violations of the registered owner have been cleared, or both. A notice of parking violation issued to the vehicle shall be accompanied by a warning that repeated violations may result in the impounding cr immobilizing of the vehicle. In lieu of requiring satisfactory evidence that the full amount of parking penalties or bail, or both, has been deposited, the immobilizing law enforcement agency may, in its discretion, issue a notice to appear for the offenses charged, as provided in Article 2 (commencing with Section 40500) of Chapter 2 of Division 17. In lieu of either furnishing satisfactory evidence that the full amount of parking penalties or bail, or both, have been deposited or accepting the notice to appear, that person may demand to be taken without unnecessary delay before a magistrate or an examiner within the county in which the offenses charged are alleged to have been committed and who has jurisdiction of the offenses and is nearest or most accessible with reference to the place where the vehicle is immobilized. Evidence of current registration shall be produced after a vehicle has been immobilized or a notice to appear for violation of subdivision (a) of Section 4000 shall be issued to that person.

SEC. 7. Section 40200 of the Vehicle Code is amended to read: 40200. (a) Any violation of any regulation governing the standing or parking of a vehicle under this code, under any federal

statute or regulation, or under any ordinance enacted by local authorities is subject to a civil penalty. The enforcement of those civil penalties shall be governed by the civil administrative procedures set forth in this article.

(b) Except as provided in Section 40209, the registered owner and driver, rentee, or lessee of a vehicle cited for any violation of any regulation governing the parking of a vehicle under this code, under any federal statute or regulation, or under any ordinance enacted by a local authority shall be jointly liable for parking penalties imposed under this article, unless the owner can show that the vehicle was used without consent of that person, express or implied. An owner who pays any parking penalty, civil judgment, costs, or administrative fees pursuant to this article shall have the right to recover the same from the driver, rentee, or lessee.

(c) The driver of a vehicle who is not the owner thereof but who uses or operates the vehicle with the express or implied permission of the owner shall be considered the agent of the owner to receive notices of parking violations served in accordance with this article

and may contest the notice of violation.

SEC. 8. Section 40200.1 of the Vehicle Code is repealed. SEC. 9. Section 40200.2 of the Vehicle Code is repealed. SEC. 10. Section 40200.3 of the Vehicle Code is repealed.

SEC. 10.2. Section 40200.3 is added to the Vehicle Code, to read: 40200.3. (a) All parking penalties collected by the processing agency, including all administrative fees, process service fees, and fees and collection costs related to civil debt collection, shall be deposited to the account of the issuing agency, except those sums attributable to the issuance of a parking violation by a member of the California Highway Patrol shall be deposited in the account of the issuing agency in the city or county where the violation occurred, and except those sums payable to a county pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code and that portion of any parking penalty which is attributable to an increase in the parking bail amount effective between September 16, 1988, to July 1, 1992, inclusive, pursuant to Section 1463.28 of the Penal Code. Those funds attributable to this increase in bail shall be transferred to the county treasurer and deposited in the general fund. Any increase in parking penalties effective after July 1, 1992, shall accrue to the benefit of the issuing agency.

(b) The processing agency shall prepare an audited report at the end of each fiscal year setting forth the number of cases processed, and all sums received and distributed, together with any other information that may be specified by the issuing agency or the Controller. This report is a public record and shall be delivered to each issuing agency. Copies shall be made available, upon request,

to the county auditor, the Controller, and the grand jury.

SEC. 11. Section 40200.4 of the Vehicle Code is amended to read: 40200.4. (a) The processing agency shall deposit with the county

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treasurer all sums due the county as the result of processing a parking violation not later than 45 days after the last day of the month in which the parking penalty was received.

which the parking penalty was received.

(b) Except as provided in subdivisions (c) and (d), if a court within a county has been processing notices of parking violations and notices of delinquent parking violations for a city, a district, or any other issuing agency, the issuing agency and the county shall provide in an agreement for the orderly transfer of the processing activity as soon as possible but not later than January 1, 1994. The agreement shall permit the court to phase out, and the issuing agency to phase in, or transfer, personnel, equipment, and facilities that may have been acquired or need to be acquired in contemplation of a long-term commitment to processing of notices of parking violations and notices of delinquent parking violations for the issuing agency under this article. The court shall transfer the processing function of the Department of the California Highway Patrol to the issuing gency in the city or county where the violation occurred.

(c) If Contra Costa County or San Mateo County, or a court in either county, had a contract in effect on January 1, 1992, to process notices of parking violations and notices of delinquent parking violations for a city, district, or other issuing agency within the particular county or counties, the county may continue to provide those services to the issuing agencies pursuant to the terms of the contract and any amendments thereto, to and including June 30, 1996, after which Section 40200.5 shall govern any contracts entered

into for these services.

(d) San Francisco Municipal Court employees engaged in processing notices of parking violations and notices of delinquent parking violations and the positions of those employees shall be transferred to equivalent civil service positions in the City and County of San Francisco.

(e) No court employee shall be terminated or otherwise released from employment as a result of the transfer of processing notices of parking violations and notices of delinquent parking violations from

the courts to the issuing agencies.

(f) As used in this article, "parking penalty" includes, but is not limited to, any late payment penalty, administrative fee, assessment,

and costs of collection as provided by law.

SEC. 12. Section 40200.5 of the Vehicle Code is amended to read: 40200.5. (a) Except as provided in subdivision (c) of Section 40200.4, an issuing agency may elect to contract with the county, with a private vendor, or with any other city or county issuing agency, other than the Department of the California Highway Patrol, within the county, with the consent of that other entity, for the processing of notices of parking violations and notices of delinquent parking violations, prior to filing with the court pursuant to Section 40230.

If an issuing agency contracts with a private vendor for processing services, it shall give special consideration to minority business

enterprise participation in providing those services. For purposes of this subdivision, "special consideration" has the same meaning as specified in subdivision (c) of Section 14838 of the Government Code as it relates to small business professors.

Code, as it relates to small business preference.

(b) Any contract entered pursuant to subdivision (a) shall provide for monthly distribution of amounts collected between the parties, except those amounts payable to a county pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code and amounts payable to the Department of Motor Vehicles pursuant to Section 4763 of this code.

SEC. 13. Section 40200.7 of the Vehicle Code is repealed.

SEC. 14. Section 40200.7 is added to the Vehicle Code, to read: 40200.7. For a period of 21 days from the issuance of the notice of parking violation or 10 days from the mailing of the notice of delinquent parking violation, a person may request review by the processing agency, or at the discretion of the processing agency, by the issuing agency, of the issuance of a notice of parking violation or a notice of delinquent parking violation by written request, telephone, or in person. If the person is dissatisfied with the results of the initial review, the person may contest through an administrative review process the notice of parking violation or notice of delinquent parking violation, by depositing with the processing agency by the 10th day following the mailing to that person of the results of the processing agency's administrative investigation, the full amount of the parking penalty and a written explanation of the reason for contesting the parking violation. The processing agency shall provide, through administrative policy, a procedure for contesting notices of parking violations and notices of delinquent parking violations for persons who can provide verifiable and substantial proof of their inability to deposit the full amount of the parking penalty. If a vehicle has been immobilized or impounded for unpaid parking violations, the processing agency shall, provided that the vehicle remains under the control of the immobilizing or impounding agency, permit the registered owner of the vehicle to contest the parking violations related to the seizure of that vehicle without requiring the deposit of the parking penalties.

SEC. 15. Section 40202 of the Vehicle Code is amended to read: 40202. (a) If a vehicle is unattended during the time of the violation, the peace officer or person authorized to enforce parking laws and regulations shall securely attach to the vehicle a notice of parking violation setting forth the violation, including reference to the section of this code or of the local ordinance or federal statute or regulation so violated, the approximate time thereof, and the location where the violation occurred and fixing a time and procedure for the registered owner or the lessee or rentee to deposit the parking penalty or, pursuant to Section 40215, contest the citation. The notice of parking violation shall also set forth the vehicle license number and registration expiration date if they are visible,

the last four digits of the vehicle identification number, if that number is visible through the windshield, the color of the vehicle, and, if possible, the make of the vehicle. The notice of parking violation, or copy thereof, shall be considered a record kept in the ordinary course of business of the issuing agency and the processing agency and shall be prima facie evidence of the facts contained therein.

(b) The notice of parking violation shall be served by attaching it to the vehicle either under the windshield wiper or in another conspicuous place upon the vehicle so as to be easily observed by the person in charge of the vehicle upon the return of that person.

(c) Once the issuing officer has prepared the notice of parking violation and has attached it to the vehicle as provided in subdivisions (a) and (b), the officer shall file the notice with the processing agency. Any person, including the issuing officer and any member of the officer's department or agency, or any peace officer who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed the face 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 processing agency or with a person authorized to receive the deposit of the parking penalty, is guilty of a misdemeanor.

(d) If, during the issuance of a notice of parking violation, without regard to whether the vehicle was initially attended or unattended, the vehicle is driven away prior to attaching the notice to the vehicle, the issuing officer shall file the notice with the processing agency. The processing agency shall mail, within 15 days of issuance of the notice of parking violation, a copy of the notice of parking violation

to the registered owner.

(e) If, after a copy of the notice of parking violation is attached to the vehicle, the issuing officer determines that, in the interest of justice, the notice of parking violation should be canceled, the issuing agency may recommend, in writing, that the charges be canceled. The recommendation shall cite the reasons for the recommendation and shall be filed with the processing agency.

(f) If the processing agency makes a finding that there are grounds for cancellation, the finding shall be entered on the record and the notice of parking violation shall be canceled pursuant to

paragraph (1) of subdivision (a) of Section 40215.

(g) Under no circumstances shall a personal relationship with any officer, public official, or law enforcement agency be grounds for cancellation.

SEC. 16. Section 40203.5 of the Vehicle Code is amended to read: 40203.5. (a) The schedule of parking penalties for parking violations, late payment penalties, administrative fees, and other related charges for parking violations shall be established by the governing body of the jurisdiction where the notice of violation is issued. To the extent possible, issuing agencies within the same

county shall standardize parking penalties.

(b) Parking penalties under this article shall be collected as civil penalties.

SEC. 17. Section 40204 of the Vehicle Code is amended to read: 40204. If the parking penalty is received by the person authorized to receive the deposit of the parking penalty and there is no contest as to that parking violation, the proceedings under this article shall terminate.

SEC. 18. Section 40205 of the Vehicle Code is amended to read: 40205. If a person contests the parking violation, the processing

agency shall proceed in accordance with Section 40215.

SEC. 19. Section 40206 of the Vehicle Code is amended to read: 40206. (a) If the payment of the parking penalty is not received by the person authorized to receive a deposit of the parking penalty by the date fixed on the notice of parking violation under Section 40202, the processing agency shall deliver to the registered owner a notice of delinquent parking violation.

(b) Delivery of a notice of delinquent parking violation under this section may be made by personal service or by first-class mail addressed to the registered owner, as shown on records of the

Department of Motor Vehicles.

- SEC. 20. Section 40206.5 of the Vehicle Code is amended to read: 40206.5. (a) Within 15 days of a request, by mail or in person, the processing agency shall mail or otherwise provide to any person who has received a notice of delinquent parking violation, or his or her agent, a photostatic copy of the original notice of parking violation or an electronically produced facsimile of the original notice of parking violation. The issuing agency may charge a fee sufficient to recover the actual cost of providing the copy, not to exceed two dollars (\$2). Until the issuing agency complies with a request for a copy of the original notice of parking violation, the processing agency may not proceed pursuant to subdivision (i) of Section 22651, Section 22651.7, or Section 40220.
- (b) If the description of the vehicle on the notice of parking violation does not substantially match the corresponding information on the registration card for that vehicle, the processing agency shall, on written request of the person cancel the notice of parking violation without the necessity of an appearance by that person.
- (c) For purposes of this section, a copy of the notice of parking violation may be a photostatic copy or an electronically produced facsimile.
- SEC. 21. Section 40207 of the Vehicle Code is amended to read: 40207. The notice of delinquent parking violation shall contain the information specified in Section 40202 and subdivision (a) of Section 40203, and, additionally shall contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within 10 days after mailing of the notice of delinquent parking violation or completes and files an

affidavit of nonliability which complies with Section 40208 or 40209, the renewal of the vehicle registration shall be contingent upon compliance with the notice of delinquent parking violation. If the registered owner, by appearance or by mail, makes payment to the processing agency within 10 days of the mailing of the notice of delinquent parking violation, the parking penalty shall consist of the amount of the original penalty without any additional administrative

fees or charges.

SEC. 22. Section 40209 of the Vehicle Code is amended to read: 40209. If the affidavit of nonliability is returned to the processing agency within 30 days of the mailing of the notice of delinquent parking violation together with the proof of a written lease or rental agreement between a bona fide rental or leasing company, and its customer which identifies the rentee or lessee and provides the driver's license number, name, and address of the rentee or lessee, the processing agency shall serve or mail to the rentee or lessee identified in the affidavit of nonliability a notice of delinquent parking violation. If payment is not received within 15 days of the mailing of the notice of delinquent parking violation, the processing agency may proceed against the rentee or lessee pursuant to Section 40220.

SEC. 23. Section 40210 of the Vehicle Code is amended to read: 40210. (a) If the affidavit of nonliability is returned with evidence that the registered owner served has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation, the processing agency shall obtain verification from the department that the registered owner has complied with Section 5602.

(b) If the registered owner has complied with Section 5602, the processing agency shall cancel the notice of delinquent parking

violation with respect to the registered owner.

(c) If the registered owner has not complied with Section 5602, the processing agency shall inform the registered owner that the citation shall be paid in full or contested pursuant to Section 40200.7. If the registered owner does not comply, the processing agency shall

proceed pursuant to Section 40220.

SEC. 24. Section 40211 of the Vehicle Code is amended to read: 40211. (a) If the registered owner, or an agent of the registered owner, or a rentee or lessee who was served with the notice of delinquent parking violation pursuant to Section 40206 or subdivision (b) of Section 40209, or any other person who presents the notice of parking violation or notice of delinquent parking violation after the notice of delinquent parking violation has been issued for delivery under Section 40206, deposits the parking penalty with a person authorized to receive it, the processing agency shall do both of the following:

 Deliver a copy of the notice of delinquent parking violation issued under Section 40206 or an electronically reproduced listing of Ch. 1244

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the citation information presented in a notice of delinquent parking violation to the person and record the name, address, and driver's license number of the person actually given the copy in the records of the issuing agency.

For the purposes of this paragraph, a copy of the notice of

delinquent parking violation may be a photostatic copy.

(2) Determine whether the notice of delinquent parking violation has been filed with the department pursuant to subdivision (b) of Section 40220 or a civil judgment has been entered pursuant to Section 40220.

(b) If the notice of delinquent parking violation has not been filed with the department or judgment entered and payment of the parking penalty and any applicable assessments is received, the

proceedings under this article shall terminate.

(c) If the notice of delinquent parking violation has been filed with the department, has been returned under subdivision (b) or (c) of Section 4760 or Section 4764, and payment of the parking penalty together with the administrative service fee of the processing agency for costs of service and any applicable assessments is received, the

proceedings under this article shall terminate.

(d) If the notice of delinquent parking violation has been filed with the department and has not been returned under Section 4760, 4762, and 4764, and payment of the parking penalty together with the administrative fee of the department established under Section 4763, the administrative service fee of the issuing agency for costs of service, and any applicable assessments is received by the processing agency, the processing agency shall do all of the following:

(1) Deliver a certificate of payment to the registered owner, the agent, the lessee, or the rentee or other person making the payment.

(2) Immediately transmit the payment information to the department in the manner prescribed by the department.

(3) Terminate proceedings on the notice of delinquent parking

violation.

- (4) Transmit for deposit all parking penalties and assessments in accordance with law.
  - SEC. 25. Section 40215 of the Vehicle Code is repealed.

SEC. 26. Section 40215 is added to the Vehicle Code, to read:

- 40215. (a) If a person contests a notice of parking violation or a notice of delinquent parking violation, the processing agency shall do the following:
- (1) The processing agency shall either investigate with its own records and staff or request that the issuing agency investigate the circumstances of the citation with respect to the contestant's written explanation of reasons for contesting the parking violation. If, based upon the results of that investigation, the processing agency is satisfied that the violation did not occur or that the registered owner was not responsible for the violation, the processing agency shall cancel the notice of parking violation and make an adequate record

of the reasons for canceling the notice. The processing agency shall mail the results of the investigation to the person who contested the notice of parking violation or the notice of delinquent parking violation.

(2) If the person contesting a notice of parking violation or notice of delinquent parking violation is not satisfied with the results of the investigation provided for in paragraph (1), the person may, within 15 days of the mailing of the results of the investigation, deposit the amount of the parking penalty and request an administrative review.

(b) Administrative review procedure described in paragraph (2)

of subdivision (a) shall consist of the following:

(1) The person requesting an administrative review shall indicate to the processing agency his or her election for a review by mail or

personal conference.

(2) If the person requesting a hearing is a minor, that person shall be permitted to appear at a hearing or admit responsibility for a parking violation without the necessity of the appointment of a guardian. The processing agency may proceed against that person in the same manner as if that person were an adult.

(3) The administrative review shall be conducted before an examiner designated to conduct the review by the issuing agency's

governing body or chief executive officer.

In addition to any other requirements of employment, an examiner shall demonstrate those qualifications, training, and objectivity prescribed by the issuing agency's governing body or chief executive as are necessary and which are consistent with the duties and responsibilities set forth in this article. The examiner's continued employment, performance evaluation, compensation, and benefits shall not be directly or indirectly linked to the amount of fines collected by the examiner.

(4) The officer or person authorized to issue a notice of parking violation shall not be required to participate in an administrative review. The issuing agency shall not be required to produce any evidence other than the notice of parking violation or copy thereof, and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be considered prima facie evidence of the violation.

(5) The review shall be conducted in accordance with the written procedure established by the posing or processing agency which shall ensure fair and impartial review of contested parking violations. The agency's final decision may be delivered personally to the person by the examiner or to the person by first-class mail.

SEC. 27. Section 40220 of the Vehicle Code is amended to read: 40220. Except as otherwise provided in Sections 40221 and 40222, the processing agency shall proceed under only one of the following options in order to collect an unpaid parking penalty:

(a) File an itemization of unpaid parking penalties and

administrative and service fees with the department for collection with the registration of the vehicle pursuant to Section 4760.

(b) If more than four hundred dollars (\$400) in unpaid penalties and fees have been accrued by any person or registered owner, proof thereof may be filed with the court with the same effect as a civil judgment. Execution may be levied and other measures may be taken for the collection of the judgment as are authorized for the collection of an unpaid civil judgment entered against a defendant in an action on a debtor. The court may assess costs against a judgment debtor to be paid upon satisfaction of the judgment. The processing agency shall send a notice by first-class mail to the person or registered owner indicating that a judgment shall be entered for the unpaid penalties, fees, and costs and that, after 30 days from the date of the mailing of the notice, the judgment shall have the same effect as an entry of judgment against a judgment debtor. The person or registered owner shall also be notified at that time that execution may be levied against his or her assets, liens may be placed against his or her property, his or her wages may be garnisheed, and other steps may be taken to satisfy the judgment. If a judgment is rendered for the processing agency, that agency may contract with a collection agency licensed pursuant to Chapter 8 (commencing with Section 6850) of Division 3 of the Business and Professions Code to collect the amount of that judgment.

Notwithstanding any other provision of law, the processing agency shall pay the established first paper civil filing fee at the time an

entry of civil judgment is requested.

(c) If the registration of the vehicle has not been renewed for 60 days beyond the renewal date, and the citation has not been collected by the department pursuant to Section 4760, file proof of unpaid penalties and fees with the court with the same effect as a civil judgment as provided in subdivision (b).

SEC. 28. Section 40221 of the Vehicle Code is amended to read: 40221. The processing agency shall not file a civil judgment with the court relating to a parking violation which has been filed with the department unless the processing agency has determined that the registration of the vehicle has not been renewed for 60 days beyond the renewal date and the citation has not been collected by the

department pursuant to Section 4760.

SEC. 29. Section 40224 of the Vehicle Code is amended to read: 40224. The time limitation provided by law for commencement of a civil action for a violation specified in Section 40200 shall be tolled from and after the date a notice of delinquent parking violation is filed with the department pursuant to subdivision (b) of Section 40220 until the notice is returned to the processing agency under subdivision (b) of Section 4760 or Section 4762 or 4764 or is recalled by the processing agency pursuant to subdivision (d) of Section 40215.

SEC. 30. Section 40225 of the Vehicle Code is amended to read:

40225. (a) An equipment violation entered on the notice of parking violation attached to the vehicle under Section 40203 shall be processed in accordance with this article. All of the violations entered on the notice of parking violation shall be noticed in the notice of delinquent parking violation delivered pursuant to Section 4020° "negether with the amount of civil penalty.

(b) Whether or not a vehicle is in violation of any regulation governing the standing or parking of a vehicle but is in violation of subdivision (a) of Section 5204, a person authorized to enforce parking laws and regulations shall issue a written notice of violation, setting forth the alleged violation. The violation shall be processed

pursuant to this section.

(c) The civil penalty for an equipment violation is thirty dollars (\$30), except that upon proof of the correction to the processing agency, the penalty shall be reduced to ten dollars (\$10). The civil penalty for a violation of Section 5204 is sixty dollars (\$60).

(d) Fifty percent of any penalty collected pursuant to this section for registration or equipment violations by a processing agency shall be paid to the state and the remaining 50 percent shall be retained by the issuing agency and processing agency subject to the terms of the contract described in Section 40200.5.

SEC. 31. Section 40226 of the Vehicle Code is repealed. SEC. 32. Section 40230 of the Vehicle Code is repealed.

SEC. 33. Section 40230 is added to the Vehicle Code, to read:

40230. (a) Within 20 days after the mailing of the final decision described in subdivision (b) of Section 40215, the contestant may seek review by filing an appeal to the justice or municipal court, where the same shall be heard de novo, except that the contents of the processing agency's file in the case shall be received in evidence. A copy of the notice of parking violation shall be admitted into evidence as prima facie evidence of the facts stated therein. A copy of the notice of appeal shall be served in person or by first-class mail upon the processing agency by the contestant. For purposes of computing the 20-day period, Section 1013 of the Code of Civil Procedure shall be applicable.

(b) The fee for filing the notice of appeal shall be twenty-five dollars (\$25). If the appellant prevails, this fee, together with any deposit of parking penalty, shall be promptly refunded by the processing agency in accordance with the judgment of the court.

(c) The conduct of the hearing or appeal under this section are subordinate judicial duties which may be performed by traffic trial commissioners and other subordinate judicial officials at the direction of the presiding judge of the court.

(d) If no notice of appeal of the processing agency's decision is filed within the period set forth in subdivision (a), the decision shall

be deemed final.

(e) If the parking penalty has not been deposited and the decision is adverse to the contestant, the processing agency may, promptly after the decision becomes final, proceed to collect the penalty under Section 40220.

SEC. 34. Section 40510 of the Vehicle Code is amended to read: 40510. (a) Prior to the date upon which a defendant promised to appear, or prior to the expiration of any lawful continuance of that date, or upon receipt of information that an action has been filed and prior to the scheduled court date, the defendant may deposit bail with the magistrate or the person authorized to receive a deposit of bail.

(b) For any offense which is not declared to be a felony, a deposit of bail or a penalty may be by a personal check meeting the criteria

established in accordance with subdivision (c).

(c) Each court, sheriff, or other agency which regularly accepts deposits of bail or penalties, shall adopt a written policy governing the acceptance of personal checks in payment of bail or penalty deposits. The policy shall permit clerks and other appropriate officers to accept personal checks under conditions which tend to assure the validity of the checks.

(d) The written policy governing the acceptance of personal checks adopted pursuant to subdivision (c) shall provide that the payee of the deposit made by personal check shall be the agency

accepting the deposit.

SEC. 35. Section 40519 of the Vehicle Code is amended to read: 40519. (a) Any person who has received a written notice to appear for an infraction may, prior to the time at which the person is required to appear, make a deposit and declare the intention to plead not guilty to the clerk of the court named in the notice to appear. The deposit shall be in the amount of bail established pursuant to Section 1269b of the Penal Code, together with any assessment required by Section 42006 of this code or Section 1464 of the Penal Code, for the offense charged, and shall be used for the purpose of guaranteeing the appearance of the defendant at the time and place scheduled by the clerk for arraignment and for trial, and to apply toward the payment of any fine or assessment prescribed by the court in the event of conviction. The case shall thereupon be set for arraignment and trial on the same date, unless the defendant requests separate arraignment.

(b) Any person who has received a written notice to appear may, prior to the time at which the person is required to appear, plead not guilty in writing in lieu of appearing in person. The written plea shall be directed to the court named in the notice to appear and, if mailed, shall be sent by certified or registered mail postmarked not later than five days prior to the day upon which appearance is required. The written plea and request to the court or city agency shall be accompanied by a deposit consisting of the amount of bail established pursuant to Section 1269b of the Penal Code, together with any assessment required by Section 42006 of this code or Section 1464 of the Penal Code, for that offense, which amount shall be used for the

purpose of guaranteeing the appearance of the defendant at the time and place set by the court for trial and to apply toward the payment of any fine or assessment prescribed by the court in the event of conviction. Upon receipt of the plea and deposit, the case shall be set for arraignment and trial on the same date, unless the defendant requests separate arraignment. Thereafter, the case shall be conducted in the same manner as if the defendant had appeared in person, had made his or her plea in open court, and had deposited that sum as bail. The court or the clerk of the court shall notify the accused of the time and place of trial by first-class mail postmarked at least 10 days prior to the time set for the trial. Any person using this procedure shall be deemed to have waived the right to be tried within the statutory period.

(c) Any person using the procedure set forth in subdivision (a) or (b) shall be deemed to have given a written promise to appear at the time designated by the court for trial, and failure to appear at the

trial shall constitute a misdemeanor.

SEC. 36. Section 40521 of the Vehicle Code is amended to read: 40521. (a) Except when personal appearance is required by the bail schedule established under Section 1269b of the Penal Code, a person to whom a notice to appear has been issued under Section 40500, who intends to forfeit bail and to pay any assessment may forward by United States mail the amount fixed as bail, together with the appropriate amount of any assessment, to the person authorized to receive a deposit of bail. The amounts may be paid in the form of a personal check which meets the criteria established pursuant to subdivision (c) of Section 40510, or a bank cashier's check or a money order. Bail and any assessment shall be paid not later than the day of appearance set forth in the notice to appear or prior to the expiration of any lawful continuance of that date.

(b) Bail forwarded by mail is effective only when the funds are

actually received.

(c) Section 40512 is applicable to bail paid pursuant to this section. Upon the making of the order pursuant to Section 40512 that no further proceedings be had, the amount paid as bail shall be paid into the city or county treasury, as the case may be, and the assessment shall be transmitted to the State Treasury in the manner provided in Section 1464 of the Penal Code.

SEC. 37. Section 41102 of the Vehicle Code is repealed.

SEC. 38. Section 26 of this act shall be fully implemented by January 1, 1994. During the period from July 1, 1993, to December 31, 1993, inclusive, a person who is not entitled to contest a notice of parking violation or notice of delinquent parking violation in a court or in an administrative review described in Section 40215 of the Vehicle Code, may contest the notice in a court proceeding utilizing the administrative review procedure described in Section 40215 of the Vehicle Code.

SEC. 39. This act shall become operative on July 1, 1993.

SEC. 40. No reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.



## CHAPTER 7 Parking Functions

<u>Number</u>	<u>Title</u>
7-1	Issuance of On-Campus Parking Permits
7-2	Issuance of Temporary On-Campus Parking Permits
7-3	Parking Permits for Disabled Persons
7-4	Coin Collection Procedures
7-5	Systemwide Parking Passes
7-6	Issuance of Parking Violation Procedures
7-7	Citation Review Process
7-8	Reconciliation of Parking Citations
7-9	Parking Enforcement Booting Policy
	(Vehicle Immobilization)/Towing
7-10	Enforcement of Misuse of Disabled Placards and
	Expired Disabled Placards
7-11	Bicycle Immobilization/Impound Policy