

CHIEF'S PREFACE

The purpose of these regulations is, in general, to provide a basis for the orderly and disciplined performance of duty. Their publication will promote a surer knowledge of what is expected of personnel in general and of all ranks and assignments specifically. This should result in a greater degree of self-assurance in all positions. As to relationships among ranks, our goal should be to build continuously the mutual respect and confidence that is so essential to our operations.

In compiling these regulations, every effort was made to confine them to those phases of operation and to avoid unwarranted or unnecessary intrusion upon the private life and off-duty actions of member of the Department. In the eyes of the public however, a police officer is never off-duty and his every act may be subject to scrutiny, interpretation and comment. Therefore, the regulations must be based upon the responsibilities of the Department. Individual desires must be subjugated to the best interest of the organization as a whole.

We constitute an organization whose very existence is justified solely upon the basis of community service. Although Departmental regulations provide a working pattern, our official duties must not be confined within the limited orbit described by them. Actually, that portion of police service dealing with the criminal activity is only a small part of our overall responsibility. By far, the greater percentage of our time and energy is expended on non-criminal service functions and in dealing with law-abiding citizens of the community. We should consider it our duty and privilege not only to protect our citizens from the criminal, but also to protect and defend the rights guaranteed under our structure of government. It may be said that matters of civil law are not basic police responsibility and ,within reasonable limits, we should attempt to avoid becoming entangled in them. However, in many situations, justice can best be served only when we assist in such matters. Our broad philosophy must embrace a whole-hearted determination to protect and support the doctrine of individual rights while providing for the security of persons and property in the community. In meeting these objectives, it is our duty to operate as a service organization.

Ignacio R. Navarro

Chief of Police

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

VISION, MISSION, VALUES

Vision

The Mill Valley Police Department is committed to providing exceptional public safety service, education and preparedness in partnership with our community. The Department strives to develop professional and well-trained employees dedicated to upholding the highest standards of law enforcement.

Mission

The Mill Valley Police Department's mission is to provide a safe and secure community for our residents and visitors; protect life and property; enforce the law in transparent and equitable manner; and develop strong partnerships through community outreach, education and collaboration.

Values

The Mill Valley Police Department values accountability, honesty, integrity, professionalism, transparency and trust.

Mill Valley PD Policy Manual

Law Enforcement Policy

Table of Contents

Chief's Preface	1
Law Enforcement Code of Ethics	2
Vision, Mission, Values	3
Chapter 1 - Law Enforcement Role and Authority	8
100 - Law Enforcement Authority	9
101 - Chief Executive Officer	12
102 - Oath of Office	13
103 - Policy Manual	14
104 - Law Enforcement Code of Ethics	17
Chapter 2 - Organization and Administration	18
200 - Organizational Structure and Responsibility	19
201 - Departmental Directive	21
202 - Emergency Management Plan	22
203 - Disaster Response	23
204 - Training	27
205 - Electronic Mail	30
206 - Administrative Communications	32
207 - Staffing Levels	33
208 - License to Carry a Firearm	34
209 - Retiree Concealed Firearms	41
Chapter 3 - General Operations	46
300 - Use of Force	47
301 - Use of Force Review Boards	57
302 - Handcuffing and Restraints	60
303 - Control Devices and Techniques	64
304 - Conducted Energy Device	69
305 - Officer-Involved Shootings and Deaths	76
306 - Firearms	85
307 - Officer Response to Calls	96
308 - Domestic Violence	99
309 - CPS Response to Incidents of Domestic Violence	113
310 - Search and Seizure	115
311 - Medical Aid Calls Involving Children	118
312 - Temporary Custody of Juveniles	120
313 - Interviewing Students on a School Campus	131
314 - Senior and Disability Victimization	133
315 - Juvenile Diversion Program	148
316 - Discriminatory Harassment	152
317 - Child Abuse	158
318 - Missing Persons	166
319 - Public Alerts	172
320 - Victim and Witness Assistance	180
321 - Hate Crimes	183
322 - Standards of Conduct	193
323 - Information Technology Use	200
324 - Report Preparation	203
325 - Media Relations	208
326 - Subpoenas and Court Appearances	212

Mill Valley PD Policy Manual

Law Enforcement Policy

327 - Reserve Officers	215
328 - Outside Agency Assistance	221
329 - Early Defibrillation	223
330 - Registered Offender Information	224
331 - Major Incident Notification	227
332 - Death Investigation	229
333 - Identity Theft	233
334 - Private Persons Arrests	234
335 - Limited English Proficiency Services	236
336 - Terrorist Threat Response Guidelines	240
337 - Mandatory Employer Notification	242
338 - Biological Samples	244
339 - Chaplains	247
340 - Public Safety Video Surveillance System	252
341 - Child and Dependent Adult Safety	256
342 - Service Animals	261
343 - Volunteer Program	264
344 - Off-Duty Law Enforcement Actions	270
345 - Department Use of Social Media	273
346 - Native American Graves Protection and Repatriation	276
347 - Gun Violence Restraining Orders	278
348 - Community Relations	284
349 - Generative Artificial Intelligence Use	289
350 - ADA Compliance	293
351 - Vehicle Pursuits	302
 Chapter 4 - Patrol Operations	 313
400 - Patrol Function	314
401 - Bias-Free Policing	316
402 - Bias by Proxy	324
403 - Briefing Training	327
404 - Crime and Disaster Scene Integrity	328
405 - Found Property	330
406 - Ride-Along Policy	332
407 - Hazardous Material Response	335
408 - Hostage and Barricade Incidents	337
409 - Response To Active Shooter "Marin County Protocol"	342
410 - Response to Bomb Calls	346
411 - Response to Mental Illness	351
412 - Mental Illness Commitments	367
413 - Cite and Release Policy	373
414 - Foreign Diplomatic and Consular Representatives	377
415 - Rapid Response and Deployment	381
416 - Portable Audio/Video Recorders	384
417 - Illegal Sign Nuisance Abatement	390
418 - Immigration Violations	391
419 - Emergency Utility Service	397
420 - Field Training Officer Program	399
421 - Obtaining Air Support	403
422 - Contacts and Temporary Detentions	404
423 - Watch Commanders	408
424 - Mobile Digital Computer Use	409
425 - Automatic Vehicle Locating System	413
426 - Medical Marijuana	414

Mill Valley PD Policy Manual

Law Enforcement Policy

427 - Bicycle Patrol Unit	419
428 - Foot Pursuits	423
429 - Automated License Plate Readers (ALPRs)	428
430 - Homeless Persons	432
431 - Public Recording of Law Enforcement Activity	435
432 - Crisis Intervention Incidents	438
433 - First Amendment Assemblies	443
434 - Civil Disputes	451
435 - Suspicious Activity Reporting	454
436 - Medical Aid and Response	457
437 - Aircraft Accidents	464
438 - Body-Worn Cameras	467
 Chapter 5 - Traffic Operations	 477
500 - Traffic Function and Responsibility	478
501 - Traffic Collision Reporting	481
502 - Vehicle Safety Review Board	484
503 - Vehicle Towing and Release	485
504 - Vehicle Impound Hearings	490
505 - Impaired Driving	492
506 - Community Release of Intoxicated Drivers	498
507 - Traffic Citations	499
508 - Disabled Vehicles	502
509 - 72-Hour Parking Violations	503
 Chapter 6 - Investigation Operations	 505
600 - Investigation and Prosecution	506
601 - Sexual Assault Investigations	513
602 - DNA	519
603 - Asset Forfeiture	523
604 - Informants	530
605 - Eyewitness Identification	535
606 - Brady Material Disclosure	539
607 - Warrant Service	541
608 - Operations Planning and Deconfliction	545
609 - Forensic Genetic Genealogy	550
610 - Facial Recognition Technology Use	554
 Chapter 7 - Equipment	 559
700 - Department Owned and Personal Property	560
701 - Commuter Vehicle Policy	562
702 - Personal Communication Devices	565
703 - Vehicle Maintenance	569
704 - Vehicle Use	571
705 - Cash Handling, Security and Management	579
706 - Personal Protective Equipment	581
707 - Military Equipment	586
 Chapter 8 - Support Services	 590
800 - Property and Evidence Section	591
801 - Records Bureau	601
802 - Restoration of Firearm Serial Numbers	603
803 - Records Maintenance and Release	605
804 - Protected Information	614

Mill Valley PD Policy Manual

Law Enforcement Policy

805 - Computers and Digital Evidence	620
806 - Animal Control	624
807 - CJIS Access, Maintenance, and Security	627
Chapter 9 - Custody	633
900 - Temporary Custody of Adults	634
901 - Booking Room Security	645
902 - Custodial Searches	647
903 - Transporting Persons in Custody	653
Chapter 10 - Personnel	658
1000 - Recruitment and Selection	659
1001 - Evaluation of Employees	666
1002 - Special Assignments and Promotions	679
1003 - Grievance Procedure	682
1004 - Reporting of Arrests, Convictions, and Court Orders	684
1005 - Drug- and Alcohol-Free Workplace	686
1006 - Sick Leave	690
1007 - Injury and Illness Prevention Program	692
1008 - Communicable Diseases	698
1009 - Smoking and Tobacco Use	703
1010 - Personnel Complaints	704
1011 - Seat Belts	716
1012 - Body Armor	718
1013 - Personnel Records	721
1014 - Request for Change of Assignment	730
1015 - Fitness for Duty	731
1016 - Meal Periods and Breaks	734
1017 - Payroll Records	735
1018 - Overtime Compensation Requests	736
1019 - Outside Employment	738
1020 - Occupational Disease and Work-Related Injury Reporting	743
1021 - Personal Appearance Standards	745
1022 - Uniforms and Civilian Attire	749
1023 - Nepotism and Conflicting Relationships	766
1024 - Department Badges	769
1025 - Temporary Modified-Duty Assignments	771
1026 - Speech, Expression, and Social Networking	776
1027 - Performance History Audits	780
1028 - Illness and Injury Prevention	783
1029 - Departmental Awards	788
1030 - Anti-Retaliation	794
1031 - Line-of-Duty Deaths	798
1032 - Wellness Program	809
1033 - Facial Coverings	814
1034 - Visible Display of Identification	816
Attachments	818
Hate Crime Checklist.pdf	819
Statutes and Legal Requirements.pdf	820
Military Equipment Inventory List 24-25 AB481.pdf	821
Supplemental Hate Crime Report-Agency.pdf	822
Policy 402 Training Electives.pdf	823
Index	824

Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

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

100.2.1 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person in writing of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE MILL VALLEY POLICE DEPARTMENT

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

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

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

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

Law Enforcement Authority

100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE MILL VALLEY POLICE DEPARTMENT

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

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

100.2.4 TIME OF MISDEMEANOR ARRESTS

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

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

100.2.5 OREGON AUTHORITY

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

- a. In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- b. In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

Law Enforcement Authority

- c. For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Mill Valley Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

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

100.3 POLICY

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- a. As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- b. When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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

100.5 CONSTITUTIONAL REQUIREMENTS

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

Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

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

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

102.4 MAINTENANCE OF RECORDS

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

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

Policy Manual

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

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Mill Valley.

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

Department/MVPD - The Mill Valley Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The Mill Valley Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Mill Valley Police Department, including:

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

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

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

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

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

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

Shall or will - Indicates a mandatory action.

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

Policy Manual

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

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

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

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

Law Enforcement Code of Ethics

104.1 PURPOSE AND SCOPE

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

104.2 POLICY

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

104.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

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

- Administrative Services
- Operations

200.2.1 ADMINISTRATION

The Administrative Services Division is lead by a Lieutenant whose primary responsibility is to provide general management direction and control for the Administrative Services Division. The Administrative Services Division consists of Investigations, Records, CSO, Computer Services, budgeting and Parking.

200.2.2 OPERATIONS

The Operations Division is lead by a Lieutenant whose primary responsibility is to provide general management direction and control for that division. The Operations Division consists of Patrol, Traffic and Reserves.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

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

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

- a. Administrative Division Lieutenant
- b. Operations Division Lieutenant
- c. Investigative Division Sergeant
- d. Watch Commander

200.3.2 UNITY OF COMMAND

Organizational Structure and Responsibility

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

200.3.3 ORDERS

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

Departmental Directive

201.1 PURPOSE AND SCOPE

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

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 10-01 signifies the first Departmental Directive for the year 2010.

201.2 RESPONSIBILITIES

201.2.1 STAFF

Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by Departmental Directive.

201.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Patrol Lieutenant.

Emergency Management Plan

202.1 PURPOSE AND SCOPE

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

202.2 ACTIVATING THE EMERGENCY PLAN

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF THE PLAN

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

202.4 UPDATING OF MANUALS

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

Disaster Response

203.1 PURPOSE AND SCOPE

In the event of a natural or man-made catastrophe, all off duty Public Safety personnel shall contact and /or respond to the Mill Valley Police Department for assignment.

203.1.1 DEFINITIONS

A catastrophe may be defined as a major fire, major flood, hurricane, major earthquake, major explosion, or any other unusual occurrence that poses a significant threat to life and property.

203.2 POLICY

Once it is apparent that a catastrophe exists or is imminent and the off duty employee has secured his or her individual home situation, he/she shall contact the Mill Valley Police Department including the communications center, for instructions, as soon as possible. Employees should anticipate that in times of such a catastrophe that normal means of communications including hard line telephone, cellular phone and paging systems may be inoperable. In the event that the normal existing communications systems fail, the employee shall report to his/her Department, if it is within the county. If not, they should proceed to the pre-designated staging area, in their County of residence, or in which they are presently located. The ranking Marin County Peace Officer will be the officer in charge of each staging area.

203.3 PROCEDURES

Those personnel equipped with cellular telephones should check their operational status of their equipment. It is anticipated that during any such catastrophe that the Marin County Emergency Operations Center will be open. The Marin County Sheriff's Office of Emergency Services shall be the lead agency tasked to make transportation arrangement to get Marin County Public Safety Personnel into the County. Information may be obtained by listening to KCBS radio (740 am). KCBS is the designated region wide public address radio station for public safety employees to respond to their pre-designated staging areas in the time of emergency. Off duty personnel should prepare to return for work up to 72 hours and should report to their work location or staging areas with all needed personal necessities.

If no contact is made or any notification is received within two hours of the event, all personnel shall report to the pre-designated staging area within their respective County of their residence or location. All employees with City owned vehicles shall report to the staging area, with those vehicles, as available.

In the event that normal communication infrastructure has failed members of RACES (Radio Amateur Civil Emergency Service) will be tasked to staging areas to facilitate communications to the EOC.

203.3.1 COMMUNICATIONS

Alternate Communications:

Disaster Response

- a. Public Pay Telephones
- b. Cellular Telephones
- c. Fax Machines
- d. Mobile Radio in City/County vehicle at staging area
- e. Ham Radio using RACES members' equipment
- f. Satellite Phones

203.3.2 PRE-DESIGNATED STAGING AREAS

a. Sonoma County:

- 1. Lucchesi Community Center (Primary), 320 North McDowell Boulevard (Cross Street, East Madison Street, across from the Petaluma Plaza Shopping Center) Petaluma. Alternate communications: Ham Radio via RACES of Sonoma County.
- 2. Petaluma Veterans Memorial Building (Secondary), 1094 Petaluma Boulevard South (Cross Street, Mountain View Ave.) Petaluma.
- 3. Petaluma Marina, City of Petaluma Harbor Masters office, (Third Alternate), 775 Baywood Drive, (Cross Street, Lakeville Highway (Highway 116) and Baywood Drive) Petaluma.
- 4. NOTE: Each of the staging areas listed above has ample parking, a location adequate for landing a helicopter and has near-by access to the Petaluma River.

b. Napa County: Sheriff 1535 Airport Blvd, Napa

- 1. Napa Police Department 1539 First Street, Napa 707-299-1892

c. Solano County:

- 1. Solano County Fairgrounds (Main Gate) 900 Fairgrounds Drive, Vallejo. 707-784-1600

d. Contra Costa County:

- 1. Contra County Sheriff's Office (Field Training Office) 1980 Muir Road, Martinez. 925-646-4461

e. City & County of San Francisco:

- 1. Fort Mason (Presidio) Building 101, San Francisco, U. S. Park Police Headquarters 415-558-3800

203.3.3 GENERAL ACCESS

Disaster Response

To insure that access is permitted to employees who are attempting to traverse the roadways and highways, every employee should present their police credentials to the officer at the roadway blockade.

203.3.4 MARIN COUNTY ACCESS

In the event that the catastrophe has caused the normal routes to Marin County from Sonoma County (US101) to become blocked or otherwise impassable, two alternate routes may be available by vehicle and one by boat.

- a. D Street, Petaluma, west nine miles to Novato Blvd. South to Novato
- b. Lakeville Highway (Highway 116) Petaluma, east towards Sonoma to US121 South towards Sears Point via US37 to Black Point, Novato.
- c. Petaluma River, south via boat. From Solano County, the Blue & Gold Fleet operates a ferry from 495 Mare Island Road, Vallejo.

203.4 TRANSPORTATION

Modes of Transportation:

- a. Private Automobile
- b. Trucks - National Guard Armories (Santa Rosa request through region 2)
- c. Bus - City/County, School or Commercial Tour
- d. Boat - Privately owned (commandeered) from Petaluma Marina, Petaluma turning basin or other source. The Marin County SO and San Rafael PD operate boat patrols. The U. S. Coast Guard Emergency line may be contacted. The Harbormasters at the San Francisco & Corinthian Yacht Clubs, Mill Valley may be contacted for boats and captains. The Golden Gate Bridge District Ferries can respond to Petaluma on an emergency basis.
- e. Helicopter - Military, Law Enforcement (CHP) available by mutual aid request through region 2.

203.5 COMPENSATION

All employees of the Mill Valley Police Department will be compensated as a "call out" as defined in the appropriate Memorandum of Understandings and the City of Mill Valley Personnel Rules & Regulations. All other compensation will be paid, as required, by applicable laws.

203.6 INABILITY TO REPORT

In any case where an off duty employee is not able to report to the designated staging area due to road conditions or for any other reason, the employee shall report to the nearest Police Department to offer assistance. Employees shall request that agency to notify the employee's agency of his/her name, location and status. As soon as conditions permit, employees shall report to their agency for assignment.

Mill Valley PD Policy Manual

Law Enforcement Policy

Disaster Response

Training

204.1 PURPOSE AND SCOPE

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

204.2 PHILOSOPHY

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

204.3 OBJECTIVES

The objectives of the Training Program are to:

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

204.4 TRAINING PLAN

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

(Agency-specific training areas)

204.5 TRAINING NEEDS ASSESSMENT

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

204.6 TRAINING PROCEDURES

Training

- a. All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 1. Court appearances
 2. First choice vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation.
 5. Emergency situations
- b. When an employee is unable to attend mandatory training, that employee shall:
 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.

204.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Mill Valley Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Manager.

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

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

Training

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

204.8 POLICY

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

204.9 TRAINING MANAGER

The Chief of Police shall designate a Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually.

204.9.1 TRAINING RESTRICTION

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

Electronic Mail

205.1 PURPOSE AND SCOPE

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

205.2 EMAIL RIGHT OF PRIVACY

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

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

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

205.3 PROHIBITED USE OF EMAIL

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

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

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

205.4 EMAIL RECORD MANAGEMENT

Mill Valley PD Policy Manual

Law Enforcement Policy

Electronic Mail

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

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Administrative Communications

206.1 PURPOSE AND SCOPE

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

206.2 MEMORANDUMS

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

206.3 CORRESPONDENCE

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

206.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or an Administrator.

Staffing Levels

207.1 PURPOSE AND SCOPE

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

207.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least three officers on duty, including a Supervisor, whenever possible. The Watch Commander will ensure that at least one field Supervisor is included each team.

207.2.1 SUPERVISION DEPLOYMENTS

Supervision Deployments

In order to accommodate training and other unforeseen circumstances, employees classified as "Corporal" may be used as field Supervisors instead of a Sergeant.

A Senior Officer may act as a field Supervisor for a limited period of time with prior authorization from the Operations Lieutenant.

License to Carry a Firearm

208.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

208.1.1 APPLICATION OF POLICY

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

208.2 POLICY

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

208.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must:

- a. Be deemed not to be a disqualified person as provided in Penal Code § 26202.
- b. Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).
- c. Be a resident of the City of Mill Valley or meet the non-residential jurisdictional requirements (Penal Code § 26150; Penal Code § 26155)
 1. Non-resident applicants may be eligible for a license if they are members of the California Rifle & Pistol Association, Inc., Gun Owners of America, Inc., Gun Owners of California, Inc., the Second Amendment Foundation, or the Firearms Policy Coalition and are not otherwise prohibited from possessing firearms under federal or California law. Proof of membership is required.
- d. Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).
- e. Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).
- f. Submit fingerprints and a complete criminal background check (Penal Code § 26185).
- g. Pay all associated application fees (Penal Code § 26190).
- h. Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Mill Valley Police Department (Penal Code § 26162).
- i. Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- j. Complete required training described in Penal Code § 26165.

License to Carry a Firearm

208.3.1 NON-RESIDENT APPLICANTS

Non-resident applicants are required to meet the resident criteria described in the Qualified Applicants section of this policy, where applicable, as well as the requirements in Penal Code § 26150(b) and Penal Code § 26155(b).

208.3.2 APPLICANT DISQUALIFICATION

The Department shall not issue a license when (Penal Code § 26195):

- a. The applicant fails to comply with all reporting requirements concerning any restraining orders, arrests, convictions, or charges as specified in Penal Code § 26202.
- b. The applicant knowingly provided false, inaccurate, or incomplete information in connection with any application for a license, license renewal, or license amendment pursuant to Penal Code § 26175(e).

208.4 APPLICATION PROCESS

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

208.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- a. Any individual applying for a license to carry a firearm shall first fully complete a California DOJ application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).
 1. If an incomplete application package is received, the Chief of Police or the authorized designee may do any of the following:
 - a. Require the applicant to complete the package before any further processing.
 - b. Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
 - c. Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e. g., disqualifying criminal conviction).
- b. Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
 1. Additional fees may be required for fingerprinting, training, or psychological testing, in addition to the application fee.
 2. Full payment of the remainder of the application fee will be required upon issuance of a license.
 3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).

License to Carry a Firearm

- c. Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph).
- d. The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Within 90 days of receiving the completed application for a new license, the Department shall give written notice to the applicant of the Department's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person. This shall include a final determination on whether the applicant is an unlawful user of or addicted to any controlled substance described in 18 USC 922 (g) (3) (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

208.4.2 PHASE TWO

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

- a. Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.
- b. The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing shall be paid by the applicant but shall not exceed the reasonable costs to the Department. The Chief of Police may allow non-resident applicants to complete the psychological assessment virtually or at an approved location in the applicant's state of residence (Penal Code § 26190).
- c. The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165.
- d. The applicant shall submit any firearm to be considered for a license to the Rangemaster or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- e. The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

208.5 ISSUED FIREARMS PERMITS

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

License to Carry a Firearm

- a. The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).
 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- b. The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).
- c. The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).
 1. A license issued to a state or federal magistrate, commissioner, or judge will be valid for a period not to exceed three years.
 2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.
- d. If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).
- e. The licensee shall notify this department in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Department shall notify the California DOJ (Penal Code § 26210).

208.5.1 AMENDMENTS TO LICENSES

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

- a. Add or delete authority to carry a firearm listed on the license.
- b. Change restrictions or conditions previously placed on the license.
- c. Change the address or other personal information of the licensee (Penal Code § 26210).

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

208.5.2 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Chief of Police for any of the following reasons (Penal Code § 26195):

License to Carry a Firearm

- a. The licensee is prohibited by state or federal law from owning or purchasing a firearm.
- b. The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.
- c. The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.
- d. Any information provided by a licensee in connection with an application for a new license or an application to amend a license was knowingly inaccurate or incomplete.
- e. If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).
- f. The licensee fails to notify the issuing department of a restraining order, arrest, charge, or conviction of a crime in Penal Code § 26202.

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

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

208.5.3 LICENSE RENEWAL

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

- a. Verifying all information submitted in the original application under penalty of perjury.
- b. Completing a training course pursuant to Penal Code § 26165.
- c. Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).
- d. Paying the applicable renewal application fee.

Within 90 days of receiving the completed application for a renewal license, the Department shall give written notice to the applicant of the department's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Department shall then submit the renewal notification to the California DOJ as provided in Penal Code § 26185.

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

The Department shall not issue a renewal license unless confirmation has been received from the California DOJ that the applicant is eligible to possess, receive, own, or purchase a firearm (Penal Code § 26185).

License to Carry a Firearm

208.6 DEPARTMENT REPORTING AND RECORDS

The Department shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

- a. The denial of a license
- b. The denial of an amendment to a license
- c. The issuance of a license
- d. The amendment of a license
- e. The revocation of a license

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

208.7 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered a public record (Government Code § 7923.805).

208.8 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

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

- a. The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Mill Valley (Penal Code § 26150).
- b. Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).
- c. The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).
- d. Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

208.9 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Chief of Police or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 days of the initial application or within 30 days after

License to Carry a Firearm

receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

208.9.1 ADDITIONAL REQUIREMENTS

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Chief of Police or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Chief of Police or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

208.9.2 ADDITIONAL REPORTING REQUIREMENTS

The Department shall submit the required prescribed information in Penal Code § 26202(f) to the National Instant Criminal Background Check System Index within 5 days upon determination that an applicant is a disqualified person due to being an unlawful user of, or addicted to, any controlled substance (Penal Code § 26202(f)).

208.10 POLICY AVAILABILITY

This policy shall be made accessible to the public as provided by Penal Code § 26160.

Retiree Concealed Firearms

209.1 PURPOSE AND SCOPE

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

209.2 POLICY

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

209.3 LEOSA

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

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

209.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

209.3.2 AUTHORIZATION

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

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

Retiree Concealed Firearms

1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
2. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
3. Not prohibited by federal law from receiving a firearm.
4. Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

209.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

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

209.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

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

209.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

Retiree Concealed Firearms

- a. The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.
- b. This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.
- c. The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

209.4.3 QUALIFIED RETIRED RESERVES

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

209.5 FORMER OFFICER RESPONSIBILITIES

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

209.5.1 RESPONSIBILITIES UNDER LEOSA

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

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

209.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

- a. Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- b. Remain subject to all applicable department policies and federal, state and local laws.
- c. Not engage in conduct that compromises public safety.
- d. Only be authorized to carry a concealed firearm inspected and approved by the Department.
- e. Undergo a fingerprint-based state and national criminal history background check when required by the Department (Penal Code § 26330).

Retiree Concealed Firearms

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

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

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

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

1. In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
2. Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).
 1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
 2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
 3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
3. A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).
 1. The decision of such hearing board shall be binding on the Department and the retiree.
 2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
4. Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
 1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
 2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

Retiree Concealed Firearms

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

209.8 FIREARM QUALIFICATIONS

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

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

Use of Force

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

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

300.2.1 DUTY TO INTERCEDE

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

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

300.2.2 FAIR AND UNBIASED USE OF FORCE

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

300.2.3 DUTY TO REPORT EXCESSIVE FORCE

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

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

300.2.4 FAILURE TO INTERCEDE

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

300.3 USE OF FORCE

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

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a

Use of Force

particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

Use of Force

- h. Proximity of weapons or dangerous improvised devices.
- i. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- j. The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- k. Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- l. Training and experience of the officer.
- m. Potential for injury to officers, suspects, bystanders, and others.
- n. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- o. The risk and reasonably foreseeable consequences of escape.
- p. The apparent need for immediate control of the subject or a prompt resolution of the situation.
- q. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- r. Prior contacts with the subject or awareness of any propensity for violence.
- s. Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

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

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

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

Use of Force

- a. Summoning additional resources that are able to respond in a reasonably timely manner
- b. Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention
- c. Employing other tactics that do not unreasonably increase officer jeopardy

In addition, when reasonable and feasible, officers shall evaluate the totality of circumstances presented at the time in each situation and, when reasonable and feasible, shall determine and utilize reasonably available de-escalation techniques, crisis intervention tactics, and other alternatives, if any, that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)).

300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

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

300.3.7 ADDITIONAL RESTRICTIONS

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

300.4 DEADLY FORCE APPLICATIONS

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

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

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

- a. An officer may use deadly force to protect themselves or others from what the officer reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.

Use of Force

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

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

Additionally, an officer shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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

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

300.4.2 DISPLAYING OF FIREARMS

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

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

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

Use of Force

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS

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

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

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

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.5.3 REPORT RESTRICTIONS

Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

300.6 MEDICAL CONSIDERATIONS

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

Use of Force

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

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, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITY

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

- a. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- b. Ensure that any injured parties are examined and treated.
- c. When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

Use of Force

- d. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.
- e. Identify any witnesses not already included in related reports.
- f. Review and approve all related reports.
- g. Determine if there is any indication that the subject may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- h. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.7.1 WATCH COMMANDER RESPONSIBILITY

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

300.8 TRAINING

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

300.8.1 TRAINING REQUIREMENTS

Required annual training shall include:

- a. Legal updates.
- b. De-escalation tactics, including alternatives to force.
- c. The duty to intercede.
- d. The duty to request and/or render medical aid.
- e. Warning shots (see the Firearms Policy).
- f. All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.8.2 STATE-SPECIFIC TRAINING REQUIREMENTS

Use of Force

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

Additionally, training should include training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

300.9 USE OF FORCE ANALYSIS

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

- a. The identification of any trends in the use of force by members.
- b. Training needs recommendations.
- c. Equipment needs recommendations.
- d. Policy revision recommendations.

300.10 USE OF FORCE COMPLAINTS

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

300.11 POLICY REVIEW

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

300.12 POLICY AVAILABILITY

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

300.13 PUBLIC RECORDS REQUESTS

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

Use of Force Review Boards

301.1 PURPOSE AND SCOPE

This policy establishes a process for the Mill Valley Police Department to review the use of force by its employees.

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

301.2 POLICY

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

301.4 REVIEW BOARD

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

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

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

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

301.4.1 COMPOSITION OF THE BOARD

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

Use of Force Review Boards

- Representatives of each bureau
- Commanding officer in the involved member's chain of command
- Training Manager
- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

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

301.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

Use of Force Review Boards

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

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

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

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

The Mill Valley Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, the Transporting Persons in Custody Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

302.3 USE OF RESTRAINTS

Only members who have successfully completed Mill Valley Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS

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

Handcuffing and Restraints

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, officers, or others (Penal Code § 3407; Penal Code § 6030). See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

302.3.3 RESTRAINT OF JUVENILES

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

302.5 APPLICATION OF SPIT HOODS

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

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

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance

Handcuffing and Restraints

during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

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

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

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

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

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

Handcuffing and Restraints

- b. Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- c. Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on their stomach for an extended period, as this could reduce the person's ability to breathe.
- d. The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on their stomach.
- e. The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

302.8 REQUIRED DOCUMENTATION

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

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

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

- a. The factors that led to the decision to use restraints.
- b. Supervisor notification and approval of restraint use.
- c. The types of restraint used.
- d. The amount of time the person was restrained.
- e. How the person was transported and the position of the person during transport.
- f. Observations of the person's behavior and any signs of physiological problems.
- g. Any known or suspected drug use or other medical problems.

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

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

303.4 RESPONSIBILITIES

303.4.1 WATCH COMMANDER RESPONSIBILITIES

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

303.4.2 RANGEMASTER RESPONSIBILITIES

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

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

Control Devices and Techniques

303.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

303.5 BATON GUIDELINES

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

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

303.6 TEAR GAS GUIDELINES

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

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

303.7.1 OC SPRAY

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

303.7.2 PEPPER PROJECTILE SYSTEMS

Control Devices and Techniques

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

303.7.3 TREATMENT FOR OC SPRAY EXPOSURE

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

303.8 POST-APPLICATION NOTICE

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

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

303.9.1 DEPLOYMENT AND USE

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

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of

Control Devices and Techniques

hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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

- a. The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- b. The suspect has made credible threats to harm him/herself or others.
- c. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- d. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

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

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

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

Control Devices and Techniques

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

303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

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

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

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

303.10 TRAINING FOR CONTROL DEVICES

The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

- a. Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- b. All training and proficiency for control devices will be documented in the officer's training file.
- c. Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

Conducted Energy Device

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

304.2 POLICY

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

304.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed department-approved training may be issued and may carry the CED.

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

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

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

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

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

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

304.3.1 USER RESPONSIBILITIES

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

Conducted Energy Device

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

304.4 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:

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

If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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

304.5 USE OF THE CED

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

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

304.5.1 APPLICATION OF THE CED

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

- a. Is violent or is physically resisting.
- b. Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

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

Conducted Energy Device

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

304.5.2 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 potential risk of using the device. This includes:

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

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

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE CED

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

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

Conducted Energy Device

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

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

304.5.7 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.

304.6 DOCUMENTATION

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

304.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- a. The brand, model, and serial number of the CED and any cartridge/magazine.
- b. Date, time, and location of the incident.
- c. Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- d. The number of probes deployed, 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.
- e. The range at which the CED was used.
- f. The type of mode used (e.g., probe deployment, drive-stun).

Conducted Energy Device

- g. Location of any probe impact.
- h. Location of contact in drive-stun mode.
- i. Description of where missed probes went.
- j. Whether medical care was provided to the subject.
- k. Whether the subject sustained any injuries.
- l. Whether any officers sustained any injuries.

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

304.6.2 REPORTS

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

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

304.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling 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, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

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

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

Conducted Energy Device

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 (see the Medical Aid and Response Policy).

304.8 EVIDENCE

Any TASER cartridge that is expended in field use shall be collected and booked into evidence. This includes the cartridge, wires, and probes. In addition, officers will attempt to locate and submit a sample of the multi-colored AFID tags which are dispersed at the time the cartridge is fired.

Photographs will be taken of any TASER probe puncture wounds, drive stun sites, and/or any other injuries a subject sustains as the result of an TASER deployment.

Probes that penetrate a person's skin shall be treated as biologically contaminated and secured appropriately prior to being placed into evidence.

Officers may review digital video evidence prior to completion of reports to assure accurate recollection of the events surrounding the deployment of the TASER. Except for presentation as evidence in court, video of digital data retrieved from any TASER may not be removed from the Mill Valley Police Department, including copied CD's and/or electronic file transfer, without authorization from the Director or his/her specific designee.

After a TASER has been discharged, other than for training or performing a spark test, the pertinent data shall be downloaded from the TASER and a printed copy shall be attached to the incident report. If the reporting officer is unable to perform that data download, the weapon will be provided to a qualified TASER instructor who will perform the download and attach the subsequent data dump to a supplemental report they shall write.

304.9 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. 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 a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest /crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

304.10 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 assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Conducted Energy Device

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

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

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 Training Manager is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Manager should include the following training:

- a. A review of this policy.
- b. A review of the Use of Force Policy.
- c. Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- d. Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- e. Scenario-based training, including virtual reality training when available.
- f. Handcuffing a subject during the application of the CED and transitioning to other force options.
- g. De-escalation techniques.
- h. Restraint techniques that do not impair respiration following the application of the CED.
- i. Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- j. Proper tactics and techniques related to multiple applications of CEDs.

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

305.2 POLICY

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

305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

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

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Mill Valley Police Department would control the investigation if the suspect's crime occurred in Mill Valley.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be

Officer-Involved Shootings and Deaths

conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

- a. Secure the scene and identify and eliminate hazards for all those involved.
- b. Take reasonable steps to obtain emergency medical attention for injured individuals.
- c. Request additional resources from the Department or other agencies.
- d. Coordinate a perimeter or pursuit of suspects.
- e. Check for injured persons and evacuate as needed.
- f. Brief the supervisor upon arrival.

305.5.2 WATCH COMMANDER RESPONSIBILITIES

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

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

305.5.3 NOTIFICATIONS

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

- Chief of Police
- Investigation Division Commander

Officer-Involved Shootings and Deaths

- OIS Protocol rollout team
- Outside agency investigator (if appropriate)
- Internal Affairs Bureau supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.4 SUPERVISOR RESPONSIBILITIES

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

1. Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
2. If necessary, the supervisor may administratively order any MVPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
3. Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
4. Take command of and secure the incident scene with additional MVPD members until properly relieved by another supervisor or other assigned personnel or investigator.
5. As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved MVPD officer should be given an administrative order not to discuss the incident with other involved officers or MVPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.5 INVOLVED OFFICERS

Officer-Involved Shootings and Deaths

The following shall be considered for the involved officer:

1. Any request for legal or union representation will be accommodated.
 1. Involved MVPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-MVPD officers should be referred to their employing agency.
2. Discussions with licensed attorneys will be considered privileged as attorney-client communications.
3. Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).
4. A licensed psychotherapist shall be provided by the Department to each involved MVPD officer. A licensed psychotherapist may also be provided to any other affected MVPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
5. Communications between the involved officer and a peer support member are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

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

305.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

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

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

305.6 CRIMINAL INVESTIGATION

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

Officer-Involved Shootings and Deaths

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

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

- a. MVPD supervisors and Internal Affairs Bureau personnel should not participate directly in any voluntary interview of MVPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- b. If requested, any involved officer will be afforded the opportunity to consult individually with a representative of the officer's choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- c. If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- d. Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

305.6.1 REPORTS BY INVOLVED MVPD OFFICERS

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

While the involved MVPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved MVPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Officer-Involved Shootings and Deaths

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

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

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

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

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of MVPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Internal Affairs Bureau and will be considered a confidential officer personnel file.

Officer-Involved Shootings and Deaths

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

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

305.8 AUDIO AND VIDEO RECORDINGS

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

Officer-Involved Shootings and Deaths

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

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

305.9 CIVIL LIABILITY RESPONSE

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

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

305.10 DEBRIEFING

Following an officer-involved shooting or death, the Mill Valley Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.10.1 TACTICAL DEBRIEFING

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

305.11 MEDIA RELATIONS

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

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

Officer-Involved Shootings and Deaths

305.12 REPORTING

If the death of an individual occurs in the Mill Valley Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide, the Operations Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022).

Firearms

306.1 SECTION TITLE

306.2 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

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

306.3 POLICY

The Mill Valley Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

306.4.1 HANDGUNS

The authorized department-issued handgun is the Glock 17, gen 5, 9mm

306.4.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

Firearms

306.4.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Spike's Tactical ST-15 5.56mm/.223 Caliber, and shall be the only department issued patrol rifle carried on patrol. Any other long-barreled weapon, authorized or issued by the department, may be used when authorized by the Chief of Police or his or her designee. Such weapons shall only be used when the staff member has been properly trained in its use.

This policy allows officers the ability to securely carry personal patrol rifles. The benefits of this policy are increased awareness, safety and overall capability of said firearm when it is properly designed, constructed and customized for the officer. An officer may carry a personal patrol rifle after it has been approved by the Chief of Police or his or her designee, inspected by the Range Master/Firearms Instructor, and the officer has properly met a department approved qualification course of fire.

MANDATORY REQUIREMENTS

Manufacturers: Armalite, Bushmaster, Colt, Eagle, Olympic, Rock River Arms, DPMS, S&W, Daniel Defense, Adams Arms, LWRC, BCM, LaRue, any other quality manufacturer or mil-spec receiver as approved by the Range Master/Firearms Instructor or Chief of Police. Other complete rifles may be approved by Range Master/Firearms Instructor or Chief of Police.

Nomenclature: Semi-automatic, gas operated or piston operated, air-cooled, shoulder fired weapon, chambered in .223 cal or 5.56 mm only. AR-15 platform.

Trigger Pull: 3 or more pounds, single or 2-stage.

Finish: Dark in color. (No camouflage, or Flat Dark Earth).

Barrel: Minimum of 16" w/ pinned and welded flash hider / muzzle brake with maximum of 20" including the same. Barrels over 16" do not require pinned / welded flash hiders or muzzle brakes.

Overall Length: Rifle must be 26" overall length (or greater) in its shortest operating configuration.

Stock: Fixed or collapsible.

Front sight: Rifle optics, front sight must be of quality manufacture and securely attached.

Rear sight: Rifle optics, rear sight must be of quality manufacture and securely attached. Rear sight may be A1/A2 style "carry handle."

Grips: Shall not interfere with its safe operation.

Sling: Single point or multiple-point if applied in manner that does not interfere with operation of the firearm.

Lighting System: Optional.

Firearms

Stock & Foregrip: Metal or Polymer. Shall not interfere with safe operation of rifle.

Magazine: 20 or 30 round magazine (metal or polymer). May have two or more affixed to rifle.

Optics

Manufacturer: Aimpoint, EOTech, Trijicon, Leupold, Vortex or others if approved by the Chief of Police or Range Master/Firearms Instructor.

Optical sighting system may include magnification, but must be able to operate without magnification, and be an electronic or prismatic aiming device. The attachment of the device must not interfere or obstruct the use of the affixed iron sights. Rifles which are equipped with optics must also have backup iron sights (BUIS), commonly referred to as "flip-up" sights. BUIS may be constructed of metal or polymer provided they are produced by a quality manufacturer of such parts. Employee will be required to qualify with the rifle in both optic and BUIS configurations.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- a. Situations where the member reasonably anticipates an armed encounter.
- b. When a member is faced with a situation that may require accurate and effective fire at long range.
- c. Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- d. When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- e. When a member reasonably believes that a suspect may be wearing body armor.
- f. When authorized or requested by a supervisor.
- g. When needed to euthanize an animal (Reference 312.8.1).

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.4.4 PERSONALLY OWNED DUTY FIREARMS

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

- a. The firearm shall be in good working order and on the department list of approved firearms.
- b. The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

Firearms

- c. Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- d. Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

306.4.5 AUTHORIZED SECONDARY HANDGUN

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

- a. The handgun shall be in good working order and on the department list of approved firearms.
- b. Only one secondary handgun may be carried at a time.
- c. The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- d. The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- e. The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- f. Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- g. Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- h. Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

306.4.6 AUTHORIZED OFF-DUTY FIREARMS

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

- 1. The member may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. A member carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.
 - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- 2. The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.

Firearms

3. It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
4. Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he /she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
5. The member will successfully qualify with the firearm prior to it being carried.
6. Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
7. If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
8. Members shall only carry department-authorized ammunition.
9. When armed, officers shall carry their badges and Mill Valley Police Department identification cards under circumstances requiring possession of such identification.

306.4.7 AMMUNITION

Members shall carry only department-authorized ammunition. If available, members should be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Range Master/Firearms Instructor when needed, in accordance with established policy.

306.5 EQUIPMENT

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

306.5.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Range Master/Firearms Instructor.

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

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

306.5.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun. Department-approved holsters shall be manufactured to allow the installation of an Axon Signal Sidearm sensor.

Firearms

306.5.3 TACTICAL LIGHTS

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

306.5.4 OPTICS OR LASER SIGHTS

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

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

306.6 SAFE HANDLING, INSPECTION AND STORAGE

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

- a. Members shall not unnecessarily display or handle any firearm.
- b. Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Range Master/Firearms Instructor. Members shall not dry fire or practice quick draws except as instructed by the Range Master/Firearms Instructor or other firearms training staff.
- c. Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- d. Shotguns or rifles removed from vehicles or the equipment storage room should be loaded and unloaded in the parking lot in a safe manner and direction. Clearing barrels should be used when practicable and accessible.
- e. Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- f. Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- g. Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Range Master/Firearms Instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Range Master

Firearms

/Firearms Instructor will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.6.1 INSPECTION AND STORAGE

Firearms shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. All firearms shall be pointed in a safe direction or into clearing barrels.

Firearms may be safely stored in lockers or another approved location at the end of the shift. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner and then stored in an appropriate secure storage room/locker.

306.6.2 ALCOHOL AND DRUGS

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

306.6.3 ADDITIONAL GUIDELINES FOR STORAGE IN VEHICLES

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

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

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

306.7 FIREARMS TRAINING AND QUALIFICATIONS

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

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

306.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

Firearms

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

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

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

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

306.8 FIREARM DISCHARGE

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

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

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

306.8.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the

Firearms

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

306.8.2 INJURED ANIMALS

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

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

306.8.3 WARNING AND OTHER SHOTS

Generally, shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective, and reasonably safe.

Warning shots should not be used.

306.9 RANGEMASTER DUTIES

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

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

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

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

The Rangemaster/Firearms Instructor shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who

Firearms

provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster/Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

306.10 FLYING WHILE ARMED

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

- a. Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- b. Officers must carry their Mill Valley Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- c. The Mill Valley Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Mill Valley Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- d. An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- e. Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- f. It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- g. Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- h. Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- i. Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- j. Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

306.11 CARRYING FIREARMS OUT OF STATE

Firearms

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

- a. The officer shall carry his/her Mill Valley Police Department identification card whenever carrying such firearm.
- b. The officer is not the subject of any current disciplinary action.
- c. The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- d. The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Officer Response to Calls

307.1 PURPOSE AND SCOPE

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

307.2 RESPONSE TO CALLS

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

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

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

307.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

307.3.1 NUMBER OF UNITS ASSIGNED

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

307.4 INITIATING CODE 3 RESPONSE

Officer Response to Calls

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

307.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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

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

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

307.6 COMMUNICATIONS RESPONSIBILITIES

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

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

307.7 SUPERVISORY RESPONSIBILITIES

Officer Response to Calls

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

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

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

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

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

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

307.8 FAILURE OF EMERGENCY EQUIPMENT

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

Domestic Violence

308.1 PURPOSE AND SCOPE

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

308.1.1 DEFINITIONS

Definitions related to this policy include:

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

308.2 POLICY

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

308.2.1 COMMON CHARGES

A situation involving domestic violence may result in, but is not limited to, a violation of one or more of the following sections of the Penal Code and Health and Safety Code:

- a. **§ 136.1 Penal Code** - Intimidating or dissuading a witness
- b. **§ 148 Penal Code** - Resisting arrest
- c. **§ 166.4 Penal Code** - Criminal contempt
- d. **§ 166(a)(4) Penal Code** - Now covers willful disobedience of the terms of any lawfully issued out-of-state-court order, including orders pending trial
- e. **§ 166(d)(1) Penal Code** - A person who owns, possesses, purchases, or receives a firearm knowing he/she is prohibited from doing so under a protective order under Penal Code § 136.2, Code of Civil Procedure §§ 527.6, 527.8, or Family Code § 6218, can be charged with a felony or misdemeanor.
- f. **§ 187 Penal Code** - Murder
- g. **§ 203 Penal Code** - Mayhem

Domestic Violence

- h. **§ 207 Penal Code** - Kidnapping
- i. **§ 236 Penal Code** - False imprisonment
- j. **§ 240 Penal Code** - Assault
- k. **§ 242 Penal Code** - Battery
- l. **§ 243(d) Penal Code** - Battery with serious bodily injury
- m. **§ 243(e) Penal Code** - Battery against a spouse, cohabitant, or person who is a parent of defendant's child, or former spouse, fianc/, or former fianc/ or person with whom the defendant currently has, or has previously had a dating relationship. (Amended as of 1/1/99.)
- n. **§ 245 Penal Code** - Assault with a deadly weapon or by means of force likely to produce great bodily injury.
- o. **§ 246 Penal Code** - Shooting at an inhabited dwelling
- p. **§ 262 Penal Code** - Spousal rape
- q. **§ 273a Penal Code** - Child endangerment
- r. **§ 273d Penal Code** - Corporal injury to child
- s. **§ 273.5 Penal Code** - Willful infliction of corporal injury (Domestic Violence) - amended to add: former spouse, former cohabitant as victims (1/2000).
- t. **§ 273.6 Penal Code** - Violation of a restraining order
- u. **§ 273.6(g)(1) Penal Code** - Same language as Penal Code § 166(d)(1). Cross reference to Penal Code § 12021(g).
- v. **§ 417(a) Penal Code** - Brandishing a weapon
- w. **§ 418 Penal Code** - Forcible entry into the home of another
- x. **§ 422 Penal Code** - Criminal threats
- y. **§ 459 Penal Code** - Residential burglary
- z. **§ 591 Penal Code** - Malicious destruction of a telephone
- aa. **§ 594(b) Penal Code** - Vandalism
- ab. **§ 597 Penal Code** - Cruelty to animals (implication is that the victim will suffer the same fate)

Domestic Violence

- ac. **§ 602.5 Penal Code** - Trespassing
- ad. **§ 603 Penal Code** - Forcible entry with damage to property
- ae. **§ 646.9 Penal Code** - Stalking
- af. **§ 647(f) Penal Code** - Public drunkenness
- ag. **§ 11550 Health and Safety Code** - Under the influence of drugs
- ah. **§ 653(m) Penal Code** - Threatening or Harassing phone calls
- ai. **§ 12020(a) Penal Code** - Possession of a dangerous weapon
- aj. **§ 12021(g)(1) Penal Code** - Any person who purchases or receives a firearm while subject to Domestic Violence protective order (EPO's, TRO's, Orders After Hearing or 136.2 Orders) which contains notice of prohibiting the purchase of or receiving of a firearm can be charged with a felony or misdemeanor offense.
- ak. **§ 12021(g)(2) Penal Code** - Any person who owns or possesses a firearm while subject to a Domestic Violence protective order, that includes a prohibition from possessing or owning a firearm, who was personally served with or was present in court when the order was made and actual notice of the prohibition was given can be charged with a felony or misdemeanor offense.
- al. **§ 12025(a) Penal Code** - Possession of a concealed firearm
- am. **§ 12031 Penal Code** - Possession of a loaded firearm

308.3 OFFICER SAFETY

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

308.4 INVESTIGATIONS

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

- a. Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- b. When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

Domestic Violence

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

Domestic Violence

308.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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

308.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

308.4.3 ARRESTING OFFICERS' RESPONSIBILITIES REGARDING FIREARMS

If a suspect is arrested, officers shall (Penal Code § 273.76):

- a. Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.
 1. The investigating or filing officer shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.
- b. Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.
- c. Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.
- d. Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

308.5 VICTIM ASSISTANCE

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

- a. Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- b. Victims should also be alerted to any available victim advocates, shelters, and community resources.
- c. When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.

Domestic Violence

- d. If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- e. Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- f. Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- g. If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

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

308.5.1 ENFORCEMENT OF RESTRAINING ORDERS

- a. Domestic violence restraining orders will be enforced by all law enforcement officers. Under Penal Code § 273.6(a), it is a misdemeanor to intentionally and knowingly violate a protective order, as defined in § 6218 of the Family Code (includes EPO, TRO, and Orders After Hearing) or of an order issued pursuant to § 527.6 or § 527.8 of the Code of Civil Procedure. Penal Code § 273.6(d) makes it a felony to violate a restraining order, with violence or a "credible threat" of violence (see Penal Code § 139), after suffering a prior conviction within seven years for violation of Penal Code § 273.6. In those cases in which a complaint, information, or indictment charging a crime of domestic violence, as defined in § 13700, has been issued, a restraining order or protective order against the defendant issued by the criminal court in that case has precedence in enforcement over any civil court order against the defendant. (Penal Code § 136.2(h)(2)). It is the policy of law enforcement agencies within the County of Marin, that if there is probable cause that a protective order issued under § 6200 et al; (EPOs; TROs; Orders after Hearing) § 7700 et al; and § 136.2 of the Penal Code , (criminal protective order) has been violated, the perpetrator shall be arrested, absent exigent circumstances (which should be spelled out in the report) (pursuant to Penal Code § 13701(b)). Anyone so arrested for a misdemeanor violation of a protective order for domestic violence will be booked in Marin County Jail and NOT released on a promise to appear citation. It is further the policy that anyone booked into the Marin County Jail by any agency for a misdemeanor violation of a protective court order will not be released except upon a court order or required posting of bail. (Ref. § 853.6 Penal Code and MCSO ADM OP 94-01.) A copy is to be submitted with the work copies of the case and arrest reports. Penal Code § 273.6 shall apply to the following orders:

1. An order enjoining any party from molesting, attacking, striking, threatening, sexually assaulting, battering, harassing, contacting repeatedly by mail with the intent to harass, or disturbing the peace of the other party, or other named family and household members.
2. An order excluding a party from the family dwelling or from the dwelling of the other.

Domestic Violence

3. An order enjoining a party from specified behavior which the court determined was necessary to effectuate the order under subdivision (a) of Penal Code § 273.6.
- b. Orders issued in criminal cases under Penal Code §§ 136.2 and 1203.097, which pertain to domestic violence and harassment are punishable under Penal Code § 166(c)(1), will be enforced by all law enforcement officers.
- c. Officers will make arrests for any violations under the above sections that they observe. If the officer arrives at the scene and observes the defendant in violation of the terms of the order, the officer shall make an arrest for a misdemeanor occurring in his/her presence.
 1. Authority to arrest for misdemeanor court order violations, even if they occur outside the officer's presence, applies to the following orders: domestic violence protective or restraining orders issued under the Family Code (EPO's; TRO's, or Orders After Hearing per Domestic Violence Prevention Act); Code of Civil Procedures § 527.6 (harassment); Welfare and Institutions § 213.5 (juvenile court protective orders); Penal Code § 136.2 (criminal court stay away orders); Penal Code § 1203.097 (orders of probation); or orders issued by courts of other states, commonwealths, territories, or insular possessions subject to U.S. jurisdiction, military tribunals, and tribes. (Penal Code 836(c)(1). Note that an officer shall arrest and book at the county jail a suspect for a misdemeanor violations of Penal Code §§ 273.6 and 166(c)(1) (for orders issued under Penal Code § 136.2), even if the crime occurred outside of the officer's presence. (Penal Code § 836(c)(1). (See section A for details.)
- d. Law enforcement officers receiving copies of Protective Orders will forward them to the Records Division, who will enter appropriate information in the statewide computer system.
- e. If at the scene of a domestic disturbance a person shows or informs the officer of the existence of a Protective Order, it is crucial to establish the present status and terms of the order. Officers shall ask the following questions to determine the current status:
 1. Is there a Protective Order on file? It will be filed under the name of the person restrained. If the officer cannot verify the order, it must be enforced through a citizen's arrest procedure.
 2. What is the date of the order? Has it been signed by a Superior Court judge and filed by the court (a filed document has the court clerk's "filed" stamp and the date filed on the upper portion of the first page of the document - usually in the upper right hand corner)?
 3. What is the expiration date? If there is no expiration date stated on the face of the domestic violence restraining order, it is valid for three years. (Family Code § 6345.)
 4. What are the terms of the order?

Domestic Violence

5. Is there a Declaration of Service on file, proof of notice in court, or has another officer given the needed notice to the person to be restrained?
 6. Officers present at a harassment or Domestic violence scene must, on request of a plaintiff, serve an order on a defendant. Code of Civil Procedure § 527.6(h); Family Code § 6383(a). However, to avoid undue pressure on the victim, once an officer becomes aware of the existence of a legal restraining or protective order, it can and should be served on the defendant regardless of the victim's request.
 7. Within one business day of service, any law enforcement officer who served a protective order shall submit the proof of service directly into the Department of Justice Domestic Violence Restraining Order System, including his or her name and law enforcement agency, and shall transmit the original proof of service form to the issuing court. (Family Code § 6380 (d)(1)).
 8. Out-of-State Protection Orders: A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes, in and of itself, probable cause to believe that a valid foreign protection order exists. (Family Code § 6403(a)).
- f. The existence of the following information shows that the suspect has the needed knowledge to be in violation of the Order.
1. The elements of the crime require willful disobedience of the terms of the order. A violation of Penal Code § 273.6 requires an "intentional and knowing" violation.
 2. If this information is not established, the suspect cannot be arrested at the time of the disturbance.
 3. If the Declaration of Service is not on file and notice by another officer has not been established, proceed to give a copy of the order, if available, to the suspect.
 - a. If the victim has an extra copy of the order then serve the order on the suspect to keep.
 4. Advise the suspect that they are now subject to the terms of the order and can be arrested for any further violations.
 5. Report through your department procedure that you have served a copy of the order on the defendant.

Domestic Violence

6. Release a copy of the Proof of Service to the victim, and file the Proof of Service as part of the report and the department will ensure that the original Proof of Service is filed with the appropriate court.
- g. If the victim does not have a copy, advise him/her to carry one in the future, and to have an extra copy for service on the suspect if he/she has not been served.
 - a. Advise the suspect that there is an order in effect.
 - b. The officer can have the terms of the order read over the phone by the records/dispatch staff and can then inform the suspect.
 - c. An arrest may be made at this time if the suspect refuses to comply with the terms of the order.
- h. If a Protective Order violation has occurred and the suspect is not present, the officer will submit a crime report of the appropriate misdemeanor violation. Under no circumstances shall an officer fail to prepare a crime report on a restraining order violation simply because the suspect is no longer present.

308.5.2 FOLLOW UP INVESTIGATION

- a. All domestic violence reports prepared by officers pursuant to Penal Code §§ 13700, et seq., shall be referred to investigations personnel for review and follow-up investigation as needed. "Investigations personnel" refers to a detective, investigative specialist, or other designated personnel. Investigations personnel receiving domestic violence-related crime and arrest reports shall process them in the same manner as all other criminal violations. Whenever possible, investigative personnel will be specifically designated to handle domestic violence cases.
- b. Follow-up investigations should be geared to the requirements of the District Attorney's Domestic Violence Unit.
 1. At a minimum, follow-up investigations submitted to the District Attorney for consideration should include the following:
 - a. Verify the inclusion of all investigative steps described above regarding patrol officer response/investigation.
 - b. Obtain medical records, if not already obtained.
 - c. Interview background witnesses who may not have been available to the patrol officer at the time of the incident (e.g., neighbors).

Domestic Violence

- d. Re-interview witnesses as necessary.
 - e. If possible, contact the victim and witnesses to inform them of the status of the case and the intended referral to district attorney.
 - f. Obtain subsequent photographs of injuries to the victim (particularly where there were no initial photos taken or the initial photos did not show injuries to the victim).
2. Follow-up investigation shall not consider the desire of the victim to "drop" charges in assessing whether the case should be submitted to the District Attorney's Domestic Violence Unit.
3. Investigative personnel handling domestic violence cases should analyze each domestic violence case by asking the following questions:
 - a. Can the elements of the offense be established without the testimony of the victim: i.e., did the victim make a spontaneous statement? Are there any eyewitnesses to the offense? Did the victim make a detailed statement of the offense to an officer (preferably tape-recorded) or to another person who can impeach the victim if they appear in court and testify falsely? Is there other corroborating evidence, such as injuries or a 911 tape that would support the charge?
 - b. The case should be evaluated for referral to the District Attorney's Office for review regardless of the victim's wishes.
4. Under no circumstances should a victim be asked if he/she wishes to "press charges" or "drop charges." Investigative personnel shall not ask a victim if they want to "prosecute" their partner. The victim should be informed that the decision to proceed is out of his/her control.
5. If the victim presents with a different version of the incident, the person/investigator taking the statement should incorporate some of the following question and note in report:
 - a. Financial concerns;
 - b. Contact with the defendant after the incident;
 - c. Threats; dissuasion by defendant - fearful of defendant;
 - d. Child custody/visitation issues;
 - e. Immigration concerns.

Domestic Violence

308.6 DISPATCH ASSISTANCE

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

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

308.7 FOREIGN COURT ORDERS

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

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

308.8 VERIFICATION OF COURT ORDERS

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

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

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

Domestic Violence

308.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

308.10 REPORTS AND RECORDS

Domestic Violence

- a. A written domestic violence incident report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents, including notations for any court order served that are subject to the report requirements (Penal Code § 13730; Code of Civil Procedure § 527.12).
- b. Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- c. Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

308.11 RECORD-KEEPING AND DATA COLLECTION

The Records Bureau shall maintain records of court orders related to domestic violence and the service status of each order (Penal Code § 13710).

Additionally, records shall be maintained on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation. This information is to be reported monthly to the California Department of Justice (DOJ). The Records Supervisor has the responsibility to ensure that records are maintained and the required information is reported to the DOJ (Penal Code § 13730).

308.12 SERVICE OF COURT ORDERS

- a. An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).
- b. A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).
- c. Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).
- d. During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

Domestic Violence

1. An officer should ensure that the Records Bureau is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Bureau Policy for additional guidance).
- e. If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

308.13 PUBLIC ACCESS TO POLICY

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

308.14 DECLARATION IN SUPPORT OF BAIL INCREASE

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

308.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

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

CPS Response to Incidents of Domestic Violence

309.1 PURPOSE AND SCOPE

The purpose of this section is to describe the Child Protective Services (CPS) response protocol for reported incidents of domestic violence.

309.2 PROCEDURE

In the event law enforcement determines a child cannot remain safely in the home, exhibits signs of abuse, or if there is no parent/guardian at the scene capable of protecting the child, law enforcement will call the 24-hour Emergency Response Hotline (415) 499-7153. A duty worker will respond to the scene thereby providing an emergency response.

In the event children are present and law enforcement determines the children are not in immediate danger, do not exhibit signs of abuse, or if children reside in the home but were not present during the incident, law enforcement will forward a written copy of the Domestic Violence Incident Report with Child Protective Services (CPS) information filled in to CPS. This written report will be forwarded to CPS within 24 hours of the domestic violence incident.

The Domestic Violence Incident Report forwarded to CPS by law enforcement will contain sufficient information to permit CPS to locate the child/family, identify all persons residing in the home, and identify and accurately assess the incident itself.

The Intake Unit of CPS will receive and complete an initial assessment of each written domestic violence report. This assessment will consider the incident being reported, as well as any other history the child /family may have with the department. The Intake Unit worker will recommend a response. The unit supervisor will make the final decision as to the response.

309.3 CPS LEVELS OF RESPONSE

The three levels of CPS response to reports of domestic violence are the same as applies to any reports of abuse, neglect or exploitation. The defined levels of CPS response are:

309.3.1 IN-PERSON IMMEDIATE INVESTIGATION

The social worker shall conduct an in person immediate investigation when:

- a. The emergency response protocol indicates the existence of a situation in which imminent danger to a child, such as physical pain, injury, disability, severe emotional harm or death, is likely.
- b. The law enforcement agency making the referral states that the child is at immediate risk of abuse, neglect or exploitation.

CPS Response to Incidents of Domestic Violence

- c. The social worker determines that the child referred by a law enforcement agency is at immediate risk of abuse, neglect, or exploitation. NOTE: Authority Cited: §§ 10553 and d10554, Welfare and Institutions Code. Reference: §§ 16208, 16501(f), and 16504, Welfare and Institutions Code.

309.3.2 IN-PERSON INVESTIGATION WITHIN 10 CALENDAR DAYS

The social worker shall conduct an in-person investigation of the allegation of abuse, neglect, or exploitation within 10 calendar days after receipt of a referral when:

- a. The emergency response protocol indicates that an in-person investigation is appropriate and the social worker has determined that an in-person immediate investigation is not appropriate.
- b. The law enforcement agency making the referral does not state that the child is at immediate risk of abuse, neglect, or exploitation and the social worker determines that an in-person immediate investigation is not appropriate. NOTE: Authority Cited: §§ 10553 and 10554, Welfare and Institutions Code. Reference: §§ 16208, 16501(f), and 16504, Welfare and Institutions Code.

309.3.3 DOCUMENTATION WITH NO IN-PERSON INVESTIGATION

- a. If the social worker determines that an in-person investigation is not necessary, the social worker shall document that determination.
- b. If the social worker determines that an in-person investigation is not necessary, but that the services of another community agency are appropriate, the social worker shall refer the report to that agency.
- c. When a referral alleges non-familial child abuse, the social worker shall report the referral to the appropriate law enforcement agency as specified in § 31-501.1.
- d. When the decision is to evaluate out, either with or without a referral to another community agency, the following information will be documented:
 - 1. Rationale for the decision; and
 - 2. Supervisor approval.

It should be duly noted that whether the department response is Documentation Only with No In-Person Investigation, or In-Person Investigation Within 10 Calendar Days, or In-Person Immediate Investigation, all referrals of domestic violence will be documented in our state-wide Child Welfare Services/Case Management (CWS/CMS) computerized system. This is the standard that applies to all referrals of allegations of abuse, neglect or exploitation.

Search and Seizure

310.1 PURPOSE AND SCOPE

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

310.2 POLICY

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

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

310.3 SEARCHES

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

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

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

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

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

Search and Seizure

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

310.4 SEARCH PROTOCOL

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

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

310.5 DOCUMENTATION

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

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized

Search and Seizure

- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

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

Medical Aid Calls Involving Children

311.1 PURPOSE AND SCOPE

It is the policy of the Mill Valley Police Department to actively investigate all incidents where a child requires an emergency medical response and to provide for the protection of the child, the detection of crime, the proper documentation and referral to appropriate child service agencies and the notification of parents.

311.2 REFERENCE

The Department of Health and Human Services, Child Protective Service (CPS) has the responsibility of investigating abuse and neglect occurring in-home, furnishing placement of a child in an emergency shelter, filing Welfare and Institutions Code § 300 petitions in juvenile court and child/family counseling.

The function of the police department is to provide for protection of the child, detect and investigate crime, apprehend criminal suspects and assist the District Attorney with the prosecution of offenders.

311.3 PROCEDURE

Each time an emergency medical aid call comes into Communications Center and the subject of the medical aid is determined to be a child under the age of six years an officer will be dispatched. In cases in which the officer is in a position to render life-saving assistance, the response shall be Code Three. In all cases, the officer will assess the situation immediately upon arrival and request any additional resources as may be appropriate (i.e. detective, CPS child welfare worker). All involved parties will be identified and their role in the incident identified. The officer will conduct an inquiry as to the circumstances causing the child to require the medical response and make note of his/her observations of the scene, the child as well as the parent(s) or caregiver(s).

- a. Special note will be made of any observed criminal activity, evidence of neglect, abuse, unsanitary conditions, drug use, immoral or obscene conduct and presence of known criminals.
- b. If it appears to the officer that the child has been injured in an accidental and non-negligent manner, an incident report shall be prepared and submitted through normal channels.
- c. If it appears that the circumstances are suspicious and warrant further investigation, the officer shall prepare an incident report and route it to the detectives. A call may be placed to the Watch Commander for advice if more immediate attention is necessary.
- d. If it appears that a crime has occurred, or that the child falls within the provisions of Welfare and Institutions Code § 300, the officer shall take temporary custody of the child, cause any arrest to be made as appropriate or necessary and notify the immediate supervisor.

Medical Aid Calls Involving Children

- e. The officer should take special note that cases initially identified, as SIDS deaths may possibly become homicide cases after the analysis of forensic and medical evidence. These cases may evolve differently than other unattended death cases, with the victim receiving resuscitation and transport even though signs of death are present. It is important that a premature assumption of SIDS be avoided during the initial investigation, causing a less thorough scene investigation that might otherwise occur.
- f. In cases where the child requires life support measures and it is possible death will result, items of evidence can be seized during an emergency search of the scene (i.e. clothing or bedding that contain bodily fluids, bottles containing recently consumed baby formula, medications given to the child) or any other items that may perish or be easily destroyed before a search warrant could be obtained.
- g. Officers questioning parents or caregivers of children in these circumstances must exercise extreme tact and consideration while still obtaining complete information.

Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

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

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

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

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

Examples of secure custody include:

Temporary Custody of Juveniles

- a. A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- b. A juvenile handcuffed to a rail.
- c. A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- d. A juvenile being processed in a secure booking area when a non-secure booking area is available.
- e. A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- f. A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- g. A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

312.2 POLICY

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

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Mill Valley Police Department:

- a. Unconscious
- b. Seriously injured
- c. A known suicide risk or obviously severely emotionally disturbed
- d. Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).
- e. Extremely violent or continuously violent

Temporary Custody of Juveniles

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

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

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

312.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

312.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

312.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the Mill Valley Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Mill Valley Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

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

Temporary Custody of Juveniles

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

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

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

In all other cases the juvenile offender may be:

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

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

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

Temporary Custody of Juveniles

312.5 ADVISEMENTS

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

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

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

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

312.6 JUVENILE CUSTODY LOGS

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

- a. Identifying information about the juvenile.
- b. Date and time of arrival and release from the Mill Valley Police Department (15 CCR 1150).
- c. Watch Commander notification and approval to temporarily hold the juvenile.
- d. Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- e. Any changes in status (e.g., emergency situations, unusual incidents).
- f. Time of all safety checks.
- g. Any medical and other screening requested and completed (15 CCR 1142).
- h. Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).
- i. Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

312.7 NO-CONTACT REQUIREMENTS

Temporary Custody of Juveniles

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

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

312.7.1 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to the station but should only be released to their parent, legal guardian, or responsible adult.

312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Mill Valley Police Department shall ensure the following:

- a. The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Mill Valley Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Mill Valley Police Department more than six hours.
- b. A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- c. Personal safety checks and significant incidents/activities shall be noted on the log.
- d. Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- e. Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
- f. Juveniles shall be provided sanitary napkins, party liners, and tampons as requested (15 CCR 1143).
- g. Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- h. Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- i. Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- j. Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).
- k. Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

Temporary Custody of Juveniles

- l. Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- m. Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- n. Juveniles shall have adequate furnishings, including suitable chairs or benches.
- o. Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- p. Juveniles shall have access to language services (15 CCR 1143).
- q. Juveniles shall have access to disability services (15 CCR 1143).
- r. No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

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

312.9 USE OF RESTRAINT DEVICES

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

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

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

312.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Mill Valley Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Mill Valley Police Department.

312.11 SECURE CUSTODY

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

Temporary Custody of Juveniles

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

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

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

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

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

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

312.11.1 LOCKED ENCLOSURES

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

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

- a. The juvenile shall constantly be monitored by an audio/video system during the entire custody.
- b. Juveniles shall have constant auditory access to department members (15 CCR 1147).
- c. Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).
- d. Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).
 1. All safety checks shall be logged.
 2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 3. Requests or concerns of the juvenile should be logged.

Temporary Custody of Juveniles

- e. Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).
- f. Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- g. Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

312.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Mill Valley Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- a. Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Bureau Supervisor.
- b. Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- c. Notification of the appropriate prosecutor.
- d. Notification of the City attorney.
- e. Notification to the coroner.
- f. Notification of the juvenile court.
- g. In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections (BSCC) within the same time frame (15 CCR 1046).
- h. A medical and operational review of deaths pursuant to 15 CCR 1046.
 - 1. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).
- i. Evidence preservation.

312.12.1 IN-CUSTODY DEATH PUBLICATION

The Chief of Police or the authorized designee should ensure that specified information relating to an in-custody death of a juvenile is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

312.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

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

Threats, physical harm, deception, or psychologically manipulative interrogation tactics shall not be used by an officer during a custodial interrogation of a juvenile (Welfare and Institutions Code § 625.7).

Temporary Custody of Juveniles

The requirements to consult with legal counsel or to refrain from the use of prohibited interrogation techniques do not apply when (Welfare and Institutions Code § 625.6; Welfare and Institutions Code § 625.7):

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

312.13.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

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

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

312.14 FORMAL BOOKING

Temporary Custody of Juveniles

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

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

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the Investigations Division supervisor, giving due consideration to the following:

- a. The gravity of the offense
- b. The past record of the offender
- c. The age of the offender

312.15 RELEASE OF INFORMATION CONCERNING JUVENILES

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

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

312.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Mill Valley Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

312.17 RELIGIOUS ACCOMMODATION

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

312.18 TRAINING

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

Interviewing Students on a School Campus

313.1 PURPOSE AND SCOPE

Absent extenuating circumstances, police will avoid interviewing students at a school for non-school-related issues. Extenuating circumstances include officers entering school premises in "hot pursuit" of a suspect, or ongoing investigation of a serious nature or felony, or for child abuse investigation, or in response to an emergency, or crime being committed on school property.

313.2 PROCEDURE

313.2.1 INITIAL CONTACT

The officer is expected to properly identify himself/herself to the principal or other designated administrator and state the purpose of the visit.

313.2.2 PRELIMINARY DISCUSSION

The administrator and officer shall discuss whether it is necessary to handle the law enforcement business at the school site. Final responsibility rests with the officer to determine whether the law enforcement business should take place at the school site. (Should a student that is identified by law enforcement be a special needs student, the school administrator will consult the Individual Education Plan (IEP) to determine if any accommodation must be made for the student. If a student is a second language learner, the administrator should determine if a translator is necessary).

313.2.3 PRIVACY

Except in an emergency or other circumstances justifying other action, the student should be routinely summoned to the school administration office so that the law enforcement contact or arrest does not occur in the presence of the other students. The entire matter should be handled in a manner calculated to minimize embarrassment of the student and the need to provide confidentiality for the "minor" student.

313.3 INTERVIEWS

When the student arrives at the administrator's office for an interview with the officer, the school administrator will follow the local school district Board Policy regarding the notification of parents (school Board Policy can/should not supersede or be in conflict with the law). It is the responsibility of the law enforcement officer to meet any legal requirements from a law enforcement perspective relating to advising a student of constitutional or statutory rights. If it is found to be appropriate to question a student and if the parent/guardian is not present during the questioning, the investigating officer will inform the student that if requested, the administrator may remain in the room with the police officer and the student to witness the questions. If the parent/guardian is present and requests to witness the interview, the administrator shall so advise the law enforcement officer. The law enforcement officer shall then decide whether and how to proceed.

Interviewing Students on a School Campus

The law enforcement officer may, depending on the events/circumstances of the investigation, disallow parent and/or school district staff presence during the interview.

313.4 ARREST/CUSTODY IN CASES NOT INVOLVING CHILD ABUSE/NEGLECT

When an administrator releases the student to the custody of a law enforcement officer, immediate steps to notify the student's parents/guardian (within one hour) need to be taken by law enforcement or school staff.

313.5 CUSTODY INVOLVING CHILD ABUSE

If the officer decides to take the student into custody, the administrator shall not contact the parent /guardian, but shall provide the officer with the address and telephone number of the parent/guardian in order to assist the officer's compliance with the legal notice requirement applicable to such cases.

313.6 REFERENCE

Education Code § 48906: Release of minor to police officer Education Code § 32212: Legislative Intent
Education Code § 48264: Temporary arrest or custody Penal Code § 11165: Child Welfare & Institutions Code § 308: Minor taken into custody

Senior and Disability Victimization

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Mill Valley Police Department members as required by law (Penal Code § 368.6).

The Mill Valley Police Department is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

314.1.1 DEFINITIONS

Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

Department protocols (or protocols) - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Senior and disability victimization - Means any of the following (Penal Code § 368.6):

- a. Elder and dependent adult abuse
- b. Unlawful interference with a mandated report
- c. Homicide of an elder, dependent adult, or other adult or child with a disability
- d. Sex crimes against elders, dependent adults, or other adults and children with disabilities

Senior and Disability Victimization

- e. Child abuse of children with disabilities
- f. Violation of relevant protective orders
- g. Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- h. Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

314.2 POLICY

The Mill Valley Police Department will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

314.2.1 ARREST POLICY

It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

314.2.2 ADHERENCE TO POLICY

All officers are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves an officer's deviation from this policy shall provide a written report to the Chief of Police that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to department protocols (Penal Code § 368.6(c)(27)).

The Chief of Police shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

314.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

1. The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
2. Any relevant statements the victim may have made and to whom he/she made the statements.
3. If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

Senior and Disability Victimization

4. Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
5. Whether the victim was transported for medical treatment or a medical examination.
6. Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
7. Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
8. Previous addresses of the victim and suspect.
9. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
10. Witness and suspect statements if available.
11. Review of all portable audio/video recorders, devices, and other available video.
12. Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
13. Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
14. Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
15. Whether a death involved the End of Life Option Act:
 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

314.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

Senior and Disability Victimization

- a. Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- b. Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- c. Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- d. Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

- a. Conduct interviews in appropriate interview facilities.
- b. Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- c. Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- d. Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- e. Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).
 2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- f. Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- g. Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

314.5 MANDATORY NOTIFICATION

Members of the Mill Valley Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency of known, suspected, or alleged instances of abuse when they

Senior and Disability Victimization

reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone or through a confidential internet reporting tool as soon as practicable. If notification is made by telephone, a written report shall be sent or internet report shall be made through the confidential internet reporting tool within two working days, as provided in Welfare and Institutions Code § 15630(b).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

- a. If the abuse occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630 (b)(1)):
 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
 2. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by a written report to the local ombudsman within 24 hours.
 3. If there is any other abuse in a long-term care facility (not a state mental health or a state developmental center), a written report shall be made to the local ombudsman and corresponding state licensing agency within 24 hours.
- b. The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.
- c. The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.
- d. If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- e. The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- f. The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
- g. If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630 (b)).
 1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

Senior and Disability Victimization

- h. If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).
- i. When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigations Division supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

Failure to report or impeding or inhibiting a report of abuse of an elder or dependent adult is a misdemeanor (Welfare and Institutions Code §15630(h)).

314.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

- a. The name of the person making the report.
- b. The name and age of the elder or dependent adult.
- c. The present location of the elder or dependent adult.
- d. The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
- e. The nature and extent of the condition of the elder or dependent adult.
- f. The date of incident.
- g. Any other information, including information that led the person to suspect elder or dependent adult abuse.

314.6 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an elder or dependent adult abuse victim from his /her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an

Senior and Disability Victimization

elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

314.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

314.6.2 VERIFICATION OF PROTECTIVE ORDER

Whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the officer shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

- a. Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- b. Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- c. Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

Senior and Disability Victimization

314.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

1. Exigent circumstances exist, such as:
 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
2. A court order or warrant has been issued.

314.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

314.8 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

314.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

314.9.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

Senior and Disability Victimization

- a. Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- b. Notify the Investigations Division supervisor so an interagency response can begin.

314.9.2 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

- a. Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- b. Activate any available interagency response when an officer notifies the Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.
- c. Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.

314.10 TRAINING

The Department should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

- a. Participating in multidisciplinary investigations, as appropriate.
- b. Conducting interviews.
- c. Availability of therapy services for adults and families.
- d. Availability of specialized forensic medical exams.
- e. Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- f. Availability of victim advocates or other support.

314.10.1 MANDATORY TRAINING

The Training Manager shall ensure that appropriate personnel receive the required training, including:

- a. Materials from POST as described in Penal Code § 368.6(c)(5)(A).
- b. Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).
 1. Training should include the following:
 - a. Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and

Senior and Disability Victimization

homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).

- b. Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Manager shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

314.11 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

- a. Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
- b. Retaining the original elder or dependent adult abuse report with the initial case file.

314.12 JURISDICTION

The Mill Valley Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

314.13 RELEVANT STATUTES

Penal Code § 288 (a) and Penal Code § 288 (b)(2)

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

Senior and Disability Victimization

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which their person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

Welfare and Institutions Code § 15610.05

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

- a. "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:
 - 1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

Senior and Disability Victimization

2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
 3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.
- b. A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.
 - c. For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.
 - d. For purposes of this section, "representative" means a person or entity that is either of the following:
 1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
 2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

- a. "Isolation" means any of the following:
 1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
 2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
 3. False imprisonment, as defined in Section 236 of the Penal Code.
 4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
- b. The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
- c. The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

- a. "Neglect" means either of the following:

Senior and Disability Victimization

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
- b. Neglect includes, but is not limited to, all of the following:
 1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
 2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 3. Failure to protect from health and safety hazards.
 4. Failure to prevent malnutrition or dehydration.
 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- c. Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

- a. Assault, as defined in Section 240 of the Penal Code.
- b. Battery, as defined in Section 242 of the Penal Code.
- c. Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- d. Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
- e. Sexual assault, that means any of the following:
 1. Sexual battery, as defined in Section 243.4 of the Penal Code.
 2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 4. Incest, as defined in Section 285 of the Penal Code.
 5. Sodomy, as defined in Section 286 of the Penal Code.
 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.
- f. Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 1. For punishment.

Senior and Disability Victimization

2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
3. For any purpose not authorized by the physician and surgeon.

314.14 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- a. Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- b. Developing and including department protocols in this policy, including but not limited to the following:
 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
 2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - a. In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - b. In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - c. In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - d. Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
 3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
- c. For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.

Senior and Disability Victimization

- d. Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
- e. Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
- f. Ensuring that all members carry out their responsibilities under this policy.
- g. Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
- h. Ensuring this policy is available to the Protection and Advocacy Agency upon request.

314.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

- a. Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- b. Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

Juvenile Diversion Program

315.1 PURPOSE AND SCOPE

The Juvenile Diversion Program is to establish a logical and systematic method which works with first-time juvenile offenders and their families by offering an alternative to the court process. The Diversion Program benefits society by dealing early and quickly with delinquent behavior. The general negative effect of the juvenile criminal justice system as it currently operates is such that every reasonable effort must be made to divert juvenile offenders into other resources for social control, assistance or treatment.

The Mill Valley Police Department must take whatever leadership role is necessary to promote and support the development of community resources capable of those diverted.

315.1.1 JUVENILE DIVERSION PROCEDURE

A) A juvenile taken into temporary custody may be reprimanded and released or cited to the School Resource Officer for further disposition.

B) When a juvenile is issued a citation to appear before the School Resource Officer, the issuing officer will notify the parents or legal guardian that within 10 days they will be notified of an appearance date to appear before the School Resource Officer. The Police Officer shall check the box to be notified and write next to the box, MVPD 389-4100. The arrest report shall be completed within 24 hours and forwarded to investigations.

C) Appearance dates will be scheduled by front office staff during normal business hours based on a schedule provided by the Investigation Division.

D) Eligibility: Juvenile's must be between the ages of 7 and 17 and the offense with which he/she is charged must have taken place in Mill Valley. Only certain first-time offenders will be offered diversion. A typical case is a misdemeanor such as shoplifting, minor in possession of alcohol, possession of marijuana, trespassing and property damage.

E) All other offenses shall be forwarded to Investigations for tracking and eligibility requirements. Investigations will then forward cases to Marin County District Attorney or Marin County Juvenile Probation for disposition.

F) Juvenile will not be taken to Marin County Juvenile Hall or cited to the Marin County Probation Department except under the following conditions:

- The Youth Services Officer cannot be contacted for disposition.
- The juvenile is a threat to other persons or himself.
- The juvenile is beyond parental control - 601W&I hold.
- The juvenile no longer qualifies for participation in the Diversion Program.

Juvenile Diversion Program

G) Juveniles taken into custody for any felony, theft or as a runaway, will be photographed and fingerprinted.

315.1.2 REFERRALS TO THE JUVENILE DIVERSION PROGRAM

An officer who wants to refer a juvenile offender to the Juvenile Diversion Program shall follow the listed steps in order to do so:

- a. The officer shall complete the associated police report documenting the facts of the case, including a disposition that reads, "Forward to Investigations for Review".
- b. The officer shall then send an email to the School Resource Officer, the Detective Sergeant, and their supervisor requesting the report be reviewed and considered for the Juvenile Diversion Program.

315.1.3 JUVENILE DIVERSION PROGRAM HEARING PROCEDURE

Juvenile Diversion Program hearings will be conducted by either the School Resource Officer or the Detective Sergeant. The detective conducting the hearing will follow the criteria below:

- The detective will ensure that the juvenile and his or her parent/guardian both attend the diversion hearing.
- The detective will begin the diversion hearing by first explaining to the parent/guardian what offense was alleged to have been committed by the juvenile. The detective will also seek any information from the parent/guardian and the juvenile that will assist the detective in making a determination regarding the diversion process.
- The detective will provide the juvenile with counseling and education to assist the juvenile in making better and more educated decisions in the future.
- If, after assessing the totality of the circumstances surrounding the juvenile and related offense, the detective deems a diversion process is not appropriate, the detective will refer the case to the Marin County Juvenile Probation department for further disposition.
- If the juvenile is deemed appropriate for the diversion process, he or she and the parent/guardian will work with the detective to determine what community service or other restorative interventions will result from the diversion process.
 - The specific location and hours of attendance must be agreed upon by all parties.
 - Documentation from the person supervising the juveniles attendance must be submitted to the detective.
- After completion of the assigned diversion process, the detective will close the case with no further pending action
- The detective will provide the parent/guardian with information regarding sealing a juvenile record.

Juvenile Diversion Program

- If the juvenile and their parent/guardian fail to appear for the scheduled diversion hearing, or fail to meet the agreed upon terms of the diversion process, the detective will forward the case to the Marin County Juvenile Probation Department for further disposition.
- In all cases where a juvenile is referred to the Mill Valley Police Department's Juvenile Diversion Program, the hearing detective shall prepare a subsequent report documenting whatever actions resulted from the diversion process. The report shall also include all diversion activities and whether the diversion process was successfully completed or any other conclusion.

315.2 INTER-DEPARTMENTAL JUVENILE NOTICE

Traffic citations which are intended to be referred to the Juvenile Diversion Program shall be completed using the Mill Valley Police Department Inter-Departmental Juvenile Notice. Any citation issued using the Inter-Departmental Juvenile Notice will be referred to the School Resource Officer for consideration. Referrals sent to the School Resource Officer using the Inter-Departmental Juvenile Notice shall not create a conflict with section 327.1.1 (D) of this policy, as it relates to future eligibility for the Juvenile Diversion Program.

315.2.1 INTER-DEPARTMENTAL JUVENILE NOTICE PROCEDURE

A) A juvenile contacted for an infraction violation of the California Vehicle Code may be reprimanded and released or cited using the Mill Valley Police Department Inter-Departmental Juvenile Notice and referred to the School Resource Officer for further disposition.

B) When a juvenile is issued an Inter-Departmental Juvenile Notice to appear before the School Resource Officer, the issuing officer will notify the parents or legal guardian that within 10 days they will be notified of an appearance date to appear before the School Resource Officer.

C) Appearance dates will be scheduled by front office staff during normal business hours based on a schedule provided by the Investigation Division.

D) Eligibility: Juvenile's must be between the ages of 7 and 17 and the offense with which he/she is charged must have taken place in Mill Valley. Only certain first-time offenders will be offered diversion and any subsequent violations should result in a formal citation.

315.2.2 INTER-DEPARTMENTAL JUVENILE NOTICE HEARING PROCEDURE

Juvenile Diversion Program hearings resulting from Inter-Departmental Juvenile Notices will be conducted in the following manner:

- The detective will ensure that the juvenile and his or her parent/guardian both attend the diversion hearing.

Juvenile Diversion Program

- The detective will begin the diversion hearing by first explaining to the parent/guardian what offense was alleged to have been committed by the juvenile. The detective will also seek any information from the parent/guardian and the juvenile that will assist the detective in making a determination regarding the diversion process.
- If the juvenile is deemed appropriate for the diversion process, he or she and the parent/guardian will work with the detective to determine what community service or other restorative interventions will result from the diversion process.
 - The specific location and hours of attendance must be agreed upon by all parties.
 - Documentation from the person supervising the juveniles attendance must be submitted to the detective.
- After completion of the assigned diversion process, the detective will close the case with no further pending action.
- If the juvenile and their parent/guardian fail to appear for the scheduled diversion hearing, or fail to meet the agreed upon terms of the diversion process, the detective will forward the case to the Marin County Traffic Commissioner for further disposition.
- In all cases where a juvenile is referred to the Mill Valley Police Department's Juvenile Diversion Program, the hearing detective shall document whatever actions resulted from the diversion process, all diversion activities and whether the diversion process was successfully completed or any other conclusion.

Discriminatory Harassment

316.1 PURPOSE AND SCOPE

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

316.2 POLICY

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

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

316.3 DEFINITIONS

Definitions related to this policy include:

316.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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

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

Discriminatory Harassment

316.3.2 SEXUAL HARASSMENT

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

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

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- b. Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- c. Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

316.3.3 ADDITIONAL CONSIDERATIONS

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

- a. Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- b. Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

316.3.4 RETALIATION

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

316.4 RESPONSIBILITIES

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Manager, or the City Manager.

Discriminatory Harassment

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

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

316.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- a. Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- b. Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- c. Ensuring that their subordinates understand their responsibilities under this policy.
- d. Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- e. Making a timely determination regarding the substance of any allegation based upon all available facts.
- f. Notifying the Chief of Police or the Personnel Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

316.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- a. Behavior of supervisors and managers should represent the values of the Department and professional standards.
- b. False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

316.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Personnel Manager, the City Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

316.5 INVESTIGATION OF COMPLAINTS

Discriminatory Harassment

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

316.5.1 SUPERVISOR RESOLUTION

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

316.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

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

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

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Personnel Manager, or the City Manager.

316.5.3 ALTERNATIVE COMPLAINT PROCESS

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

316.6 DOCUMENTATION OF COMPLAINTS

Discriminatory Harassment

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

- a. Approved by the Chief of Police, the City Manager, or the Personnel Manager, depending on the ranks of the involved parties.
- b. Maintained in accordance with the department's established records retention schedule.

316.6.1 NOTIFICATION OF DISPOSITION

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

316.7 TRAINING

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

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

316.7.1 STATE-REQUIRED TRAINING

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

- a. Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- b. All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- c. All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Manager should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

316.7.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

Discriminatory Harassment

316.8 WORKING CONDITIONS

The Administrative Services Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

316.9 REQUIRED POSTERS

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

Child Abuse

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Mill Valley Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

317.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

317.2 POLICY

The Mill Valley Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

317.3 MANDATORY NOTIFICATION

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

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

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

Child Abuse

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

317.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

- a. Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.
- b. A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

317.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- a. Conduct interviews in child appropriate interview facilities.
- b. Be familiar with forensic interview techniques specific to child abuse investigations.
- c. Present all cases of alleged child abuse to the prosecutor for review.
- d. Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- e. Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- f. Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

317.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

Child Abuse

- a. The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- b. The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- c. Any relevant statements the child may have made and to whom he/she made the statements.
- d. If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- e. Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- f. Whether the child victim was transported for medical treatment or a medical examination.
- g. Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- h. Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- i. Previous addresses of the victim and suspect.
- j. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

317.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax, or electronic transfer to the agency with proper jurisdiction (Penal Code § 11165.9).

317.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

- a. Name and telephone number
- b. Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

Child Abuse

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

317.6 PROTECTIVE CUSTODY

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

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

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

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

- a. The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:
 1. The child has an immediate need for medical care.
 2. The child is in immediate danger of physical or sexual abuse.
 3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- b. The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
 1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
 2. There is no lawful custodian available to take custody of the child.
 3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
 4. The child is an abducted child.
- c. The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

Child Abuse

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

317.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

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

317.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

317.7 INTERVIEWS

317.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

317.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- a. Exigent circumstances exist, such as:
 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- b. A court order or warrant has been issued.

Child Abuse

317.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

317.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

317.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

317.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Division supervisor should:

- a. Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- b. Activate any available interagency response when an officer notifies the Investigations Division supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- c. Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

317.9.2 OFFICER RESPONSIBILITIES

Child Abuse

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- a. Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- b. Notify the Investigations Division supervisor so an interagency response can begin.

317.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

317.10.1 RELEASE OF REPORTS

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

317.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

317.10.3 CACI HEARING OFFICER

The Investigations Division supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

317.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- a. Case reports including any supplemental reports

Child Abuse

- b. Statements by investigators
- c. Statements from representatives of the District Attorney's Office
- d. Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he /she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

317.10.5 CHILD DEATH REVIEW TEAM

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

317.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- a. Participating in multidisciplinary investigations, as appropriate.
- b. Conducting forensic interviews.
- c. Availability of therapy services for children and families.
- d. Availability of specialized forensic medical exams.
- e. Cultural competence (including interpretive services) related to child abuse investigations.
- f. Availability of victim advocate or guardian ad litem support.

Missing Persons

318.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

318.1.1 DEFINITIONS

Definitions related to this policy include:

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 their ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks that are available to law enforcement and that are suitable for obtaining information related to missing persons investigations. This includes the National Crime Information Center (NCIC), the National Missing and Unidentified Persons System (NamUs), the California Law Enforcement Telecommunications System (CLETS), the Missing Person System (MPS), and the Unidentified Persons System (UPS).

318.2 POLICY

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

318.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

Missing Persons

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

318.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

318.5 INITIAL INVESTIGATION

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

- a. Respond to a dispatched call as soon as practicable.
- b. Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- c. Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- d. Broadcast a "Be on the Look-Out (BOLO) bulletin" if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).
- e. Ensure that entries are made into the appropriate missing person networks as follows:
 1. Immediately, when the missing person is at risk.
 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC § 41308).
- f. Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- g. Collect and/or review:
 1. A photograph and a fingerprint card of the missing person, if available.

Missing Persons

2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- h. When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- i. Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, 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.

318.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

318.6.1 SUPERVISOR RESPONSIBILITIES

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

- a. Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Bureau.
- b. Ensuring resources are deployed as appropriate.
- c. Initiating a command post as needed.
- d. Ensuring applicable notifications and public alerts are made and documented.
- e. Ensuring that records have been entered into the appropriate missing persons networks.
- f. Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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

318.6.2 RECORDS BUREAU RESPONSIBILITIES

The responsibilities of the receiving member shall include but are not limited to:

- a. As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).
- b. Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen (Penal Code § 14211).
- c. Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

Missing Persons

- d. Forwarding a copy of the report to the Investigations Division.
- e. Coordinating with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

318.7 INVESTIGATIONS DIVISION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- a. Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
 - 1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- b. Should recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available.
- c. Should consider contacting other agencies involved in the case to determine if any additional information is available.
- d. Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- e. Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- f. Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- g. Should make appropriate inquiry with the Coroner.
- h. Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
- i. Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
- j. In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U. S. Marshals Service (28 USC § 566).

318.8 WHEN A MISSING PERSON IS FOUND

Missing Persons

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

- a. Notification is made to California DOJ.
- b. The missing person's school is notified.
- c. Entries are made in the applicable missing person networks.
- d. Immediately notify the Attorney General's Office.
- e. Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

318.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying themselves should:

- a. Obtain a complete description of the person.
- b. Enter the unidentified person's description into the NCIC Unidentified Person File and the NamUs database.
- c. Use available resources, such as those related to missing persons, to identify the person.

318.9 CASE CLOSURE

The Investigations Division supervisor may authorize the closure of a missing person case after considering the following:

- a. Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
- b. If the missing person is a resident of Mill Valley or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- c. If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified, and entries are made in the applicable missing person networks as appropriate.
- d. A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

Missing Persons

318.10 TRAINING

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

- a. The initial investigation:
 1. Assessments and interviews
 2. Use of current resources, such as Mobile Audio Video (MAV)
 3. Confirming missing status and custody status of minors
 4. Evaluating the need for a heightened response
 5. Identifying the zone of safety based on chronological age and developmental stage
- b. Briefing of department members at the scene.
- c. Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- d. Verifying the accuracy of all descriptive information.
- e. Initiating a neighborhood investigation.
- f. Investigating any relevant recent family dynamics.
- g. Addressing conflicting information.
- h. Key investigative and coordination steps.
 - i. Managing a missing person case.
 - j. Additional resources and specialized services.
- k. Update procedures for case information and descriptions.
 - l. Preserving scenes.
- m. Internet and technology issues (e.g., Internet use, cell phone use).
- n. Media relations.

Public Alerts

319.1 PURPOSE AND SCOPE

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

319.2 POLICY

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

319.3 RESPONSIBILITIES

319.3.1 MEMBER RESPONSIBILITIES

Members of the Mill Valley Police Department should notify their supervisor, Watch Commander, or Investigations Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

319.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- a. Updating alerts
- b. Canceling alerts
- c. Ensuring all appropriate reports are completed
- d. Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

319.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

319.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

Public Alerts

- a. A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- b. The victim is 17 years of age or younger, or has a proven mental or physical disability.
- c. The victim is in imminent danger of serious injury or death.
- d. There is information available that, if provided to the public, could assist in the child's safe recovery.

319.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

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

319.5 AMBER ALERT ACTIVATION/AMBER ALERT CRITERIA

After receiving a report of a child abduction, agencies must conduct a preliminary investigation and determine if the AMBER Alert activation criteria, as specified in Government Code §8594, have been met. All of the following conditions must apply:

- a. It has been confirmed that an abduction has occurred.

Public Alerts

- b. The victim is 17 years of age or younger, or of proven mental or physical disability.
- c. There is reason to believe the victim is in imminent danger or serious bodily injury or death.
- d. There is information available that, if disseminated to the general public, could assist in the safe recovery of the victim.

319.5.1 STEP 1: ACTIVATE THE EMERGENCY ALERT SYSTEM (EAS)

Once it is confirmed that all Amber Alert Criteria have been met, and there no extenuating investigations need that dictates otherwise, activation of EAS is required.

To initiate a multi regional or statewide EAS alert, contact the California Highway Patrol (CHP), emergency Notification and Tactical Alert Center (ENTAC), at (916) 657-8287.

To initialize a more localized, regional EAS alert, contact your predesignated local primary radio station in accordance with your local agency's EAS plan.

319.5.2 STEP 2: SEND AN "EDIS FLASH" MESSAGE VIA CLETS

The Emergency Digital Information Service (FDTS) provides local, state, and federal law enforcement agencies with a direct computer link to the media outlets and the public statewide. California law enforcement agencies can route text messages to EDIS via CLETS. The following are instructions for sending an EDIS text message intended for immediate broadcast.

*Send a Be-On-the-Look-Out (BOLO) Administrative Message via CLETS to all law enforcement agencies statewide using the Users Group Code 4500. The text must start with the words "EDIS FLASH." The subject should contain the words "CHILD ABDUCTION ALERT" And city of occurrence. Include the following information in the message, if available:

- a. Name, age, sex and physical description of the victim
- b. Description of clothing
- c. Location and time last seen
- d. Description of possible suspect(s)
- e. Last known direction of travel and possible destination
- f. Investigating law enforcement agency name and telephone number for the public to call with information

Public Alerts

- g. Name and telephone number of the agency contact person or the media This broadcast will be distributed to California criminal justice agencies in the AMBER alert broadcast code, the Nevada Highway Patrol, Oregon State Police and the OES. The media statewide also will receive this message and decide whether or not to air the alert.

319.5.3 STEP 3: CREATE A CHILD ABDUCTION POSTER ON THE INTERNET

As soon as photos or sketches of the victim, suspect and/or vehicle are available, create a poster on the EDIS Web Site for direct access by the media and the public. To enter the data on a poster you may do the following.

- a. Access the EDIS Web Site at
- b. Select Post Image (Victim, Suspect or Vehicle), as appropriate
- c. Enter your agency's preassigned EDIS User ID and password (this should be obtained through Marin County Communications)
- d. Enter all available information *NOTE: Do not enter any confidential information intended for law enforcement use only. The news media can use everything you send them.

TRAK fliers can also be used in the process as they will go out to more than 350 police agencies statewide including city, county, state and federal agencies. Note some news media agencies also have TRAK capabilities.

319.5.4 STEP 4: INITIATE ALERT UPDATES/CANCELLATIONS, AS APPROPRIATE

Any updates or cancellation of an AMBER Alert should be sent to all affected agencies on a timely basis. Transmit the appropriate information via CLETS in the form of an EDIS FLASH, using the same format as in Step 2.

There is an AMBER Alert manual supplied by DOJ in the dispatch center and a more detailed procedure is listed.

319.6 BLUE ALERTS

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

319.6.1 CRITERIA FOR BLUE ALERTS

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

- a. A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

Public Alerts

- b. The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- c. A detailed description of the suspect's vehicle or license plate is available for broadcast.
- d. Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

319.6.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

- a. An initial press release is prepared that includes all available information that might aid in locating the suspect:
 - 1. The license number and/or any other available description or photograph of the vehicle
 - 2. Photograph, description and/or identification of the suspect
 - 3. The suspect's identity, age and description, if known
 - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
 - 5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
 - 6. A telephone number for the public to call with leads or information
- b. The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
- c. The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- d. The following resources should be considered as circumstances dictate:
 - 1. Entry into the California Law Enforcement Telecommunication System (CLETS)
 - 2. The FBI local office

319.7 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

319.7.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

- a. The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
- b. The department has utilized all available local resources.
- c. The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

Public Alerts

- d. The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- e. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.7.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

319.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

Depending on the emergency, the Department's ability to reach citizens with traditional alert and warning tools may be limited or impaired. The Mill Valley Police Department marked patrol vehicles have been equipped with an alternate siren system, the HI/LO Siren. The HI/LO Siren is a stand alone switch located on the center console, positioned in such a manner that it is not part of the normal siren Code-3 light switches. The use of this European-style siren is restricted to situations requiring immediate evacuations to prevent the loss of life and shall not be used during the course of regular patrol duties or during Code-3 operations. The HI/LO Siren may be used to provide educational and instructional videos and/or public service announcements on its sound and use.

Use of the HI/LO Siren must be directed by the Watch Commander or a supervisor. In the absence of supervisor directions, officers should get supervisor approval prior to utilizing the HI/LO Siren. If the direction to utilize the HI/LO Siren did not originate with a command staff member, the Watch Commander or supervisor shall immediately notify a command staff member of the situation and justification to use the HI/LO Siren to initiate evacuations.

319.8.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

- a. Evacuation orders (including evacuation routes, shelter information, key information).
- b. Shelter-in-place guidance due to severe weather.
- c. Terrorist threats.
- d. HazMat incidents.

Public Alerts

319.8.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

319.9 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Department (Government Code § 8594.13).

319.9.1 CRITERIA FOR FEATHER ALERT

The Department may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (Government Code § 8594.13):

- a. The missing person is an Indigenous person.
- b. The Department has utilized local and tribal resources.
- c. The investigating officer has determined the person is missing.
- d. The investigating officer or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:
 1. The missing person's physical safety may be endangered.
 2. The missing person may be subject to trafficking.
 3. The missing person suffers from a mental or physical disability, or substance use disorder.
- e. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.9.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

319.10 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

319.10.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

- a. The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
- b. The Department has utilized all available local resources.

Public Alerts

- c. The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.
- d. The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- e. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.10.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

319.11 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

319.11.1 CRITERIA FOR EBONY ALERT

The investigating officer may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

- a. The missing person is between the ages of 12 and 25 years old, inclusive.
- b. The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.
- c. The missing person suffers from a mental or physical disability.
- d. Determination that the person has gone missing under unexplained or suspicious circumstances.
- e. Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- f. The Department has utilized all available local resources.
- g. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

319.11.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

319.12 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES

In the event of an emergency, as defined in Government Code § 7299.7, the Mill Valley Police Department shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

Victim and Witness Assistance

320.1 PURPOSE AND SCOPE

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

320.2 POLICY

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

320.3 CRIME VICTIM LIAISON

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

320.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

- a. Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
- b. Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- c. Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
- d. Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).
- e. Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Mill Valley Police Department jurisdiction (Penal Code § 680.2).

Victim and Witness Assistance

- f. Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.
- g. Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during an interview by the Department, prosecutor, or the suspect's defense attorney (Penal Code § 236.21).

320.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

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

320.4.1 VICTIMS OF HUMAN TRAFFICKING

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

320.5 VICTIM INFORMATION

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

- a. Shelters and other community resources for victims of domestic violence.
- b. Community resources for victims of sexual assault.
- c. Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
- d. An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
- e. An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- f. A clear explanation of relevant court orders and how they can be obtained.
- g. Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

Victim and Witness Assistance

- h. VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- i. Notice regarding U visa and T visa application processes.
- j. Resources available for victims of identity theft.
- k. A place for the officer's name, badge number, and any applicable case or incident number.
- l. The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
- m. The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
- n. Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

320.6 WITNESSES

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

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

Hate Crimes

321.1 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Mill Valley Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

321.1.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those

Hate Crimes

of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

Gender identity - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (§ CCR § 11030).

Hate crime - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- a. Disability
- b. Gender
- c. Nationality
- d. Race or ethnicity
- e. Religion
- f. Sexual orientation
- g. Association with a person or group with one or more of these actual or perceived characteristics:
 1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Hate Crimes

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality means country of origin, immigration status, including citizenship, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Religious bias - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual

Hate Crimes

- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

321.2 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

321.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

321.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

Hate Crimes

- a. Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
- b. Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.
- c. Providing direct and referral assistance to the victim and the victim's family.
- d. Conducting public meetings on hate crime threats and violence in general.
- e. Establishing relationships with formal community-based organizations and leaders.
- f. Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.
- g. Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab, Middle Eastern, Islamic, lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ), Black, Native American, immigrant, Jewish, Asian American, and Pacific Islander communities (Penal Code § 13519.6(b)(8)).
- h. Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
- i. Coordinating with the Training Manager to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
- j. Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
- k. Taking reasonable steps to ensure hate crime data is provided to the Records Bureau for mandated reporting to the California Department of Justice.
 - 1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
- l. Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.
- m. Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
- n. Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
- o. Annually assessing this policy, including:
 - 1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.

Hate Crimes

2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

321.3.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

- a. Dissemination of correct information.
- b. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
- c. The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

321.4 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation (Penal Code § 13519.6).

Training should include (Penal Code § 422.87):

- a. Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- b. Accurate reporting by officers, including information on the general underreporting of hate crimes.

Hate Crimes

- c. Distribution of hate crime brochures.
- d. When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

321.5 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

321.5.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- a. Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
- b. Stabilize the victims and request medical attention when necessary.
- c. Properly protect the safety of victims, witnesses, and perpetrators.
 - 1. Assist victims in seeking a Temporary Restraining Order (if applicable).
- d. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- e. Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.
- f. Collect and photograph physical evidence or indicators of hate crimes such as:
 - 1. Hate literature.
 - 2. Spray paint cans.
 - 3. Threatening letters.
 - 4. Symbols used by hate groups.
- g. Identify criminal evidence on the victim.
- h. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
- i. Conduct a preliminary investigation and record pertinent information including but not limited to:
 - 1. Identity of suspected perpetrators.
 - 2. Identity of witnesses, including those no longer at the scene.
 - 3. The offer of victim confidentiality per Government Code § 7923.615.
 - 4. Prior occurrences in this area or with this victim.
 - 5. Statements made by suspects; exact wording is critical.

Hate Crimes

6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.
- j. Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
- k. Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).
- l. Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.
- m. Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- n. Document any suspected multi-mission extremist crimes.

321.5.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

- a. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
- b. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
- c. Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).
- d. Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.
- e. Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
 1. Hate literature.
 2. Spray paint cans.
 3. Threatening letters.
 4. Symbols used by hate groups.
 5. Desecration of religious symbols, objects, or buildings.
- f. Request the assistance of translators or interpreters when needed to establish effective communication.
- g. Conduct a preliminary investigation and record information regarding:
 1. Identity of suspected perpetrators.
 2. Identity of witnesses, including those no longer at the scene.
 3. Offer of victim confidentiality per Government Code § 7923.615.
 4. Prior occurrences, in this area or with this victim.
 5. Statements made by suspects; exact wording is critical.

Hate Crimes

6. Document the victim's protected characteristics.
- h. Provide victim assistance and follow-up.
- i. Canvass the area for additional witnesses.
- j. Examine suspect's social media activity for potential evidence of bias motivation.
- k. Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
- l. Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
- m. Determine if the incident should be classified as a hate crime.
- n. Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
 1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
 2. Provide ongoing information to victims about the status of the criminal investigation.
 3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
- o. Document any suspected multi-mission extremist crimes.
- p. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and /or hate incidents, and determine if organized hate groups are involved.

321.5.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- a. Provide immediate assistance to the crime victim by:
 1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
 2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
 3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
- b. Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
- c. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

Hate Crimes

- d. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).
- e. Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- f. Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e. g., U-Visa, T-Visa, S-Visa).
- g. Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
- h. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
- i. Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
- j. Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

321.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

[Supplemental Hate Crime Report.pdf](#)

Standards of Conduct

322.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Mill Valley Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

322.2 POLICY

The continued employment or appointment of every member of the Mill Valley Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

322.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

322.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

Standards of Conduct

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

322.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- a. Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- b. Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- c. Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- d. The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

322.3.3 PERSONAL AFFAIRS

- a. **DEPENDENT STATUS** - Employees shall report all changes in their marital status, such as marriage, divorce and deaths of dependents, within twenty-four hours thereafter, except when such employees are absent from the Department for approved reasons, in which case the report shall be made upon their return.
- b. **ADDRESS AND TELEPHONE** - All employees of the Department shall maintain a telephone in their residence. Any change in telephone or residence address shall be reported in writing to the office of the Director within twenty-four hours after making such change. Employees shall not use the address of the City or the Department for personal reasons.
- c. **DRIVER'S LICENSE** - Employees whose duties include the driving of a Department vehicle shall possess a valid driver's license of the applicable classification issued by the State of California and such license shall be carried at all times when so engaged.

322.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Standards of Conduct

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

322.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

322.5.1 LAWS, RULES AND ORDERS

- a. Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- b. Disobedience of any legal directive or order issued by any department member of a higher rank.
- c. Violation of federal, state, local or administrative laws, rules or regulations.

322.5.2 ETHICS

- a. Using or disclosing one's status as a member of the Mill Valley Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- b. The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- c. The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- d. Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- e. Offer or acceptance of a bribe or gratuity.
- f. Misappropriation or misuse of public funds, property, personnel or services.
- g. Any other failure to abide by the standards of ethical conduct.

322.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

322.5.4 RELATIONSHIPS

- a. Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of one's official capacity.
- b. Engaging in on-duty sexual activity, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.

Standards of Conduct

- c. Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- d. Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- e. Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- f. Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

322.5.5 ATTENDANCE

- a. Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- b. Unexcused or unauthorized absence or tardiness.
- c. Excessive absenteeism or abuse of leave privileges.
- d. Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

322.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- 1. Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
 - a. Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- 2. Disclosing to any unauthorized person any active investigation information.
- 3. The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- 4. Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- 5. Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

322.5.7 EFFICIENCY

- a. Neglect of duty.

Standards of Conduct

- b. Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- c. Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- d. Unauthorized sleeping during on-duty time or assignments.
- e. Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- f. Failure to notify the Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

322.5.8 PERFORMANCE

- 1. Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.
- 2. The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- 3. Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.
- 4. Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- 5. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- 6. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- 7. Improper political activity including:
 - 1. Unauthorized attendance while on duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- 8. Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- 9. Any act on or off duty that brings discredit to this department.

322.5.9 CONDUCT

Standards of Conduct

- a. Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- b. Unreasonable and unwarranted force to a person encountered or a person under arrest.
- c. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- d. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- e. Engaging in horseplay that reasonably could result in injury or property damage.
- f. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- g. Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- h. Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- i. Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- j. Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- k. Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.
- l. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- m. Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

322.5.10 SAFETY

- a. Failure to observe or violating department safety standards or safe working practices.
- b. Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- c. Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- d. Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.
- e. Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- f. Unsafe or improper driving habits or actions in the course of employment or appointment.
- g. Any personal action contributing to a preventable traffic collision.
- h. Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

Standards of Conduct

322.5.11 INTOXICANTS

- a. Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- b. Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- c. Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

323.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Mill Valley Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware and firmware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

323.2 POLICY

It is the policy of the Mill Valley Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

323.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or

Information Technology Use

password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

323.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

323.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

323.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

323.5 PROTECTION OF SYSTEMS AND FILES

Information Technology Use

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

323.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

324.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

324.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

324.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

324.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

1. All arrests
2. All felony crimes
3. Non-Felony incidents involving threats or stalking behavior
4. Situations covered by separate policy. These include:
 1. Use of Force Policy
 2. Domestic Violence Policy

Report Preparation

3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy
5. All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

324.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- a. Anytime an officer points a firearm at any person
- b. Any use of force against any person by a member of this department (see the Use of Force Policy)
- c. Any firearm discharge (see the Firearms Policy)
- d. Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- e. Any found property or found evidence
- f. Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- g. Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- h. All protective custody detentions
- i. Suspicious incidents that may place the public or others at risk
- j. Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

324.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

- a. Sudden or accidental deaths.
- b. Suicides.
- c. Homicide or suspected homicide.

Report Preparation

- d. Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- e. Found dead bodies or body parts.

324.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

324.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- a. The injury is a result of drug overdose
- b. Attempted suicide
- c. The injury is major/serious, whereas death could result
- d. The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

324.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

324.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

1. Lost property.
2. Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
3. Misdemeanor vandalism with no suspect information and no hate crime implications.
4. Vehicle burglaries with no suspect information or evidence.
5. Stolen vehicle attempts with no suspect information or evidence.

Report Preparation

6. Annoying telephone calls with no suspect information.
7. Identity theft without an identifiable suspect.
8. Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
9. Hit-and-run vehicle collisions with no suspect or suspect vehicle.
10. Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

324.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

324.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

324.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

324.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

324.6 USE OF ARTIFICIAL INTELLIGENCE IN PREPARATION OF REPORTS

Report Preparation

Official reports that are generated using artificial intelligence (AI) either fully or partially shall contain the following (Penal Code § 13663)

- a. On each page of an official report, or within the body of the text, identify every specific AI program used in a manner that makes such identification readily apparent to the reader and prominently state the following: "This report was written either fully or in part using artificial intelligence."
- b. The signature of the member who is preparing the official report, either in physical or electronic form, verifying that they reviewed the contents of the report and that the facts contained in the official report are true and correct. Except for the official report, a draft of any report created with the use of AI shall not constitute a member's statement.

For purposes of this section artificial intelligence means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. AI as used in this section applies to AI systems that automatically draft police report narratives based upon an analysis of in-car or dash-mounted cameras, or body-worn camera audio or video, and AI systems that analyze a law enforcement officer's dictated report to generate a police report narrative automatically enhanced by generative AI (Penal Code § 13663).

See the Generative Artificial Intelligence Use policy for additional guidance on generative AI.

324.6.1 ARTIFICIAL INTELLIGENCE AUDIT TRAIL

The Department shall maintain an audit trail for AI generated first drafts or official reports for as long as the official report is retained that, at a minimum, identifies both of the following (Penal Code § 13663):

- a. The name of the person who used AI to create the report.
- b. The video and audio footage that is used to create a report, if any.

Media Relations

325.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official department information to the media. It also addresses coordinating media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

325.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

325.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

- a. The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.
- b. Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.
- c. No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (Government Code § 3303(e)).
- d. Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

325.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as

Media Relations

determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

325.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

325.4 POLICY

It is the policy of the Mill Valley Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

325.5 PROVIDING ADVANCE INFORMATION

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

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

325.6 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- a. At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- b. In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

Media Relations

- c. Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

325.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

325.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

325.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

325.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

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

Media Relations

- b. The date, time, location, case number, name, birth date, and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- c. The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

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

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

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

Subpoenas and Court Appearances

326.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Mill Valley Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

326.2 POLICY

Mill Valley Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

326.3 SUBPOENAS

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

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of \$275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

- a. He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.
- b. It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

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

326.3.1 SPECIAL NOTIFICATION REQUIREMENTS

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

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

Subpoenas and Court Appearances

- b. Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- c. Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- d. Any civil action stemming from the member's on-duty activity or because of his/her association with the Mill Valley Police Department.
- e. Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Mill Valley Police Department.

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

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

326.3.2 CIVIL SUBPOENA

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

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

326.3.3 OFF-DUTY RELATED SUBPOENAS

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

326.4 FAILURE TO APPEAR

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

326.5 STANDBY

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

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

326.6 COURTROOM PROTOCOL

When appearing in court, members shall:

Subpoenas and Court Appearances

- a. Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- b. Dress in the department uniform or business attire.
- c. Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

326.6.1 TESTIMONY

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

326.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

Reserve Officers

327.1 PURPOSE AND SCOPE

The Mill Valley Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

327.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Mill Valley Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

327.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

327.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

327.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform allowance equal to that of regular officers.

327.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Personnel Department prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

327.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Operations Bureau.

Reserve Officers

Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

327.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

327.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

327.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- a. Assignment of reserve personnel
- b. Conducting reserve meetings
- c. Establishing and maintaining a reserve call-out roster
- d. Maintaining and ensuring performance evaluations are completed
- e. Monitoring individual reserve officer performance
- f. Monitoring overall Reserve Program
- g. Maintaining liaison with other agency Reserve Coordinators

327.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

327.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

327.4.2 PRIMARY TRAINING OFFICER

Reserve Officers

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

327.4.3 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Mill Valley Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

327.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

327.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

327.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

Reserve Officers

327.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

327.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

327.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

327.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

327.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

327.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

327.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Operations Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Reserve Officers

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

327.5.6 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

327.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

327.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

327.6.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Mill Valley Police Department.

327.6.3 RESERVE OFFICER FIREARM TRAINING

Reserve Officers

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual.

327.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Outside Agency Assistance

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

328.2 POLICY

It is the policy of the Mill Valley Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

328.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

328.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Mill Valley Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

328.4 REQUESTING OUTSIDE ASSISTANCE

Outside Agency Assistance

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

328.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a logged incident through Dispatch or as directed by the Watch Commander.

328.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Division Commander or the authorized designee.

The documentation should include:

1. The conditions relative to sharing.
2. The training requirements for:
 1. The use of the supplies and equipment.
 2. The members trained in the use of the supplies and equipment.
3. Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

Early Defibrillation

329.1 PURPOSE AND SCOPE

To delineate requirements and practices for the provisions of by police officers in Mill Valley with the goal of increasing the survival rate from cardiac arrest.

329.1.1 DEFINITIONS

Public Safety early defibrillation - Refers to the practice of utilizing public safety and law enforcement personnel with additional specific training to administer defibrillator shocks with an automated defibrillator to apneic, pulseless patients prior to the arrival of medical personnel.

Automated defibrillator - Means an external defibrillator capable of cardiac rhythm analysis that will charge and deliver a shock, either automatically or by user interaction, after electronically detecting and assessing ventricular fibrillation or rapid ventricular tachycardia.

329.2 POLICY

- a. Police officers personnel are dispatched to a variety of incidents and are often the first personnel to arrive.
- b. Provisions of early defibrillation is an optional adjunct to care that may be provided by any agency wishing to do so.
- c. Police/procedure related to training program approval, maintenance of skill proficiency, treatment guidelines, and quality assurance will be monitored by the EMS Office in conjunction with the Mill Valley Police Department, the zone ALS provider, and the physician medical director.
- d. Police personnel will function in this capacity only following completion of a Marin County approved early defibrillation class, maintenance of the required skills refresher training and compliance with the applicable policies and procedures.
- e. Each marked patrol vehicle will be equipped with an Automatic External Defibrillator (AED) when available and officers are to follow the guidelines established by the Marin County Department of Health and Human Services on their use.

Registered Offender Information

330.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Mill Valley Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

330.2 POLICY

It is the policy of the Mill Valley Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

330.3 REGISTRATION

The Investigations Division supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

330.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

330.4 MONITORING OF REGISTERED OFFENDERS

The Investigations Division supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- a. Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- b. Review of information on the California DOJ website for sex offenders.

Registered Offender Information

- c. Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Investigations Division supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Mill Valley Police Department personnel, including timely updates regarding new or relocated registrants.

330.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Mill Valley Police Department's website. Information on sex registrants placed on the Mill Valley Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

330.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

- a. The offender's full name
- b. The offender's known aliases
- c. The offender's sex
- d. The offender's race
- e. The offender's physical description
- f. The offender's photograph
- g. The offender's date of birth
- h. Crimes resulting in the registration of the offender under Penal Code § 290
- i. The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

330.5.2 RELEASE NOTIFICATIONS

Registered Offender Information

Registrant information that is released should include notification that:

- a. The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- b. The information is provided as a public service and may not be current or accurate.
- c. Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- d. The crime for which a person is convicted may not accurately reflect the level of risk.
- e. Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- f. The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

Major Incident Notification

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

331.2 POLICY

The Mill Valley Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

331.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Mill Valley official
- Arrest of a department employee or prominent Mill Valley official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

331.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

331.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified via the chain of command.

331.4.2 DETECTIVE NOTIFICATION

Major Incident Notification

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

331.4.3 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent, and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

332.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Bureau Commander as necessary. The Watch Commander will make notification to command staff in accordance with the Major Incident Notification Policy.

332.2.1 CORONER REQUEST

Government Code § 27491 and Health and Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Coroner shall be called in any of the following cases:

- a. Unattended deaths (No physician in attendance or during the continued absence of the attending physician. This also includes all deaths outside hospitals and nursing care facilities.)
- b. Deaths where the deceased has not been attended by either a physician or a registered nurse who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746, in the 20 days prior to death
- c. Deaths where the physician is unable to state the cause of death. Unwillingness does not apply. This includes all sudden, unexpected, and unusual deaths, and fetal deaths when the underlying cause is unknown.
- d. Known or suspected homicide
- e. Known or suspected suicide (including suicide where the deceased has a history of being victimized by domestic violence)
- f. Deaths involving any criminal action or suspicion of a criminal act. This includes child and dependent adult negligence and abuse.
- g. Deaths related to or following known or suspected self-induced or criminal abortion
- h. Deaths associated with a known or alleged rape or crime against nature
- i. Deaths following an accident or injury (primary or contributory). This includes deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

Death Investigation

- j. Deaths from drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration
- k. Deaths from accidental poisoning (e.g., food, chemical, drug, therapeutic agents)
- l. Deaths from occupational diseases or occupational hazards
- m. Deaths from known or suspected contagious disease and constituting a public hazard
- n. All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room, or elsewhere
- o. Deaths that occur in prison or while under sentence. This includes all in-custody and police-involved deaths.
- p. All deaths of unidentified persons
- q. All deaths of state hospital patients
- r. Suspected Sudden Infant Death Syndrome (SIDS) deaths
- s. All deaths where the patient is comatose throughout the period of the physician's attendance. This includes patients that are admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the Coroner.

332.2.2 SEARCHING DEAD BODIES

- a. The Coroner or a designee is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card. If such a donor card is located, the Coroner or a designee shall be promptly notified (Government Code § 27491.3).
- b. The Coroner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (Government Code § 27491.3).
- c. Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or a designee, the investigating officer should first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).
- d. Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report.
- e. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

332.2.3 REPORTING

All incidents involving a death shall be documented on the appropriate form.

Death Investigation

332.2.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigations Division shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Watch Commander or Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of their supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

332.2.5 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to a death, serious illness, or serious injury and determines that it has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

332.2.6 DEATHS OF VICTIMS WITH AN IDENTIFIABLE HISTORY OF VICTIMIZED DOMESTIC VIOLENCE

Prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, investigating officers should consider factors identified in Penal Code § 679.07 (e.g., premature or untimely death, partner wanting to end relationship, scene gives appearance of death due to suicide or accident) and proceed with the investigation according to the code's requirements.

332.3 POLICY

It is the policy of the Mill Valley Police Department to respond to, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including deaths from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

332.4 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Death Investigation

332.5 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request a case number from the Coroner. The case number shall be included in any report.

Identity Theft

333.1 PURPOSE AND SCOPE

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

333.2 REPORTING

- a. In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
 1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
- b. While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
- c. Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- d. Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
- e. The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
- f. Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

Private Persons Arrests

334.1 PURPOSE AND SCOPE

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

334.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

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

- a. When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.
- b. Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

334.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

- a. For a public offense committed or attempted in his or her presence;
- b. When the person arrested has committed a felony, although not in his or her presence;
- c. When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

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

334.4 OFFICER RESPONSIBILITIES

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

Private Persons Arrests

- a. Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- b. Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
 1. Take the individual into physical custody for booking
 2. Release the individual pursuant to a Notice to Appear
 3. Release the individual pursuant to Penal Code § 849

334.5 REPORTING REQUIREMENTS

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

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

Limited English Proficiency Services

335.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

335.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Mill Valley Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

335.2 POLICY

It is the policy of the Mill Valley Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

335.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

Limited English Proficiency Services

The responsibilities of the LEP Coordinator include, but are not limited to:

- a. Coordinating and implementing all aspects of the Mill Valley Police Department's LEP services to LEP individuals.
- b. Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- c. Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Manager. The list should include information regarding the following:
 1. Languages spoken
 2. Contact information
 3. Availability
- d. Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- e. Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- f. Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- g. Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- h. Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- i. Receiving and responding to complaints regarding department LEP services.
- j. Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

335.4 FOUR-FACTOR ANALYSIS

Limited English Proficiency Services

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- a. The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- b. The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- c. The nature and importance of the contact, program, information or service provided.
- d. The cost of providing LEP assistance and the resources available.

335.5 TYPES OF LEP ASSISTANCE AVAILABLE

Mill Valley Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

335.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

335.7 AUDIO RECORDINGS

Limited English Proficiency Services

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

335.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

335.8.1 LEP COORDINATOR

The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Mill Valley Police Department LEP services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Mill Valley Police Department to assess whether they should be considered vital documents and be translated.

Terrorist Threat Response Guidelines

336.1 PURPOSE AND SCOPE

The purpose of this policy is to establish criteria for response to the elevation of the Homeland Security Advisory System (HSAS) or if an actual terrorist threat is made that may require a response from Department personnel. This policy is not intended to detail a response to every situation as there are many different scenarios that would require a response on a case-by-case basis. Officers shall also refer to the Marin Operational Area "Response to Threat Condition Severe (Red)" protocol.

336.2 THREAT CONDITIONS

The following Threat Conditions are consistent with the U.S. Department of Homeland Security. Each level represents an increasing risk of terrorist attacks. Beneath each Threat Condition are some suggested protective measures:

336.2.1 LOW CONDITION (GREEN)

This condition is declared when there is a low risk of terrorist attacks. The Mill Valley Police Department will consider the following general measures:

- a. Ensuring personnel receive proper training on the Homeland Security Advisory System and specific preplanned department or agency Protective Measures; and
- b. Institutionalizing a process to assure that all facilities and regulated sectors are regularly assessed for vulnerabilities to terrorist attacks, and all reasonable measures are taken to mitigate these vulnerabilities.

336.2.2 GUARDED CONDITION (BLUE)

This condition is declared when there is a general risk of terrorist attacks. In addition to the protective measures taken in the previous Threat Condition, the Mill Valley Police Department will consider the following general measures:

- a. Checking communications with designated emergency response or command locations;
- b. Reviewing and updating emergency response procedures; and
- c. Providing the public with any information that would strengthen its ability to act appropriately.

336.2.3 ELEVATED CONDITION (YELLOW)

An Elevated Condition is declared when there is a significant risk of terrorist attacks. In addition to the Protective Measures taken in the previous Threat Conditions, the Mill Valley Police Department will consider the following general measures:

Terrorist Threat Response Guidelines

- a. Increasing surveillance of critical locations;
- b. Coordinating emergency plans as appropriate with nearby jurisdictions;
- c. Assessing whether the precise characteristics of the threat require the further refinement of preplanned protective measures; and
- d. Implementing, as appropriate, contingency and emergency response plans.

336.2.4 HIGH CONDITION (ORANGE)

A High Condition is declared when there is a high risk of terrorist attacks. In addition to the protective measures taken in the previous Threat Conditions, the Mill Valley Police Department will consider the following general measures:

- a. Coordinating necessary security efforts with Federal, State, and local law enforcement agencies or any National Guard or other appropriate armed forces organizations;
- b. Taking additional precautions at public events and possibly considering alternative venues or even cancellation;
- c. Preparing to execute contingency procedures, such as moving to an alternate site or dispersing their workforce; and
- d. Restricting threatened facility access to essential personnel only.

336.2.5 SEVERE CONDITION (RED)

A Severe Condition reflects a severe risk of terrorist attacks. Under most circumstances, the Protective Measures for a Severe Condition are not intended to be sustained for substantial periods of time. In addition to the Protective Measures in the previous Threat Conditions, the Mill Valley Police Department will consider the following general measures:

- a. Increasing or redirecting personnel to address critical emergency needs;
- b. Assigning emergency response personnel and pre-positioning and mobilizing specially trained teams or resources;
- c. Monitoring, redirecting, or constraining transportation systems;
- d. Closing public and government facilities; and
- e. Coordinate with school districts.

Mandatory Employer Notification

337.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

337.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

337.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

337.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

337.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

337.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

Mandatory Employer Notification

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

337.3 POLICY

The Mill Valley Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

337.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

Biological Samples

338.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

338.2 POLICY

The Mill Valley Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

338.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

- a. A person, including a juvenile, upon conviction or other adjudication of any felony offense.
- b. A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.
- c. An adult arrested or charged with any felony.

338.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

338.4.1 COLLECTION

The following steps should be taken to collect a sample:

- a. Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.
- b. Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.
- c. Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

338.5 USE OF FORCE TO OBTAIN SAMPLES

Biological Samples

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- a. The person's parole or probation officer when applicable.
- b. The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- c. The judge at the person's next court appearance.
- d. The person's attorney.
- e. A chaplain.
- f. Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- g. A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

338.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

338.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

338.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

338.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

338.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

Biological Samples

- a. The California DOJ requests a blood sample and the subject consents, or
- b. A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

338.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

Chaplains

339.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Mill Valley Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

339.2 POLICY

The Mill Valley Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

339.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- a. Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- b. Managing their households, families and personal affairs well.
- c. Having a good reputation in the community.
- d. Successful completion of an appropriate-level background investigation.
- e. A minimum of five years of successful counseling experience.
- f. Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

339.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Mill Valley Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

339.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- a. Submit the appropriate written application.
- b. Include a recommendation from employers or volunteer programs.
- c. Interview with the Chief of Police and the chaplain coordinator.
- d. Successfully complete an appropriate-level background investigation.
- e. Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

339.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Mill Valley Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Mill Valley Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

339.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

339.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Bureau. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

Chaplains

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Mill Valley Police Department.

339.7.1 OPERATIONAL GUIDELINES

- a. Chaplains shall be permitted to ride with officers during any shift and observe Mill Valley Police Department operations, provided the Watch Commander has been notified and has approved the activity.
- b. Chaplains shall not be evaluators of members of the Department.
- c. In responding to incidents, a chaplain shall never function as an officer.
- d. When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- e. Chaplains shall serve only within the jurisdiction of the Mill Valley Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- f. Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

339.7.2 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- a. Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- b. Visiting sick or injured members in the hospital or at home.
- c. Attending and participating, when requested, in funerals of active or retired members.
- d. Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- e. Providing counseling and support for members and their families.
- f. Being alert to the needs of members and their families.

339.7.3 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

Chaplains

- a. Assisting members in the diffusion of a conflict or incident, when requested.
- b. Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.
- c. Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- d. Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- e. Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- f. Participating in in-service training classes.
- g. Willingness to train others to enhance the effectiveness of the Department.

339.7.4 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- a. Fostering familiarity with the role of law enforcement in the community.
- b. Providing an additional link between the community, other chaplain coordinators and the Department.
- c. Providing liaison with various civic, business and religious organizations.
- d. Promptly facilitating requests for representatives or leaders of various denominations.
- e. Assisting the community in any other function as needed or requested.
- f. Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

339.7.5 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

339.7.6 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

339.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Mill Valley Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform

Chaplains

members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Mill Valley Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

339.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

Public Safety Video Surveillance System

Policy Info	
Effective Date	Revised Date
03052026	03052026

340.1 PURPOSE AND SCOPE

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

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

340.2 POLICY

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

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

340.3 OPERATIONAL GUIDELINES

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

340.3.1 PLACEMENT AND MONITORING

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

Public Safety Video Surveillance System

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

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

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

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

340.3.2 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability, the nature of department strategy and in conformance with Department policy 610 (Facial Recognition Technology Use).

340.4 VIDEO SUPERVISION

Access to video surveillance camera data shall be limited to Mill Valley Police Department (MVPD) personnel utilizing the camera database for uses authorized above. Information may be shared in accordance with section 340.6 below. MVPD members seeking access to the camera system shall obtain the approval of the Chief of Police, or their designee.

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

340.4.1 VIDEO LOG

No one without authorization will be allowed to login and view the recordings. Those who are authorized and login, should automatically trigger the audit trail function to ensure compliance with the guidelines and policy.

Public Safety Video Surveillance System

340.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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

Video surveillance systems and recordings are subject to the Mill Valley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

340.5 STORAGE AND RETENTION OF MEDIA

Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within three (3) days of recording.

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

340.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

340.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Mill Valley Police Department.

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

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

Public Safety Video Surveillance System

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

340.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

340.8 TRAINING

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

Child and Dependent Adult Safety

341.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

341.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience children may have when their parent or caregiver is arrested. The Mill Valley Police Department will endeavor to create a strong cooperative relationship with local, state and community-based child social services to ensure an effective, collaborative response that addresses the needs of affected children.

341.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Mill Valley Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

341.2.1 AFTER AN ARREST

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

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

- a. Allow the person reasonable time to arrange for the care of minor children with a responsible party, as appropriate.
 1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent's judgment regarding arrangements for child care. It is generally best if the child remains with relatives or family friends the child knows and trusts. Consideration regarding the child's familiarity with the surroundings, comfort, emotional state and safety should be paramount.

Child and Dependent Adult Safety

2. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children with the non-arrested parent or guardian.
- b. Provide for the immediate supervision of minor children until an appropriate caregiver arrives.
- c. Notify Child Protective Services if appropriate.
- d. Notify the field supervisor or Watch Commander of the disposition of minor children.

If children are at school or at a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the parent's arrest and of the arrangements being made for the care of the arrestee's children, and then record the result of such actions in the associated report.

341.2.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional free local phone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any minor dependent child. These phone calls shall be given immediately upon request or as soon as practicable and are in addition to any other phone calls allowed by law (Penal Code § 851.5(c)).

341.2.3 REPORTING

For all arrests where children are present or living in the household, the reporting employee will include information about the children, including names, gender, age and how they were placed.

341.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

- a. Inquire about and confirm the location of any children or dependent adults.
- b. Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- c. Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Child and Dependent Adult Safety

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

341.3.1 AFTER AN ARREST

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

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

1. Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
2. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
3. Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
4. Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
5. Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

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

Child and Dependent Adult Safety

341.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

341.3.3 REPORTING

- a. For all arrests where children are present or living in the household, the reporting member will document the following information:
 1. Name
 2. Sex
 3. Age
 4. Special needs (e.g., medical, mental health)
 5. How, where and with whom or which agency the child was placed
 6. Identities and contact information for other potential caregivers
 7. Notifications made to other adults (e.g., schools, relatives)
- b. For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 1. Name
 2. Sex
 3. Age
 4. Whether he/she reasonably appears able to care for him/herself
 5. Disposition or placement information if he/she is unable to care for him/herself

341.3.4 SUPPORT AND COUNSELING REFERRAL

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

Child and Dependent Adult Safety

341.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

341.5 TRAINING

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

Service Animals

342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

342.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Civil Code § 54.1; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

342.2 POLICY

It is the policy of the Mill Valley Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to a person authorized to train a service dog (Civil Code § 54.2).

342.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

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

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.

Service Animals

- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

342.4 INQUIRIES REGARDING SERVICE ANIMALS

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

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

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

342.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

342.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services,

Service Animals

programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

342.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Volunteer Program

343.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

343.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

343.2 VOLUNTEER MANAGEMENT

343.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administrative Services Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- a. Recruiting, selecting and training qualified volunteers for various positions.
- b. Facilitating the implementation of new volunteer activities and assignments.
- c. Maintaining records for each volunteer.
- d. Tracking and evaluating the contribution of volunteers.
- e. Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- f. Maintaining a record of volunteer schedules and work hours.
- g. Completion and dissemination as appropriate of all necessary paperwork and information.

Volunteer Program

- h. Planning periodic recognition events.
- i. Administering discipline when warranted.
- j. Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

343.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

343.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include but not limited to the following:

- a. Local, state, and national criminal history background check. Fingerprints shall be obtained from all applicants and submitted to the California Department of Justice (Penal Code § 11105.05; Penal Code § 11105.002).
- b. Traffic history check
- c. Employment
- d. References
- e. Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

343.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the

Volunteer Program

Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

343.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

343.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- a. Driver license
- b. Medical condition
- c. Arrests
- d. Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

343.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear

Volunteer Program

the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

343.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- a. Take the time to introduce volunteers to employees on all levels.
- b. Ensure volunteers have work space and necessary office supplies.
- c. Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

343.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

343.5 PROPERTY AND EQUIPMENT

Volunteer Program

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

343.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- a. A driving safety briefing and department approved driver safety course.
- b. Verification that the volunteer possesses a valid California Driver License.
- c. Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

343.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

343.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

343.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

Volunteer Program

343.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

343.8 POLICY

The Mill Valley Police Department shall ensure that volunteers are properly appointed, trained, and supervised to carry out specified tasks and duties in order to create an efficient department and improve services to the community.

Off-Duty Law Enforcement Actions

344.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Mill Valley Police Department with respect to taking law enforcement action while off-duty.

344.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

344.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

344.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- a. The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

Off-Duty Law Enforcement Actions

- b. The inability to communicate with responding units.
- c. The lack of equipment, such as handcuffs, OC or baton.
- d. The lack of cover.
- e. The potential for increased risk to bystanders if the off-duty officer were to intervene.
- f. Unfamiliarity with the surroundings.
- g. The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

344.4.1 INTERVENTION PROCEDURE

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

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

344.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

344.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

344.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

344.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Off-Duty Law Enforcement Actions

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Department Use of Social Media

345.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

345.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

345.2 POLICY

The Mill Valley Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

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

345.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

Department Use of Social Media

345.4 AUTHORIZED CONTENT

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

Examples of appropriate content include:

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

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

345.4.1 INCIDENT-SPECIFIC USE

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

345.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- a. Content that is abusive, discriminatory, inflammatory or sexually explicit.
- b. Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- c. Any information that could compromise an ongoing investigation.
- d. Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Mill Valley Police Department or its members.
- e. Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- f. Any content posted for personal use.
- g. Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

Department Use of Social Media

345.5.1 PUBLIC POSTING PROHIBITED

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

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

345.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues. The same supervisor should review the department social media on a quarterly basis for any posted prohibited content and remove the same upon discovery.

345.7 RETENTION OF RECORDS

The Administrative Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

345.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Native American Graves Protection and Repatriation

346.1 PURPOSE AND SCOPE

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

346.1.1 DEFINITIONS

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

Funerary objects - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

Native American human remains - Any physical part of the body of a Native American individual.

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

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

346.2 POLICY

Native American Graves Protection and Repatriation

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

346.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

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

346.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

Gun Violence Restraining Orders

347.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

347.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

347.2 POLICY

It is the policy of the Mill Valley Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

347.3 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.
 4. Renewal orders.
- b. Developing and maintaining factors to consider when assessing the need to seek an order, including (Penal Code § 18108; Penal Code § 18155):
 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.

Gun Violence Restraining Orders

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 appropriate databases and required notice to the court, as applicable.
 3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
 4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
 5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order (Penal Code § 18108).
- d. Coordinating with the Training Manager to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- e. Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.
- f. Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.
 1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- g. Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear and participate in the evidence presentation process (Penal Code § 18108).
- h. Coordinating with the Training Manager to ensure officers remain current with the following (Penal Code § 18108):
 1. Types of evidence a court considers when determining whether grounds exist for the issuance of a gun violence restraining order as provided in Penal Code § 18155 (Grounds for gun violence restraining order; examination by court).
 2. The different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders that are available to law enforcement petitioners.
- i. Establishing standards and procedures for addressing violations of a gun violence restraining order (Penal Code § 18108).
- j. Establishing procedures for officers to provide information about mental health referral services during contact with persons exhibiting mental health issues (Penal Code § 18108).

347.4 GUN VIOLENCE RESTRAINING ORDERS

Gun Violence Restraining Orders

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

347.4.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- a. When responding to a residence that 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, possesses, or expresses an intent to acquire 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 or expresses intent to obtain a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

347.5 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- a. Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- b. Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- c. Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- d. Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- e. Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

Gun Violence Restraining Orders

- 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.

347.5.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- a. For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- b. Serve the order on the restrained person if the person can be reasonably located.
- c. Forward a copy of the order to the Records Supervisor for filing with the court and appropriate databases.

347.6 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

1. 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.
2. 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.
3. 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.

347.7 RECORDS SUPERVISOR RESPONSIBILITIES

Gun Violence Restraining Orders

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).

347.8 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- a. Record the individual's name, address and telephone number.
- b. Record the serial number of the firearm.
- c. Prepare an incident report and property report.
- d. Provide a property receipt to the individual who surrendered the firearms and ammunition.
- e. Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

347.9 STORAGE AND 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 stored in accordance with the Property and Evidence Policy.

Firearms and ammunition shall be returned to the restrained person upon the expiration of the order in accordance with Penal Code § 18120 and the Property and Evidence Policy (Penal Code § 18108).

347.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Investigations Division supervisor is responsible for the review of a gun violence restraining order (including temporary or ex parte orders) obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

347.11 POLICY AVAILABILITY

Gun Violence Restraining Orders

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

347.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Community Relations

348.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

348.2 POLICY

It is the policy of the Mill Valley Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

348.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- a. Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- b. Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- c. Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- d. Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

348.4 COMMUNITY RELATIONS COORDINATOR

Community Relations

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or authorized designee and is responsible for:

1. Obtaining department-approved training related to his/her responsibilities.
2. Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
3. Organizing surveys to measure the condition of the department's relationship with the community.
4. Working with community groups, department members and other community resources to:
 1. Identify and solve public safety problems within the community.
 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
5. Working with the Operations Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
6. Recognizing department and community members for exceptional work or performance in community relations efforts.
7. Attending City council and other community meetings to obtain information on community relations needs.
8. Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
9. Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

348.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- a. Overall performance of the Department
- b. Overall competence of department members
- c. Attitude and behavior of department members
- d. Level of community trust in the Department
- e. Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

348.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

Community Relations

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- a. Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- b. Police-community get-togethers (e.g., cookouts, meals, charity events).
- c. Youth leadership and life skills mentoring.
- d. School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- e. Neighborhood Watch and crime prevention programs.

348.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- a. Community meetings.
- b. Social media (see the Department Use of Social Media Policy).
- c. Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

348.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- a. Development and distribution of informational cards/flyers.
- b. Department website postings.
- c. Presentations to driver education classes.
- d. Instruction in schools.
- e. Department ride-alongs (see the Ride-Along Policy).
- f. Scenario/Simulation exercises with community member participation.
- g. Youth internships at the Department.
- h. Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

348.9 SAFETY AND OTHER CONSIDERATIONS

Community Relations

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

348.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- a. Provide a public forum for gathering information about public safety concerns in the community.
- b. Work with the Department to develop strategies to solve public safety problems.
- c. Generate plans for improving the relationship between the Department and the community.
- d. Participate in community outreach to solicit input from community members, including youth from the community.

The Training Manager should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

348.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

348.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

Community Relations

348.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- a. Effective social interaction and communication skills.
- b. Cultural, racial and ethnic diversity and relations.
- c. Building community partnerships.
- d. Community policing and problem-solving principles.
- e. Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

Generative Artificial Intelligence Use

349.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for department use of generative artificial intelligence (GenAI). This policy does not apply to artificial intelligence that is integrated into facial recognition applications, voice recognition applications, biometric access controls, or software that redacts documents or video or similar applications.

Additional guidelines for the use of department information technology resources are found in the Information Technology Use Policy. Additional guidelines for preparing reports are found in Report Preparation Policy.

349.1.1 DEFINITIONS

Definitions related to this policy include:

Generative artificial intelligence (GenAI) - A type of artificial intelligence that is algorithmically trained on one or more large data sets and designed to generate new and unique data (e.g., text, pictures, video) in response to a prompt (generally questions, instructions, images, or video) input by the user.

349.2 POLICY

The use of GenAI systems carries unique benefits within a law enforcement agency, providing ways to increase operational efficiency, enhance department procedures, and improve the overall effectiveness of the Mill Valley Police Department.

However, the prompts input into GenAI systems can present risks to both individuals and law enforcement agencies by making accessible to the public information such as department tactics, investigative and training techniques, confidential information (e.g., confidential informants, protected information), active investigations, and security procedures. In addition, without safeguards in place, GenAI can produce unintended discriminatory or biased output as well as content that is inaccurate, misleading, or copyrighted.

It is the policy of the Department to develop, implement, and use GenAI ethically and responsibly in a way that minimizes potential risk and harm in accordance with the guidelines set forth below.

Any function carried out by a member of the Department using GenAI is subject to the same laws, rules, and policies as if carried out without the use of GenAI. The use of GenAI does not permit any law, rule, or policy to be bypassed or ignored.

349.3 RESPONSIBILITIES

349.3.1 CHIEF OF POLICE

Generative Artificial Intelligence Use

The Chief of Police or an authorized designee shall approve all GenAI systems, their acceptable uses, and their authorized user groups prior to the use, implementation, or development for any department functions.

349.3.2 AI COORDINATOR

The Chief of Police or the authorized designee shall appoint an AI coordinator. The AI coordinator shall report to the Administrative Services Division Commander or the authorized designee.

The responsibilities of the AI coordinator include but are not limited to:

- a. Evaluating potential GenAI systems and recommending those GenAI systems that appear to be appropriate and trustworthy to the Chief of Police or the authorized designee. The trustworthiness of GenAI systems should be evaluated by balancing the following characteristics:
 1. Validity and reliability - The system's apparent ability to meet the intended purpose and fulfill the needs of the Department consistently over time.
 2. Safety - Any apparent risk to human life, health, property, or the environment that could result from the department's use of the system.
 3. Security and resiliency - The system's capability to prevent unauthorized access and misuse and its ability to return to normal function should misuse occur.
 4. Accountability and transparency - The ability to track and measure the system's use and activity through histories, audit logs, and other processes to provide insight about the system and identify potential sources of error, bias, or vulnerability.
 5. Explainability and interpretability - The ability of the user to understand the purpose and impact of the system, how and why the system reached the resulting output, and what the output means for the user.
 6. Privacy - The ability of the system to protect confidentiality and meet applicable privacy standards for the types of data intended to be input into the system (e.g., state privacy laws, Criminal Justice Information Services (CJIS), Health Insurance Portability and Accountability Act (HIPAA)).
 7. Fairness - The ability of the system to operate in a way that avoids or minimizes bias and discrimination.
- b. Ensuring appropriate contractual safeguards are in place to manage third-party use of department data and to restrict the use of input in AI training data sets. If the input of protected information is necessary for the proper use of the GenAI system, an information-exchange agreement in compliance with applicable rules and standards (e.g., CJIS requirements) should be used to outline the roles, responsibilities, and data ownership between the Department and third-party vendor.
- c. Coordinating with others within the Department and City, such as the information technology or legal departments, as appropriate to ensure GenAI systems are procured, implemented, and used appropriately.
- d. Maintaining a list or inventory of department-approved GenAI systems and, when appropriate for department transparency, making the list or inventory available to the public.

Generative Artificial Intelligence Use

- e. Developing and maintaining appropriate procedures related to the use of GenAI systems, including procedures for editing and fact-checking output.
- f. Ensuring any public-facing GenAI systems notify the user that GenAI is being used.
- g. Developing and updating training for the authorized users of each department-approved GenAI system.
- h. Ensuring access to department GenAI systems is limited to authorized users and establishing requirements for user credentials such as two-factor authentication and appropriate password parameters.
- i. Conducting audits at reasonable time intervals for each of the GenAI systems utilized by the Department to evaluate the performance and effectiveness of each approved system and to determine if it continues to meet the department's needs and expectations of trustworthiness. The coordinator should arrange for audits to be conducted by an external source, as needed.
- j. Ensuring each GenAI system is updated and undergoes additional training as reasonably appears necessary in an effort to avoid the use of outdated information or technologies.
- k. Keeping abreast of advancements in GenAI and any GenAI-related legal developments.
- l. Reviewing this policy and department practices and proposing updates as needed to the Chief of Police.
- m. Developing procedures in coordination with the *Brady* information coordinator and the Records Supervisor for the compilation and potential release of any discovery or records related to the use of GenAI systems consistent with *Brady* and the California Public Records Act.

349.4 USE OF GENERATIVE AI

The use of department GenAI systems by department members shall be limited to official work-related purposes, and members shall only access and use GenAI systems for which they have been authorized and received proper training.

Members shall use AI-generated content as an informational tool and not as a substitution for human judgment or decision-making. Members should not represent AI-generated content as their own original work.

AI-generated content should be considered draft material only and shall be thoroughly reviewed prior to use. Before relying on AI-generated content, members should:

- a. Obtain independent sources for information provided by GenAI and take reasonable steps to verify that the facts and sources provided by GenAI are correct and reliable.
- b. Review prompts and output for indications of bias and discrimination and take steps to mitigate its inclusion when reasonably practicable (see the Bias-Based Policing Policy).
- c. Include a statement in the final document or work product that GenAI was used to aid in its production.

349.4.1 PRIVACY CONSIDERATIONS

Generative Artificial Intelligence Use

Information not otherwise available to the public, including data reasonably likely to compromise an investigation, reveal confidential law enforcement techniques, training, or procedures, or risk the safety of any individual if it were to become publicly accessible, should not be input into a GenAI system unless contractual safeguards are in place to prevent such information from becoming publicly accessible. Members should instead use generic unidentifiable inputs, such as "suspect" or "victim," and hypothetical scenarios whenever possible.

Protected information should only be input into GenAI systems that have been approved for such use and comply with applicable privacy laws and standards (see the Protected Information Policy).

349.5 PROHIBITED USE

Members shall not use GenAI systems to rationalize a law enforcement decision, or as the sole basis of research, interpretation, or analysis of the law or facts related to a law enforcement contact or investigation.

Members shall not create user accounts in their official capacity or input work-related data (including information learned solely in the scope of their employment) into publicly available GenAI systems unless the system has been approved by the Chief of Police or the authorized designee for the intended use.

349.6 TRAINING

The AI coordinator should ensure that all members authorized to use GenAI have received appropriate initial training that is suitable for their role and responsibilities prior to their use of GenAI and receive periodic refresher training. Training should include but is not limited to the following:

- a. A review of this policy
- b. The need for human oversight of GenAI outputs
- c. The interpretation, review, and verification of GenAI output
- d. Checking GenAI output for bias or protected information
- e. Ethical use of GenAI technology
- f. Data security and privacy concerns

ADA Compliance

350.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Mill Valley Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

350.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The member designated by the Chief of Police to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

Assistive devices, auxiliary aids, and services - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Mill Valley Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

Disability - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

ADA Compliance

Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

350.2 POLICY

It is the policy of the Mill Valley Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

350.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- a. Collaborating with the City ADA coordinator regarding the Mill Valley Police Department's efforts to provide equal access to services, programs, and activities.
 1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
- b. Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:
 1. Inspection of current department facilities to identify access issues.
 2. Review of current department services, activities, and programs for access issues.
 3. Assessment and update, if necessary, of current compliance measures.
 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
 6. Recommendation of a schedule to implement needed improvements.
- c. Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.
- d. Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.
 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.
- e. Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.

ADA Compliance

- f. Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.
- g. Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).
- h. Collaborating with other city departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
- i. Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).
- j. Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
- k. Recommending amendments to this policy as needed.

350.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

350.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- a. Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 - 1. A substantial alteration of the service, program, or activity.

ADA Compliance

2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 3. A threat to or the destruction of the historic significance of a historic property.
 4. A direct threat to the health or safety of others (28 CFR 35.139).
- b. If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.
 - c. Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
 1. Reassigning services, programs, or activities to accessible buildings or facilities.
 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 4. Any other means or methods that would make services, programs, or activities readily accessible.
 - d. If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

350.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

350.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

350.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method may be effective include:

- a. The methods of communication usually used by the individual.
- b. The nature, length, and complexity of the communication involved.
- c. The context of the communication.

ADA Compliance

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

350.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

350.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

350.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

- a. Available within a reasonable amount of time.
- b. Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
- c. Familiar with the use of text- and video-based communications products and systems.
- d. Certified in either American Sign Language (ASL) or Signing Exact English (SEE).
- e. Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- f. Knowledgeable of the ethical issues involved when providing interpreter services.

ADA Compliance

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

350.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

350.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

350.5.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

350.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

ADA Compliance

350.5.8 WITNESS OR VICTIM INTERVIEWS

Members who interview a witness or victim who demonstrates or states they are deaf or have a hearing loss shall make a good faith effort to secure the services of an interpreter without any unnecessary delay, unless the individual affirmatively indicates they do not need or cannot use an interpreter (Evidence Code § 754).

350.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

350.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

350.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

350.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

- a. The type of modification, assistive device, auxiliary aid, or service provided.
- b. Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.

ADA Compliance

- c. Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

350.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

350.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

- a. Awareness and understanding of this policy, related procedures, forms, and available resources.
- b. Procedures for handling requests for modifications.
- c. Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
- d. General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Manager should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

350.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

- a. The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- b. ASL syntax and accepted abbreviations.

ADA Compliance

- c. Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.
- d. Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all the Communications Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

Vehicle Pursuits

351.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects (Vehicle Code § 17004.7).

351.1.1 DEFINITIONS

Definitions related to this policy include:

Blocking - A preventive maneuver where emergency vehicles are strategically positioned to prevent a suspect from moving their vehicle, usually before a pursuit starts or at low speeds.

Boxing-in - A low-speed tactic designed to stop a fleeing vehicle by surrounding it with emergency vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed tactic designed to apply lateral pressure to the rear quarter panel of a fleeing vehicle, causing it to spin out, stall, and come to a stop (also known as a Precision Immobilization Technique).

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

Roadblock - A tactic designed to stop a fleeing vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the fleeing vehicle.

Tire deflation device - A device designed to be placed on the roadway and puncture the tires of a fleeing vehicle, sometimes referred to as spike strips.

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

351.2 POLICY

It is the policy of this department to balance the need to apprehend a fleeing suspect with the risks associated with vehicle pursuits.

351.3 INITIATING A PURSUIT

Officers who have received appropriate training are authorized to initiate a vehicle pursuit when the need to apprehend a fleeing suspect clearly outweighs the risks a vehicle pursuit poses for officers and the public.

Vehicle Pursuits

When balancing the risk of a pursuit with the need to apprehend the suspect, officers shall consider:

- a. The seriousness of the known or reasonably suspected crime committed by the suspect and the threat to the safety of the public if the suspect remains at large.
- b. Whether the identity of the suspect is known with enough certainty to enable apprehension at a later time.
- c. The speed of the vehicles relative to the conditions of the area, such as the population density, amount of vehicular and pedestrian traffic (e.g., school zones), time of day, road conditions, environmental conditions (e.g., hills, curves, mountains), and weather conditions.
- d. The pursuing officer's driving capabilities, familiarity with the area, and quality of radio communications with the [dispatcher/supervisor].
- e. The nature of the pursuing unit (e.g., marked vs. unmarked) and its speed and performance capabilities in relation to the fleeing vehicle (e.g., performance motorcycle).
- f. Whether there are other persons in or on the fleeing vehicle and their relationship to the situation (e.g., passengers, co-offenders, hostages).
- g. Whether the pursuing unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist.
- h. The availability of other resources such as air support or vehicle locator/deactivation technology.

351.4 PURSUIT UNITS

Vehicle pursuits should be limited to three police department emergency vehicles (two pursuit units and the supervisor vehicle). However, an officer or supervisor may request that additional units join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the number of suspects.

351.4.1 EMERGENCY EQUIPMENT

Vehicle pursuits shall only be conducted using authorized police department vehicles that are equipped with emergency lighting and sirens as required by Vehicle Code § 21055. Each pursuit unit's emergency lights and sirens should remain activated throughout the unit's participation in the pursuit.

Officers operating vehicles not equipped with emergency lights and siren are prohibited from pursuing a fleeing vehicle or joining a pursuit. Officers in such vehicles may provide support to pursuing units when needed, but should operate the vehicle in compliance with all traffic laws and should discontinue such support immediately upon arrival of a sufficient number of authorized emergency vehicles or any air support.

351.4.2 MOTORCYCLES AND UNMARKED UNITS

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

351.4.3 PRIMARY UNIT

Vehicle Pursuits

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

As soon as practicable, the primary unit should notify the Communications Center of the pursuit, request priority radio traffic, and provide appropriate information including:

- a. The location, direction of travel, and estimated speed of the pursuit.
- b. The description of the fleeing vehicle, including the license plate number, if known.
- c. The reason for the pursuit.
- d. A description of the fleeing vehicle's evasive driving behavior (e.g., rapid lane changes, no headlights, driving on the wrong side of the road).
- e. Known or suspected weapons, threat of force, violence, injuries, hostages, or other unusual hazards.
- f. The suspected number of occupants and their identities or descriptions.
- g. The weather, road, and traffic conditions.
- h. The need for any additional resources or equipment.
- i. The identities of other law enforcement agencies involved in the pursuit.

The primary unit is responsible for broadcasting the progress of the pursuit until a secondary or air unit joins the pursuit. Once an additional unit joins the pursuit, the primary unit should relinquish the responsibility of broadcasting the progress to the secondary or air unit unless circumstances reasonably indicate otherwise.

351.4.4 SECONDARY UNIT

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

- a. Notifying the Communications Center of their entry into the pursuit.
- b. Broadcasting the progress of the pursuit, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.
- c. Identifying the need for and requesting additional resources or equipment as appropriate.
- d. Serving as backup to the primary unit once the fleeing vehicle has been stopped.

351.4.5 AIR UNITS

When available, air unit assistance should be requested. The air unit should assume responsibility of broadcasting the pursuit once they have established visual contact with the fleeing vehicle. Ground units should maintain operational control and consider whether the continued close proximity and/or involvement in the pursuit is warranted.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit, and provide pursuing units with details of upcoming traffic congestion, road hazards, or other information

Vehicle Pursuits

pertinent to evaluating whether to continue the pursuit. If ground units are not within visual contact of the fleeing vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend termination.

351.5 PURSUIT DRIVING

The decision to use specific driving tactics requires consideration of the same factors as initiating a pursuit. In addition, officers involved in the pursuit should adhere to the following:

- a. Pursuing units should space themselves far enough from other involved vehicles to be able to see and avoid hazards and react safely to maneuvers by the fleeing vehicle.
- b. Pursuing units should exercise caution and slow down as necessary when proceeding through intersections.
- c. Pursuing units should not follow a fleeing vehicle driving against traffic (wrong way) and should instead:
 1. Request assistance from available air support.
 2. Maintain visual contact with the fleeing vehicle by paralleling it on the correct side of the roadway.
 3. Request other units to observe exits available to the fleeing vehicle.
- d. Pursuing units should request that the Communications Center notify the California Highway Patrol (CHP) and/or another law enforcement agency if it appears that the pursuit may enter its jurisdiction.
- e. Pursuing units should not attempt to pass other pursuit units unless the situation indicates otherwise or they are requested to do so. Passing another pursuit unit should only be attempted with a clear understanding of the maneuver.

351.5.1 RULES OF THE ROAD

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

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

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

351.5.2 OFFICERS NOT INVOLVED IN THE PURSUIT

Officers not directly involved in the pursuit should stay alert to its progress and location and may proceed safely to intersections ahead of the pursuit to warn cross traffic. When clearing intersections along the pursuit path, officers are authorized to use emergency equipment and should attempt to place their vehicles in locations that provide some safety or an escape route in the event of an unintended collision or a suspect intentionally trying to ram the police department vehicle.

Vehicle Pursuits

Other than clearing intersections along the pursuit path, uninvolved officers should avoid operating under emergency conditions (emergency lights and siren) and should remain in their assigned areas unless directed otherwise by a supervisor.

When needed, non-pursuing officers and officers who have dropped out of the pursuit should respond to the pursuit termination point in a non-emergency manner, observing the rules of the road. Officers should not parallel the pursuit route.

351.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

- a. Immediately notifying the involved units and the [dispatcher of supervisory presence and ascertaining all reasonably available information in order to continuously assess the situation and risk factors associated with the pursuit.
- b. Exercising management and control of the pursuit and, when appropriate, engaging in the pursuit to provide on-scene supervision.
- c. Confirming that no more pursuing units than required are involved in the pursuit.
- d. Directing that the pursuit be terminated if, in the supervisor's judgment, continuing the pursuit is not justified under the guidelines of this policy.
- e. Assessing the emotional state of the officers involved and directing an officer to disengage from the pursuit if it appears they are unable to control their emotions.
- f. Requesting additional assistance from air support, canines, or other resources, if available and appropriate.
- g. Verifying that the proper radio channel is being used.
- h. Confirming the Watch Commander has been notified of the pursuit.
 - i. Overseeing the notification and/or coordination of outside agencies if the pursuit leaves or is likely to leave the jurisdiction of this department.
 - j. Continuing the management and control of Mill Valley Police Department units when a pursuit enters another jurisdiction.
- k. Preparing documentation of the pursuit and conducting a post-pursuit review, as required.

351.6.1 WATCH COMMANDER RESPONSIBILITIES

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

351.7 THE COMMUNICATIONS CENTER

Vehicle Pursuits

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

351.7.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

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

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

351.8 INTERJURISDICTIONAL CONSIDERATIONS

Unless entry into another jurisdiction is expected to be brief, the primary unit or supervisor should 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.

351.8.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

When a pursuit enters another agency's jurisdiction, the primary unit or the supervisor should determine whether to request the other agency assume the pursuit, taking into consideration the distance traveled, familiarity with the area, and other pertinent facts.

Once another agency has agreed to assume the pursuit, pursuing units should relinquish control and discontinue participation unless the continued assistance of the Mill Valley Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may, with supervisory approval, proceed to the termination point in order to provide information and assistance for the arrest of the suspect and reporting of the incident. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for department reports.

351.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

Officers from this department should not join a pursuit being conducted by another agency unless specifically requested to do so by that agency and with approval from a supervisor.

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of the Mill Valley Police Department, the Watch Commander or supervisor should review the request as soon as practicable, taking into consideration:

Vehicle Pursuits

- a. Whether the need to apprehend the fleeing suspect outweighs the risks of the pursuit to officers and the public.
- b. Whether there is adequate staffing to continue the pursuit.
- c. The available units' capabilities to maintain the pursuit.
- d. The number of available units and other resources of the pursuing agency.

Assistance to a pursuing agency by officers of this department should terminate at the City limits, provided that the pursuing agency has sufficient assistance from other sources. Ongoing participation from this department should continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers should provide appropriate assistance to the pursuing agency such as scene control, inter-agency coordination, completion of supplemental reports, and any other reasonable assistance requested or needed.

351.9 PURSUIT INTERVENTION

Pursuit interventions should only be used when it reasonably appears that using the intervention will contain or prevent the pursuit, and the need to immediately stop the fleeing vehicle outweighs the risks of injury or death to officers and others.

Pursuit interventions may be construed as a use of force, including deadly force, and are subject to the policies guiding such use. Officers should consider the guidelines for the use of force when deciding how, when, where, and if a pursuit intervention should be employed. Refer to the Use of Force Policy for additional guidance.

Whenever practicable, an officer should seek approval from a supervisor before employing any pursuit intervention to stop a fleeing vehicle. Officers should not attempt a pursuit intervention unless they have received the appropriate training for the intervention being used.

351.9.1 TIRE DEFLATION DEVICE

Before deploying a tire deflation device, officers should consider factors such as:

- a. Speed of the fleeing vehicle - Traveling at high speeds increases the risk the suspect will lose control of the vehicle after driving over or swerving to avoid a tire deflation device.
- b. Weather and visibility - Tire deflation devices should only be deployed when the location, weather, and other conditions allow the deploying officer to clearly see the fleeing vehicle, pursuit units, and other approaching traffic.
- c. Cover - Deployment should occur in a location that provides the deploying officer adequate cover and escape from intentional or unintentional exposure to the approaching vehicles.
- d. Road conditions - Soft or loose material such as dirt or gravel may prevent a tire deflation device from puncturing the vehicle's tire. Deploying the device on loose pavement or icy or wet roads increases the risk of the suspect losing control of the vehicle.

Vehicle Pursuits

- e. Characteristics of the deployment area - A tire deflation device should not be deployed in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- f. Characteristics of the fleeing vehicle - Except in extraordinary circumstances, a tire deflation device should not be used when the fleeing vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children.

Because of the risks to deploying officers, the intent to deploy a tire deflation device and its location should be clearly communicated to the [dispatcher and all involved units.

351.9.2 PIT

A PIT should only be attempted in a vehicle with a reinforced bumper.

Before conducting a PIT, officers should consider factors such as:

- a. Speed of the fleeing vehicle - Conducting a PIT while traveling at high speeds increases the risk of the suspect or officer losing control of their vehicle. A PIT should not be conducted at speeds greater than the speed at which the officer has received training.
- b. Road conditions - Because the intention of a PIT is to cause the fleeing vehicle to spin out by reducing the friction between the tires and the roadway, the material of the roadway (e.g., pavement, gravel, dirt) should be considered and a PIT should not be attempted when road conditions are wet or icy.
- c. Characteristics of the deployment area - A PIT should not be attempted in areas that are heavily populated with pedestrians, at times of heavy traffic, or at a location where there is a heightened chance of striking a fixed object.
- d. Characteristics of the fleeing vehicle - A PIT should not be used when the pursued vehicle is a motorcycle or other vehicle with fewer than four wheels, an ATV, a vehicle transporting hazardous materials, or a school bus transporting children. The increased risk of rolling over should be evaluated on vehicles with a high center of gravity.
- e. Number of pursuit units - A PIT should not be used unless there is a sufficient number of pursuit units available to prevent further movement of the fleeing vehicle after spinning out.

351.9.3 BOXING-IN OR BLOCKING

Boxing-in or blocking should only be used when the suspect's vehicle is stopped or traveling at a low speed.

Boxing-in requires the participation of multiple units and therefore must be carefully coordinated with all involved.

351.9.4 RAMMING AND ROADBLOCKS

Ramming and roadblocks shall only be used when deadly force is warranted and all other reasonable alternatives have been exhausted or reasonably appear ineffective.

Vehicle Pursuits

351.9.5 FIREARMS

Specific guidance on the use of a firearm during a vehicle pursuit is addressed in the Use of Force Policy.

351.10 TERMINATING A PURSUIT

The factors considered when initiating a pursuit should be continually reevaluated by pursuing units during the pursuit, as the circumstances and conditions change, and as new information becomes available. If at any time the risk of continuing the pursuit outweighs the need to immediately apprehend the suspect, the pursuit should be terminated.

In addition, a pursuit should be terminated when:

- a. A supervisor directs the pursuit to be terminated.
- b. The location of the fleeing vehicle is no longer known.
- c. The distance between the pursuing units and the fleeing vehicle is so great that further pursuit would be futile or would continue for an unreasonable time and/or distance.
- d. The pursuing unit sustains damage or a mechanical failure that makes it unsafe to drive or renders the emergency lighting and sirens partially or completely inoperable and there are no additional units readily available to take over the pursuit.

When a pursuit terminates for any reason, all pursuit units should verbally acknowledge termination, turn off emergency lights and sirens, reduce their speed, and obey all traffic laws. The primary unit should communicate the location of pursuit termination to the [dispatcher].

351.10.1 LOSS OF PURSUED VEHICLE

When a pursuit is terminated because the location of the fleeing vehicle is no longer known, the primary unit should broadcast pertinent information for other units to assist in locating the suspect. The primary unit or supervisor will be responsible for coordinating any further search for the pursued vehicle.

351.10.2 APPREHENSION OF SUSPECTS

Officers should exercise proper self-discipline and sound professional judgment at the conclusion of a pursuit and while apprehending the suspect.

Unless otherwise directed by a supervisor, an officer other than the primary unit should coordinate efforts to apprehend the suspect following the pursuit.

Any use of force necessary to apprehend the suspect shall be consistent with the Use of Force Policy.

351.11 DEBRIEFING

Participating officers should return to the Department as soon as practical following a pursuit to debrief with a supervisor.

351.12 REPORTING REQUIREMENTS

Vehicle Pursuits

Appropriate reports should be completed as required by applicable laws, policies, and procedures.

- a. Pursuing officers should complete appropriate crime/arrest and pursuit reports.
- b. The involved supervisor, or if unavailable, the on-duty field supervisor, shall obtain available information and promptly complete appropriate written notification to the Chief of Police or the authorized designee. The notification should briefly summarize the pursuit and include, at a minimum:
 1. Date and time of the pursuit.
 2. Reason and circumstances surrounding the pursuit (e.g., seriousness of the crime, road and traffic conditions, speed and driving behavior of the fleeing vehicle) that warranted initiation and continuation of the pursuit.
 3. Length of pursuit in distance and time, including the starting and termination points.
 4. Involved vehicles and officers.
 5. Alleged offenses.
 6. Whether a suspect was apprehended, as well as the means and methods used.
 7. Arrestee information, if applicable.
 8. Any injuries and/or medical treatment.
 9. Any property or equipment damage.
 10. Name of supervisor at the scene or who handled the incident.

After receiving copies of the written notification, reports, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign a post-pursuit review, as appropriate.

The Chief of Police should direct an annual documented review and analysis of department vehicle pursuits to minimally include policy suitability, policy compliance, and training or equipment needs. The review should not contain the names of officers, suspects, or case numbers.

351.12.1 STATE-SPECIFIC REPORTING REQUIREMENTS

The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.

351.13 PURSUIT TRAINING

The Training Manager should ensure that members of this department receive initial and annual training on this policy and vehicle pursuits relevant to their role (e.g., officers, supervisors, air units, [dispatchers]).

Officer training should address decision-making involved in initiating, continuing, and terminating a pursuit by balancing the need to apprehend the suspect with the risk of a pursuit. Subject to available resources, training on pursuit driving and the deployment of pursuit intervention tactics should include scenario-based training and behind-the-wheel practice, in addition to classroom instruction.

351.13.1 STATE-SPECIFIC TRAINING REQUIREMENTS

Vehicle Pursuits

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

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

351.14 POLICY ACKNOWLEDGEMENT

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

351.15 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.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other bureaus or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and bureaus.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.3.1 CAMPUS LIAISON

A college or university in this jurisdiction should designate a liaison between our department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision

Patrol Function

of the California Constitution or both (Education Code § 66303). The designated department staff member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

400.4 POLICY

The Mill Valley Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Mill Valley. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

- a. Responding to emergency calls for service.
- b. Apprehending criminal offenders.
- c. Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.
- d. Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.
- e. Responding to reports of criminal and non-criminal acts.
- f. Responding to routine calls for service, such as public assistance or public safety.
- g. Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.
- h. Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.
- i. Directing and controlling traffic.

Bias-Free Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Mill Valley Police Department's commitment to fair and objective policing. The intent of this policy is to increase the department's effectiveness as a law enforcement agency and to build mutual trust with the City and County's diverse individuals and communities.

In 2015, the Racial and Identity Profiling Act (Assembly Bill 953) became law, requiring California law enforcement agencies to collect specific data regarding detentions and searches. The Mill Valley Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those we serve. Data to be collected includes: the perceived race or ethnicity of the person contacted, gender, approximate age, and other characteristics, as well the reason for the contact and resulting post-contact outcomes. This law requires that the collected data be shared with the California Department of Justice (DOJ). AB 953 regulations require data collection for all contacts, which is defined as any detention by a peace officer of a person, or any peace officer interaction with a person in which the officer conducts a search. In other words, under AB 953, in addition to vehicle stops, officers will be required to collect data for pedestrian stops and other detentions that occur while responding to calls for service and performing other duties.

Any Mill Valley Police Department action that contains bias is unlawful and alienates the public, fosters distrust of police, and undermines legitimate law enforcement efforts. Race, ethnicity or nationality, religion, sex, sexual orientation, gender, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or enforcement of the law (i.e., discriminatory or bias-based policing).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing or improper profiling - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), 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). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

Bias-Free Policing

401.2 POLICY

The Mill Valley Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those served.

Police action that is biased is unlawful and alienates the public, fosters distrust of police, and undermines legitimate law enforcement efforts. Race, ethnicity or nationality, religion, sex, sexual orientation, gender, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or enforcement of the law (i.e., discriminatory or bias-based policing).

Furthermore, a fundamental right guaranteed by the United States Constitution is due process and equal protection under the law guaranteed by the Fourteenth Amendment. Along with this right to due process and equal protection is the fundamental right to be free from unreasonable searches and seizures by government agents as guaranteed by the Fourth Amendment. It is the policy of the Mill Valley Police Department to protect these rights and provide law enforcement services and enforce the law equally, fairly, objectively, and without discrimination toward any individual or group.

Community members may file complaints for alleged bias-based or discriminatory policing at www.cityofmillvalley.org/police. The Department will investigate all complaints of bias-based or discriminatory policing pursuant to "Mill Valley Police Policy 1019 - Personnel Complaints."

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited. However, nothing in this policy is intended to prohibit members 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.

Members may consider relevant personal characteristics of an individual when determining whether to identify services designed for individuals with those characteristics (e.g., physical disability, behavioral crisis, homelessness, drug use, etc.)

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not:

1. Provide or disclose to federal government authorities personal information regarding the religious beliefs, practices, or affiliation of any individual for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity (Government Code § 8310.3(b)(1));
2. Use agency money, facilities, property, equipment, or personnel to assist in creation, implementation, or enforcement of any government program compiling a list, registry, or database of personal information about individuals based on religious belief, practice, or affiliation, or national origin or ethnicity, for law enforcement or immigration purposes (Government Code § 8310.3(b)(2));

Bias-Free Policing

3. Make personal information from agency databases available, including any databases maintained by private vendors contracting with the agency, to anyone or any entity for the purpose of investigation or enforcement under any government program compiling a list, registry, or database of individuals based on religious belief, practice, or affiliation, or national origin or ethnicity for law enforcement or immigration purposes (Government Code § 8310.3(b)(3));
4. Collect information on the religious belief, practice, or affiliation of any individual except (A) as part of a targeted investigation of an individual based on reasonable suspicion to believe that individual has engaged in, or been the victim of, criminal activity, and when there is a clear nexus between the criminal activity and the specific information collected about religious belief, practice, or affiliation, or (B) where necessary to provide religious accommodations (Government Code § 8310.3(c)(1));
5. Use agency money, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, of any requirement that individuals register with the federal government or any federal agency based on religious belief, practice, or affiliation, national origin, or ethnicity (Government Code § 8310.3(c)(2));
6. Nothing in this section is intended to prevent any state or local agency from compiling aggregate nonpersonal information about religious belief, practice, or affiliation, national origin, or ethnicity, or from exchanging it with other local, state, or federal agencies (Government Code § 8310.3(f));
7. Nothing in this section prevents the collection, retention, or disclosure of personal information or documents as required by Federal law, or to comply with a court order, or as necessary to comply with Federal programs of assistance (Government Code § 8310.3(g));
8. Nothing in this section shall prevent a state or local law enforcement agency from assisting, participating with, or requesting participation from, federal authorities, so long as the state or local agency acts in accordance with this section and any other applicable law (Government Code § 8310.3(i)).

401.4 BIAS BY PROXY

See MVPD Policy 403 Bias by Proxy.

401.5 MEMBER RESPONSIBILITY

Every member of the Mill Valley Police Department shall perform their duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members shall, when reasonable to do so, intervene to prevent any biased-based actions by another member.

Members shall treat all members of the public with courtesy, professionalism, and respect. Members will not use harassing, intimidating, derogatory, or prejudiced language, particularly when related to an individual's actual or perceived protected characteristics.

Bias-Free Policing

Members will refer to all members of the public, including LGBT individuals, using the names, pronouns, and titles of respect appropriate to the individual's gender identity as expressed or clarified by the individual. Proof of the person's gender identity, such as an identification card, will not be required. Members will not inquire about intimate details of an individual's sexual practices, anatomy, or gender-related medical history, except as necessary to serve valid, nondiscriminatory law enforcement objectives.

401.5.1 REASONS FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card, search), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Except for required data-collection in ARS (automated reporting system) entries, nothing in this policy shall require any officer to document a voluntary contact or social contact that would not otherwise require reporting.

For Stops

To cultivate and foster transparency and trust with all communities, each Mill Valley Police Department member should do the following when conducting pedestrian or vehicle stops or otherwise interacting with members of the public, unless circumstances indicate it would be unsafe to do so:

- a. Be courteous, professional, and respectful.
- b. Introduce themselves to the community member, providing name, agency affiliation, and badge number. Members should also provide this information in writing or offer their issued business cards containing this information.
- c. State the reason for the stop as soon as practicable unless providing this information will compromise officer or public safety or a criminal investigation. When reasonable and feasible under attendant circumstances, officers should listen to the member of the public's questions or concerns without interruption and directly address the person's questions regarding the stop, including an explanation of options for citation disposition if relevant.
- d. Answer questions that the individual may have about the stop.
- e. Ensure that a detention is no longer than necessary to take appropriate action for the known or suspected offense and convey the purpose of any reasonable delays.
- f. Officers conducting a stop and/or pat-search shall be prepared to articulate sufficient reason for the stop and or search, independent of the protected characteristics of the individual.

Bias-Free Policing

g. Officers arresting a person shall be prepared to articulate sufficient reason for the arrest, independent of the protected characteristics of the individual.

401.5.2 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

401.6 DATA COLLECTION AND ANALYSIS

In accordance with the Racial and Identity Profiling Act of 2015, The Mill Valley Police Department shall collect data on civilian complaints and, 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 in RIPALog. 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 RIPALog report (11 CCR 999.227(a)(5))

If multiple agencies are involved in a stop, and the Mill Valley Police Department is the primary agency, the Mill Valley Police Department officer shall collect the data elements and prepare the stop data report in RIPALog (11 CCR 999.227(a)(4)).

The stop data report should be completed and submitted to the reporting officer's agency by the end of the officer's shift (11 CCR 999.227(a)(9)).

The Mill Valley Police Department shall regularly analyze the data to identify and address practices that may have a disparate impact on any group relative to the general population. RIPA data collected shall be posted on the Mill Valley Police Department website for community transparency.

401.7 ACCOUNTABILITY AND ADHERENCE TO POLICY

All Mill Valley Police Department personnel are responsible for understanding and complying with this policy. Any violation of this policy will subject the member to remedial training, discipline up to termination, depending upon the severity of the violation. Mill Valley Police Department personnel shall not retaliate against any person who complains of biased policing or expresses negative views about them or law enforcement in general.

All Mill Valley Police Department personnel share the responsibility of preventing bias-based policing. Personnel shall report any violations of this policy they observe or of which they have knowledge to a supervisor in accordance with the Personnel Complaints Policy.

401.8 SUPERVISOR RESPONSIBILITY

Bias-Free Policing

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with department policy. Supervisors shall:

1. Provide leadership, counseling, direction, and support to members as needed to ensure compliance with this policy and promptly address and correct any alleged or observed violation.
2. Lead efforts to engage diverse individuals and groups and ensure that members are working actively to engage the community and increase public trust to alleviate actual and perceived bias.
3. Review documentation, including video from body-worn cameras as appropriate, of investigatory stops, detentions, searches, and arrests for completeness, accuracy, and adherence to law and department policy (recordings and other documentation that captures an alleged or observed instance of bias-based policing shall be appropriately retained for administrative, investigative, or training purposes).
4. Establish and enforce the expectation that members will police in a manner that is consistent with this policy, the U.S. and California Constitutions, federal and state laws, and all other internal policies (See Policy 100, Law Enforcement Authority).
5. Discuss any issues concerning alleged or observed racial or identity profiling with the involved officer and their supervisor in a timely manner. When appropriate, supervisors shall document these discussions in the prescribed manner by identifying the nature of the alleged or observed incident and detailing the member's response.
6. Initiate timely investigations of any actual, observed, or alleged violations of this policy in accordance with Personnel Complaints Policy 1019 (See Policy 340, Standards of Conduct), and report on any such investigations and their outcomes to the Police Governance Group.
7. Ensure that no retaliatory action is taken against any community member or members of this Department who discloses information concerning profiling and/or bias-based policing.
8. Regularly identify and assess training and professional development needs related to this policy and identify and provide appropriate educational opportunities.
9. Highlight areas where members engage appropriately and effectively in accordance with this policy and its purposes and use those examples during briefing training and other training opportunities.

401.9 ADMINISTRATION

Each year, the Administrative Lieutenant shall review the efforts of the Department to prevent profiling /bias-based policing and submit an overview, including public concerns and complaints and analysis of stop data, to the Police Chief. All internal affairs investigations will be reported to the Police Governance Group, submitted in the 5-year complaint log, and posted on the Mill Valley Police Department website. It should be reviewed to identify any changes in training or operations that should be made to improve service. The Police Chief shall share this information with the Police Governance Group.

Bias-Free Policing

Department supervisors shall review the annual report and discuss the results with those they are assigned to supervise.

401.10 TRAINING

Training on fair and objective policing and review of this policy shall be conducted as directed by Operations and Administrative Lieutenants includes a discussion of its bias-free policing policy with all sworn members and professional staff on an annual basis.

All sworn members of this Department will be scheduled to attend Peace Officer Standards and Training (POST) approved training on the subjects of racial and identity profiling, bias-based policing, and procedural justice (i.e., principled policing).

Each sworn member of this Department who received initial racial or bias-based profiling training will thereafter be required to complete a mandatory approved refresher course every three years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

In addition, each sworn member of this Department is required to take a minimum of (1) elective course from the attached approved list of training courses every 2-years. Non-sworn staff should take a minimum of (1) elective course from the attached approved list of training courses every 2-years. As new courses may become available over time, additional elective courses not on the approved list may be approved by the Chief of Police or their designee.

[Policy 402 Training Electives.pdf](#)

401.10.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Bureau.

- a. All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.
- b. Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- c. Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

401.11 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Mill Valley PD Policy Manual

Law Enforcement Policy

Bias-Free Policing

1. The Chief of Police or his/her designee shall ensure that all data required by the Department of Justice (DOJ) regarding citizen complaints of racial bias against officers is collected and reported annually to DOJ (Penal Code § 13012; Penal Code § 13020).
2. The Chief of Police or his/her designee shall ensure that all stop data required by the Department of Justice is reported annually.

Bias by Proxy

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Mill Valley Police Department's commitment to fair and objective policing. The intent of this policy is to increase the department's effectiveness as a law enforcement agency and to build mutual trust with the City and County's diverse individuals and communities.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

"Bias by Proxy" refers to when an individuals calls the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against (either implicit or explicit bias)."

402.2 POLICY

1. Members should be aware of the potential for bias-based motivations behind calls for service.
2. Members should always aim to build community trust through all actions they take, especially in response to bias-based reports.
3. Members should exhibit critical decision-making, drawing on their training and awareness of implicit and explicit bias, to assess whether there is a legitimate law enforcement purpose before acting. Absent a legal duty to act, no member is obligated to take any discretionary action where bias-based motivation is behind a call for service.
4. For suspected bias-motivated calls, officers may use discretion informing the Dispatcher that a member will not respond to the call without a legitimate basis of there being potentially criminal conduct or when there is no legitimate law enforcement purpose for responding.
5. For suspected bias-motivated calls, when feasible, the officer should attempt to contact the reporting party to obtain further information as to the reason for requesting police assistance, response, or intervention prior to responding.

402.3 PROTOCOLS FOR SUSPECTED BIAS BASED CALLS FOR SERVICE

Members should be aware of the potential for bias-based motivations behind calls for service. Where a caller or reporting party reports a suspicion that is not connected to specific criminal activity or need for public safety (for example, a "suspicious person" or "suspicious vehicle") members should determine by further inquiry that there is reason to suspect specific criminal conduct or need for police services prior to responding.

Bias by Proxy

402.3.1 PROTOCOL FOR SUSPECTED BIAS-BASED CALLERS

Any time a caller or a reporting party offers a vague allegation or suspicion without tying it to specific criminal activity or need for public safety (e.g., "suspicious person or "suspicious vehicle") dispatchers and responding officers should be on alert for a possible biased call. The same can be said for an officer who perceives someone as "suspicious" but is unable to point to conduct by the individual related to a specific crime or in need of police services.

402.3.2 PROTOCOL FOR INTERACTING WITH SUBJECT OF A BIAS-BASED CALL

Officers should seek to avoid or minimize unwarranted interference with an individual who is the subject of a bias-based call.

402.3.3 SUPERVISOR PROTOCOL FOR BIAS-BASED CALLS

When an officer determines that a call for service is bias-based, the shift supervisor should be dispatched to speak with the individual who made the bias-based call. When feasible, the shift supervisor should:

1. Let the caller know that no suspicious or criminal activity was found and advise the caller as to what is and is not an appropriate basis for calling 911
2. Explain that the agency does not respond to calls for service based on an individual's personal characteristics
3. Educate the caller on the agency's bias-free policy and philosophy, as well as explain that officers respond to behaviors and actions of individuals that appear suspicious, threatening, or is illegal, and not to hunches or situations based on an individual's personal characteristics.

402.3.4 PROMOTE A RESTORATIVE JUSTICE APPROACH TO BIAS-BASED CALLS

A restorative justice approach that addresses bias-based calls can be a tool to educate the bias-based caller and to reconcile their actions by acknowledging the harm done to the affected community or individual. The approaches can be as simple as an apology.

402.3.5 RECORD KEEPING FOR BIAS-BASED CALLS

Officers and shift supervisors shall document and maintain a record of all bias-based calls. The Marin County Sheriff's Office Dispatch Center will maintain a classification titled 'Bias by Proxy' for tracking these types of calls for service. The Department shall periodically assess the record to identify and address any patterns, systemic issues, or repeat bias-based callers. Bias-based calls should be recorded as the appropriate classification Bias by Proxy. If a report is necessary, for documentation purposes, the class code BIAS will be used.

402.4 REQUIRED TRAINING REGARDING BIAS-BASED CALLS

Training on fair and objective policing and review of bias by proxy shall be conducted as directed by the Operations Captain and Administrative Lieutenant. Training shall include a discussion of its bias-free policing policy with all sworn members and professional staff on an annual basis.

Mill Valley PD Policy Manual

Law Enforcement Policy

Bias by Proxy

Briefing Training

403.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- a. Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- b. Notifying officers of changes in schedules and assignments
- c. Notifying officers of new Departmental Directives or changes in Departmental Directives
- d. Reviewing recent incidents for training purposes
- e. Providing training on a variety of subjects

403.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

403.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

404.2 POLICY

It is the policy of the Mill Valley Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

404.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

404.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- a. Broadcast emergency information, including requests for additional assistance and resources.
- b. Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- c. Locate or identify suspects and determine whether dangerous suspects are still within the area.
- d. Provide first aid to injured parties if it can be done safely.
- e. Evacuate the location safely as required or appropriate.
- f. Secure the inner perimeter.
- g. Protect items of apparent evidentiary value.
- h. Secure an outer perimeter.
- i. Identify potential witnesses.
- j. Start a chronological log noting critical times and personnel allowed access.

404.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be

Crime and Disaster Scene Integrity

treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

404.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

404.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

Found Property

405.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure property surrendered to the Mill Valley Police department is properly documented and accounted for.

405.2 POLICY

Property surrendered to the Mill Valley Police Department requires the following actions to be taken.

405.3 EMPLOYEE RESPONSIBILITY

The employee collecting the property will attempt to obtain the subject's name, telephone number, and location/date the property was found.

The employee shall contact Dispatch by telephone and provide the following information:

1. Reporting Party's Name (if available)
2. Reporting Party's Telephone Number
3. Location of Found Property
4. Description of item, including any Make, Model, and Serial Number.

The Employee shall request an incident number for the item. The Employee shall give Dispatch a disposition of, "Property surrendered to MVPD." The Employee shall contact the Beat 2 officer or Supervisor to collect the item in a timely manner.

405.4 OFFICER/SUPERVISOR RESPONSIBILITY

The Officer or Supervisor will determine what the appropriate disposition of the property should be i. e. returned to owner, booked as safekeeping, booked for destruction, booked as evidence.

In the instance the owner of the property cannot be located; the officer shall assign the item a case number using the original incident, and book the property into the property room. All property and evidence will be booked prior to the receiving officer or employee going off duty. The property shall be packaged and labeled according to department standards.

Found Property

If the reporting party wants to claim the property, this needs to be added into the narrative portion of the report; including the proper identity and telephone number(s) for the reporting party so they can be contacted if the property is not claimed at a later date.

405.5 PROPERTY DISPOSITION

All property shall be properly packaged, tagged and stored into the property lockers. Property that does not fit in an evidence room storage locker shall be placed in the back storage room and tagged by the officer who collected the property. The proper yellow Property/Evidence Sheets will be completed and submitted to the property clerk.

Ride-Along Policy

406.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

406.1.1 ELIGIBILITY

The Mill Valley Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

406.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

406.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial. The denial period will last for 1 year, unless the applicant is permanently denied by the current Chief of Police or their designee related to section 4.10.2.4

406.2.1 PROGRAM REQUIREMENTS

Ride-Along Policy

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

406.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

406.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

406.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Mill Valley Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

406.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the officer.

Ride-Along Policy

406.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

- a. The ride-along will follow the directions of the officer
- b. The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
- c. The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties
- d. Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- e. Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- f. Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

Hazardous Material Response

407.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Hazardous material – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

407.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

- a. Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
- b. Notify the fire department.
- c. Provide first-aid for injured parties if it can be done safely and without contamination.
- d. Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
- e. Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
- f. Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

407.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in

Hazardous Material Response

an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

407.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

Hostage and Barricade Incidents

408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

- a. Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
- b. Unlawfully held against his/her will under threat or actual use of force.

408.2 POLICY

It is the policy of the Mill Valley Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

408.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

408.3.1 EMERGENCY COMMUNICATIONS

Hostage and Barricade Incidents

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

- a. The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),
- b. The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and
- c. There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).
- d. An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.
- e. The contents of any oral communications overheard are recorded on tape or other comparable device.

408.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

408.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- a. Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

Hostage and Barricade Incidents

- b. Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- c. Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- d. Provide responding emergency personnel with a safe arrival route to the location.
- e. Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- f. Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- g. Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- h. Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- i. Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
- j. If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- k. Establish a command post.

408.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

- a. Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- b. Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- c. Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- d. Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- e. Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- f. Provide responding emergency personnel with a safe arrival route to the location.
- g. Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
- h. Coordinate pursuit or surveillance vehicles and control of travel routes.
- i. Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

Hostage and Barricade Incidents

- j. Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- k. Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- l. Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
- m. If necessary and available, establish a tactical or exclusive radio frequency for the incident.

408.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Special Response Team (SRT) response if appropriate and apprising the SRT Commander of the circumstances. In addition, the following options should be considered:

- 1. Ensure injured persons are evacuated and treated by medical personnel.
- 2. Ensure the completion of necessary first responder responsibilities or assignments.
- 3. Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- 4. Establish a command post location as resources and circumstances permit.
- 5. Designate assistants who can help with intelligence information and documentation of the incident.
- 6. If it is practicable to do so, arrange for video documentation of the operation.
- 7. Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
 - 1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
- 8. Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- 9. Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

Hostage and Barricade Incidents

10. Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
11. Debrief personnel and review documentation as appropriate.

408.6 SRT RESPONSIBILITIES

The Incident Commander will decide, with input from the SRT Commander, whether to deploy the SRT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SRT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SRT. The Incident Commander and the SRT Commander or the authorized designee shall maintain communications at all times.

408.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response To Active Shooter "Marin County Protocol"

409.1 PURPOSE AND SCOPE

The purpose of this general order is to provide all Marin County law enforcement officers with guidelines for handling situations involving the potential for a suspect(s) committing multiple acts of violence directed towards others, whether active or imminent.

The Police Department understands that violent situations may occur in places crowded with people, such as schools and office buildings. These situations may include immediate threats of violence to multiple victims or involve victims that are in need of immediate medical attention. In these situations, rapid law enforcement response may be required. While rapid response may increase the danger to responding officers, it must be implemented, if appropriate. This general order provides policy and guidelines for members of the Mill Valley Police Department when responding to one of these incidents.

409.2 POLICY

In response to a rapid deployment incident in our jurisdiction, it is the policy of the Mill Valley Police Department to provide operational procedures, training, and equipment to all responding members so they may take quick action to stop an active shooter from inflicting additional harm to others, and to create a situation in which injured victims may receive needed medical attention.

Our primary goal in a rapid deployment incident is to save as many lives as possible, as quickly as possible, by preventing additional acts of violence.

While this policy documents goals, objectives, and guidelines to assist officers in handling this type of incident, the Police Department acknowledges that each crime of this type is different and may require unique tactics, selected based on attendant circumstances, to resolve the incident.

409.3 DEFINITIONS

Rapid Deployment Incident - An incident in which one or more people participate in a random or systematic violence spree, demonstrating their intent to continuously harm others.

Active Shooter - A person who participates in a random or systematic violence spree, demonstrating their intent to continuously harm others. Their objective appears to be mass violence, rather than other criminal conduct, such as robbery or hostage taking.

Instrument Of Violence - The instrument of violence will generally involve a firearm, but may include any instrument that could be used as a deadly weapon, including, but not limited to: Knives, impact weapons, incendiary devices, explosive devices, and weapons of mass destruction.

409.4 PROCEDURE

Response To Active Shooter "Marin County Protocol"

To accomplish our primary goal of saving as many lives as possible, as quickly as possible, by preventing additional acts of violence, our operational objectives in a rapid deployment incident are:

- a. To stop the suspect(s) from committing additional acts of violence.
- b. To rescue the victim(s).
- c. Provide medical assistance.
- d. To preserve the crime scene.

While it is important to provide medical assistance to wounded people, it is our primary objective to prevent additional acts of violence and injury to innocent people by stopping an active shooter.

409.4.1 IMPLEMENTING PROTOCOL

- a. Incident assessments must be made as quickly as possible after arrival at the scene. The following issues should be considered, individually and collectively, in invoking this protocol:
 1. Is there evidence that violence is occurring now?
 2. Is there evidence that the violence will continue?
 3. Do you know the types of weapon(s) used?
 4. Do you know where the suspect(s) are?
 5. Will the incident site allow you to get to the suspects?
 6. Can you quickly get to the suspect(s) to stop the violence?
 7. Are there injured victims?
 8. Are there potential victims in the incident zone?
 9. Do you have sufficient personnel to attempt to locate the suspect(s)?
- b. An incident in which a victim(s) has been injured by a suspect, or is believed to have been injured by a suspect, but in which the violence is not occurring upon police arrival, may still be considered a rapid deployment incident if:
 1. The suspect is located in a position with access to current or additional potential victims and violence is continuing, or
 2. The suspect appears to be attempting to locate additional victims, or

Response To Active Shooter "Marin County Protocol"

3. Injured victims are believed to require life-saving medical attention and violence is continuing,
or
4. An immediate tactical intervention is required to save lives.

409.4.2 DECISION AUTHORITY

Responding officers may make a decision to take action in a rapid deployment incident without supervisor approval, just as they make decisions in any use-of-force situation. Decision-makers will be required to articulate their reasons for making such decisions.

Once all active shooters are located and contained, and there is no longer a threat of continuing multiple acts of violence, standard special response protocol (hostage taking, barricaded suspect, terrorist activity) should be employed.

First Responder: The first responder assumes command of the incident until relieved by a senior officer or supervisor, or is required for the primary contact team. The first responder must determine, as quickly as possible, if an active shooter incident is occurring. The first responder should notify communications and a command post should be established in a safe location. As much pertinent information regarding the incident should be broadcast as reasonable.

Unless or until relieved by a senior officer or supervisor, the first responder should assemble and deploy a contact team to locate and deal with the active shooter(s). Additional contact and rescue teams should be assembled and deployed as necessary. If the first responder becomes a part of the contact or rescue team, an officer should remain at the command post, whenever possible, to coordinate incoming resources.

409.4.3 CONTACT TEAM

The team's purpose is to locate and control the active shooter as soon as possible. The contact team will move past injured citizens and officers to locate the suspect(s), unless unusual circumstances exist. The contact team will consist of 3 to 4 officers, depending on attendant circumstances. The contact team will have a designated team leader who will be, in order of selection:

- a. A supervisor
- b. SRT trained officer
- c. Or senior officer

409.4.4 RESCUE TEAM

A rescue team purpose is to rescue and/or evacuate victims and witnesses in a rapid deployment incident and to protect emergency medical teams that may enter the threat zone. A rescue team evaluates all

Response To Active Shooter "Marin County Protocol"

evacuees to ensure that suspects are not escaping. A rescue team will generally be comprised of 3 to 4 officers, but may include more personnel (such as paramedics) depending on attendant circumstances. The team leader will be determined the same as in contact teams.

409.4.5 INCIDENT COMMAND

The first responder will be the incident commander until he/she is required for a contact team or is relieved by a senior officer, or supervisor, or a command officer. The incident commander shall quickly establish a command post in a safe area, and form and deploy contact and rescue teams as needed and as resources permit. Once this is accomplished, the incident commander shall summon and coordinate needed resources, and prepare for EMS assistance, victim's family, and media contact.

If possible, the first supervisor on the scene should not be involved in a contact or rescue team, but instead should establish incident command.

409.4.6 EQUIPMENT

Whenever possible, contact and rescue teams should use all protective equipment provided, such as ballistic helmets and vests, prior to entering a tactical zone in an active shooter incident. Gas masks should be carried. The incident commander or team leader will determine the type and combinations of weapons used by a contact or rescue team.

Suppressive Fire: Suppressive fire is purposeful and controlled firearms shot(s) directed toward a suspect's position to prevent a suspect from continuing active shooter activities, such as gaining access to more victims or actively shooting at victims or police officers. Suppressive fire may be used if it appears that no innocent victims are in the line of fire.

409.4.7 CANINE TEAM

Due to the nature of rapid deployment incidents, a canine team shall not be used on a contact or rescue team. Canine teams may be used for specific and controlled deployment that does not involve suspect /victim recognition.

Response to Bomb Calls

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Mill Valley Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

410.2 POLICY

It is the policy of the Mill Valley Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

410.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

410.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

410.4.1 MILL VALLEY POLICE DEPARTMENT FACILITY

If the bomb threat is against the Mill Valley Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

410.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Mill Valley Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

410.4.3 FEDERAL BUILDING OR PROPERTY

Response to Bomb Calls

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

410.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Mill Valley, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

1. The location of the facility.
2. The nature of the threat.
3. Whether the type and detonation time of the device is known.
4. Whether the facility is occupied and, if so, the number of occupants currently on-scene.
5. Whether the individual is requesting police assistance at the facility.
6. Whether there are any internal facility procedures regarding bomb threats in place, such as:
 1. No evacuation of personnel and no search for a device.
 2. Search for a device without evacuation of personnel.
 3. Evacuation of personnel without a search for a device.
 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

410.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he /she will determine:

1. The appropriate level of assistance.
2. The plan for assistance.
3. Whether to evacuate and/or search the facility.
4. Whether to involve facility staff in the search or evacuation of the building.

Response to Bomb Calls

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.
5. The need for additional resources, including:
 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

410.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

1. No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
2. The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
3. Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 1. Two-way radios
 2. Cell phones
 3. Other personal communication devices
4. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
5. The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
6. A safe access route should be provided for support personnel and equipment.
7. Search the area for secondary devices as appropriate and based upon available resources.
8. Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
9. Promptly relay available information to the Watch Commander including:
 1. The time of discovery.
 2. The exact location of the device.
 3. A full description of the device (e.g., size, shape, markings, construction).
 4. The anticipated danger zone and perimeter.
 5. The areas to be evacuated or cleared.

410.7 EXPLOSION/BOMBING INCIDENTS

Response to Bomb Calls

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

410.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- a. Assess the scope of the incident, including the number of victims and extent of injuries.
- b. Request additional personnel and resources, as appropriate.
- c. Assist with first aid.
- d. Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- e. Assist with the safe evacuation of victims, if possible.
- f. Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- g. Preserve evidence.
- h. Establish an outer perimeter and evacuate if necessary.
- i. Identify witnesses.

410.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

410.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

410.7.4 PRESERVATION OF EVIDENCE

Response to Bomb Calls

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Response to Mental Illness

411.1 PURPOSE AND SCOPE

It is the policy of the Mill Valley Police Department to ensure that a consistently high level of service is provided to all members of the community. It is the policy of this department to afford people who have mental illnesses the same rights, dignity and access to police-and other government and community services provided to all citizens. The Mill Valley Police Department is an essential component of the network of local services that provides support to people with mental illnesses, their families and other members of the community.

It is the policy of the Mill Valley Police Department that all employees will consider the full range of services available in the community to serve people with mental illnesses, assess their effectiveness, and improve, where possible the linkages between services so that people with mental illnesses receive improved care and improved service.

a. Department employees must recognize that:

1. Mental illness is not a crime.
2. Most people with mental illnesses are fully functioning community members.
3. There is no correlation between mental illness and a person's participation in crime.
4. Involvement in infractions (traffic violations, loitering, disorderly conduct) may be a manifestation of a person's mental illness or failure to receive treatment for the illness, rather than a result of intentional wrongdoing.

Some people with mental illnesses may be more vulnerable to crime, abuse, or injury than the general population.

Many calls for service do not warrant use of police authority. Police have the responsibility for responding to many kinds of non-criminal incidents. The authority to arrest a person should be used only in situations where there is probable cause to arrest for a crime. It is the policy of the Mill Valley Police Department that no individual should be arrested for behavioral manifestations of mental illness that are not criminal in nature.

People with severe mental illnesses can experience intense psychotic crises that pose a significant risk to themselves and other people. When called to intervene in such situations, officers have an obligation to protect the person with mental illness from harm as well as protect others from potential harm that may be caused by the person with mental illness. If the situation cannot be diffused and the person must be removed from the scene, officers have an obligation to protect the person's safety and civil rights during transport to the appropriate facility.

Response to Mental Illness

In many calls for service, individuals with mental illnesses and their families may be in need of support and guidance. Police officers should support and assist them when possible in identifying viable solutions and obtaining aid.

A small percentage of the population with mental illnesses generates repeat calls involving non-criminal incidents. In such cases, it is important that police employees look beyond the immediate incident that prompted a call for service and consider underlying conditions that prompted that call (e.g., problems with medication [need for different dosage or failure to take prescription drug]; anxiety due to new or changed surroundings; or inadequate supervision at adult congregate living facility etc.). Officers should seek to tailor a lasting solution beyond the one that initially or obviously follows from the call for service.

411.2 MENTAL ILLNESS CHARACTERISTICS

a. Symptoms of different mental illnesses include, but are not limited to:

1. Loss of memory
2. Delusions
3. Depression, deep feelings of sadness, hopelessness or uselessness
4. Hallucinations,
5. Manic behavior, accelerated thinking and speaking, or hyperactivity
6. Confusion,
7. Incoherence, and
8. Extreme paranoia.

b. The degree to which these symptoms exist varies from person to person according to the type and severity of the mental illness. Many of these symptoms represent internal, emotional states that are not readily observable from a distance. but are noticeable in conversation with the individual. In some cases, the symptoms are pronounced, less pronounced in other cases. The call-taker or officer responding to the scene is not expected to diagnose mental illness, but to decide the appropriate response to the individual and situation. Recognizing that these symptoms may indicate mental illness will help officers decide on an appropriate response and disposition.

c. Obtaining relevant information from family members, friends or others at the scene that know the individual and his or her history, or seeking advice from mental health professionals, can also assist officers in taking the appropriate action.

Response to Mental Illness

d. In addition to the symptoms outlined above, some of the behaviors outlined below may be signs of mental illness. However, these behaviors can also be associated with cultural and personality differences, or very stressful situations. As such the presence of these behaviors should not be treated as conclusive proof of mental illness. They are provided only as a framework to aid police officers. Officers should supplement their knowledge by talking with mental health professionals or be provided with supplemental training on conditions associated with mental illnesses. Some of the behaviors commonly associated with mental illnesses are:

1. Severe changes in behavioral patterns and attitudes.
2. Unusual or bizarre mannerisms,
3. Hostility to and distrust of others,
4. Withdrawn behavior and refusal to speak,
5. Lack of cooperation,
6. Tendency to argue,
7. One-sided conversations, and
8. Confused or nonsensical verbal communication.

Officers on the scene will also have to determine the severity of the behavior, the potential for change in the behavior, and the effect of the behavior on the individual with mental illness and others.

411.3 EXPECTATIONS OF CALL-TAKERS AND OFFICERS

a. The quality of information gathered and shared by call-takers/dispatchers affects the way officers respond to and resolve a call for service. This applies to all calls, including those involving a person who may have mental illness. Gathering information is critical at all stages in assessing situations involving people who have mental illnesses, but is particularly critical at the onset. When the department receives a call concerning the actions or behavior of someone who is acting atypically or erratically, it is essential that the call-taker collect information that will prepare an officer to respond to the scene.

1. As with all calls, call-takers should first assess the urgency of the situation and then collect other relevant information, such as:
 - a. The nature of the atypical or problem behavior;
 - b. Events that may have precipitated the person's behavior; and

Response to Mental Illness

- c. Presence of weapons.
- 2. A family member, friend or concerned party calling about someone who needs help in accessing mental health or other services may volunteer additional information such as:
 - a. Past occurrences of this or other atypical behaviors;
 - b. Past incidents involving injury or harm to the individual or others;
 - c. Prior suicide threats;
 - d. Brief diagnosis, if any;
 - e. Reliance on medication or failure to take medication;
 - f. Relatives, friends or neighbors available to assist officers; and
 - g. Physicians or mental health professionals available to assist officers.
- 3. When dispatching calls for service involving people who may have mental illnesses, call-takers should provide all relevant background information to the responding officers
- 4. The use of slang or pejorative terms to describe a person with mental illness is improper and unacceptable.
- b. When a person calls the police to report that he or she has been a crime victim or witness and indicates that he or she has a mental illness or exhibits symptoms, the call-taker should, as with all victims/witnesses of crimes, assist the person in relating the details of the crime and its location, so that officers can be efficiently dispatched to the scene.

Department employees are often called to assist in accessing the services of other government agencies, mental health organizations, medical hospitals, clinics and shelter care facilities on behalf of people who have mental illnesses and their families, or other community members who seek assistance. Accessing and facilitating other agencies' responses is an important and expected role of every police employee. It is critical to successful problem solving.

Knowledge of this department's guidelines for responding to people with mental illnesses and knowledge of the variety of services available for people with mental illnesses (community-based, hospital treatment or other services) equips department employees to handle a wide range of interactions that may occur. Efforts to assist people who have mental illnesses (and their families) in obtaining appropriate support services may result in reduced trauma, rapid care for an individual in need, fewer repeat calls for service, and improved officer safety.

Response to Mental Illness

411.4 RESPONSE TO MENTAL ILLNESS CALLS

- a. When responding to a call that involves a person who has, or exhibits symptoms of, mental illness, officers should obtain as much information as possible to assess and stabilize the situation. In particular, officers should gather information regarding the nature of the atypical or problem behavior, events that may have precipitated the person's behavior, and presence of weapons. The following suggestions detail how to approach and interact with people who have mental illnesses and who may be crime victims, witnesses, or suspects, or acting out as a result of their mental illness. Officers should follow as many of the suggestions as appropriate to the situation, while protecting their safety, the safety of the person with mental illness and others at the scene.

1. Officers should:

- a. Remain calm and avoid overreacting;
- b. Be helpful and professional;
- c. Provide or obtain on-scene emergency aid when treatment of an injury is urgent;
- d. Follow procedures indicated on medical alert bracelets or necklaces;
- e. Indicate a willingness to understand and help;
- f. Speak simply and briefly, and move slowly;
- g. Remove distractions, upsetting influences and disruptive people from the scene;
- h. Understand that a rational discussion may not take place;
- i. Recognize that the person may be overwhelmed by sensations, thoughts, frightening beliefs, sounds ("voices") or the environment;
- j. Be friendly, patient, accepting and encouraging, but remain firm and professional;
- k. Be aware that their uniform, gun, handcuffs and nightstick may frighten the person with mental illness. Reassure him or her that no harm is intended;
- l. Recognize and acknowledge that a person's delusional or hallucinatory experience is real to him or her;
- m. Announce actions before initiating them;
- n. Gather information from family or bystanders; and
- o. If the person is experiencing a psychiatric crisis, ask that a representative of local mental health organization respond to the scene.

Response to Mental Illness

2. Officers should avoid:
 - a. Moving suddenly, giving rapid orders or shouting;
 - b. Forcing discussion;
 - c. Direct, continuous eye contact;
 - d. Touching the person (unless essential to safety);
 - e. Crowding the person or moving into his or her zone of comfort;
 - f. Expressing anger, impatience or irritation;
 - g. Assuming that a person who does not respond cannot hear;
 - h. Using inflammatory language. such as "crazy," "psycho." "mental" or "mental subject;"
 - i. Challenging delusional or hallucinatory statements;
 - j. Misleading the person to believe that officers on the scene think or feel the way the person does.
- b. Once sufficient information has been collected about the nature of the situation, and the situation has been stabilized, there is a range of options police should consider when selecting an appropriate disposition. These options include:
 - a. Refer or transport for medical attention if the person is injured or abused;
 - b. Release;
 - c. Release to care of family, caregiver or mental health provider;
 - d. Refer or transport to mental health services;
 - e. Refer or transport to substance abuse services;
 - f. Assist in arranging voluntary admission to a mental health facility, if requested;
 - g. Transport for involuntary emergency mental evaluation, if the person's behavior meets the criteria for this action; -or
 - h. Arrest, if a crime has been committed.
- c. In seeking to tailor a lasting solution for a person with mental illness who has generated repeat calls for service, officers should consider interviewing family, friends and neighbors (in person or by

Response to Mental Illness

phone) and calling the person's physician, psychiatrist, psychologist or other mental health service provider.

- d. Police officers should be aware that some medications that treat mental illnesses have side effects that may require attention. For example, medications may cause tremors, nausea, extreme lethargy, confusion, dry mouth, constipation or diarrhea. Police officers should attend to needs for water, food and access to toilet facilities. It is important not to mistake these side effects as evidence of alcohol or drug abuse. If the encounter lasts for some time, or a person is being detained, people with mental illnesses may need access to their medication. Officers must follow departmental rules for verifying that any pills or capsules the person is carrying are prescribed, or to obtain the needed medication, so that they may authorize the individual to continue the prescribed treatment.
- e. Officers should use their best judgment in assessing and responding to situations involving people who have, or appear to have, mental illnesses. Not every situation or response can be outlined in detail, nor would that be appropriate because of the complexity and the range of circumstances encountered by police in responding to people with mental illnesses.

411.5 VOLUNTARY COMMITMENTS

- a. A person who recognizes the stresses and problems caused by his or her mental illness may seek or accept voluntary admission to a mental health facility for emergency evaluation or commitment. The police officer may be called for advice or to assist the individual or a family member, caregiver, friend or guardian (hereafter referred to as the "concerned party") to facilitate this voluntary admission.
 - 1. It is appropriate for officers to provide advice or assistance to a person or concerned party when the person who has mental illness appears to be in personal crisis and/or to be at risk of causing harm to self or others. If the person does not appear to be in crisis or to pose a danger to self or others, see point D.
- b. The officer should advise the person or concerned party to contact the family physician, the treating mental health professional if the individual is currently under treatment or the Marin County Mental Health for referral to an appropriate admitting facility. If a family member or guardian is not present and cannot be easily contacted, the officer should assist the person by making the contact if requested.
- c. Once an appropriate admitting facility has been identified, the officer may be asked by the person or concerned party for transport to the facility. The officer should transport the person to the facility if no other transportation is available. This is a service, not a custodial transport, in that the person has consented to be admitted to the facility and is not being taken into custody involuntarily

Response to Mental Illness

- d. If the person decides not to pursue voluntary emergency admission to a mental health facility and does not appear to meet the state's criteria for involuntary emergency evaluation, the responding officer should return to service after referring the person or family to the Marin County Mental Health, Unit B and providing other relevant helpful information to those involved.

411.6 MENTAL ILLNESS CUSTODY

- a. Taking a person who has mental illness into custody can occur only when:
 1. The individual has committed a crime;
 2. The individual is at significant risk of causing harm to self or others and meets the state's criteria for involuntary emergency evaluation; or
 3. In response to a court order or directive of a mental health or medical practitioner who has legal authority to commit a person to a mental health facility. No individual should be arrested for behavioral manifestations of mental illness that are not criminal in nature. If a threatening situation cannot be diffused and the person must be removed from the scene, the person's safety and civil rights must be protected during transport to the appropriate facility. The situation is often traumatic for the individual, his or her family, observers and officers involved. Further, it is a situation in which officers must consider the well-being of the individual, the individual's rights, and the safety of officers and other people.
- b. As mentioned earlier, it is essential that the officer collect good information to better assess the situation and the potential for risk to self or others. Officers should speak with the individual, family members, friends or neighbors to determine the individual's history, past experience, potential for physical violence, and people who may have a positive influence on the situation.
- c. Whenever possible, officers should employ the support of a family member, friend or other person who may be of assistance.
- d. When taking the individual into custody or to a police vehicle for the purpose of transport, officers should make every reasonable effort to protect the person's health and safety.
- e. If a person is not being arrested, but his or her behavior poses an imminent risk of serious harm to self or others, officers may need to take reasonable steps to physically restrain the person. Restraints should only be used as a last resort. If time permits, guidance from a mental health professional should be sought about the best restraint methods for the person and situation.
 1. The behavior of a person with mental illness may change rapidly. Officers should recognize that an individual's level of cooperation might change suddenly. Unless there is immediate danger to the individual, others or officers, responding officers should be deliberate and allow

Response to Mental Illness

the person time to calm down in an effort to gain voluntary cooperation before resorting to physical restraints. While recognizing that the person is ill, officers must remember that safety is paramount.

2. Restraining equipment such as handcuffs or passive restraints should be used only if the individual is violent or resists, or if so directed by an attending physician or mental health professional.
 3. If a person who has mental illness cannot be transported using reasonable restraint, a supervisor should be notified. The supervisor may authorize use of other restraints to facilitate safe transport in a police vehicle. The supervisor may also authorize calling an ambulance to take advantage of multiple restraints. In this situation, at least one officer will accompany the ambulance during transport.
- f. The person should be transported to the appropriate facility.
1. A person with mental illness who is being arrested for commission of a crime and whose behavior does not appear to pose a threat to self or others should be transported to the Marin County jail.
 2. A person with mental illness who is being arrested for the commission of a crime and whose behavior appears to pose a threat to self or others should be transported to Marin County Mental Health, Unit B.
 3. A person with mental illness who is being taken into custody for the purpose of an emergency mental evaluation should be transported to Marin County Mental Health, Unit B.
 4. A person with mental illness who is being taken into custody for the purpose of commitment to a mental health facility upon order of the court or directive of an authorized medical or mental health professional should be transported to Marin County Mental Health, Unit B.
 5. A person who is taken into custody because of mental illness and not because of criminal behavior should not be placed in a facility for the detention of those charged with or convicted of criminal offenses.
 6. If there is a delay in admitting the person to the appropriate mental health facility, the person should wait in detention rooms at the Police Department.

411.6.1 INTERVIEWING A SUSPECT WHO HAS MENTAL ILLNESS

When taking a statement from a criminal suspect who has or is believed to have mental illness, officers should follow these guidelines.

Response to Mental Illness

- a. The admissibility of a suspect's statement will depend on evidence that he/she understood his/her rights, and understood and answered the officer's questions willingly. This principle is based on the Fifth Amendment right of a criminal suspect to be free from self-incrimination, not on the ADA. It applies to suspects who have mental illnesses just as it does to other people.
- b. Officers must recognize that an individual's constitutional rights are not diminished because of his or her mental illness.
- c. Whenever a person who has or is believed to have mental illness is a criminal suspect and is taken into custody for questioning, officers must be particularly careful in advising the person of his or her Miranda rights, making a determination of his or her mental capacity to understand those rights, and eliciting a decision as to whether he or she is willing to answer officers' questions without an attorney.
- d. The Constitution requires that the Miranda warning be comprehended, not simply administered. Before interviewing a suspect who has or is believed to have mental illness, officers should make every effort to determine the extent to which the person's illness, or the psychotropic medication that he or she is taking to treat the illness, impairs his or her ability to comprehend and give informed consent.
- e. Before or during Miranda warnings, if officers doubt a suspect's capacity to understand these concepts, they should consult with superiors to explain their doubts and determine the appropriate course to follow.
- f. In cases where officers doubt a person's capacity to understand his or her rights, in order to make an informed decision about whether to initiate questioning, officers should ask the person to explain each of the Miranda warnings in his or her own words, and make a record of the person's explanations.
- g. As part of good police practice, officers may want to obtain the assistance of a mental health professional or attorney in explaining the warnings to the person. These people may be in the best position to help the officers determine the person's capacity to understand those rights and make an informed decision about whether to answer questions.
- h. When there is adequate evidence that the person has understood and willingly decided to answer questions without legal assistance, officers are not required to provide an attorney for a suspect with mental illness. As part of good police practice, however, officers may want to have an attorney present during questioning as a further safeguard to ensure the person's constitutional rights.
- i. As is required for all suspects, if legal assistance is requested and the suspect does not have his or her own attorney, officers should provide one. To assist in locating an attorney with experience in working with people with mental illnesses, officers should contact the public defenders office, local protection and advocacy organizations, local disability rights legal center or other attorneys who have experience representing people with mental illnesses.

Response to Mental Illness

- j. It is important to question the individual in a calm setting, free of distraction and to make sure that the person has access to water, food, toilet facilities or prescribed medications as needed. Officers should follow suggestions outlined in this policy.

411.6.2 INVOLUNTARY EMERGENCY MENTAL EVALUATION

Transporting a person for admission to a mental health facility for emergency mental evaluation, in accord with state law, is appropriate when the person is deemed by the officer to be at significant risk of causing harm to self or others because of mental illness or behavior indicating the likelihood of mental illness. Authority for a police officer to require a person to undergo emergency mental evaluation is granted by California law.

- a. When the officer determines that an emergency mental evaluation is appropriate, the person should be taken to Marin County Mental Health, Unit B for evaluation.
- b. Supervisors are expected to assist officers if they have any questions concerning the emergency evaluation or transportation of a person deemed to be at significant risk because of their behavior.
- c. The following steps are suggested procedures before taking a person into custody for involuntary emergency mental evaluation. Officers need to familiarize themselves with the state and local criteria and procedures. Officers should use their discretion in determining which steps to follow and consider the needs and rights of the individual, the effect of the individual's behavior on family members, and the safety of others, including the officers involved.
 - 1. The responding officers should first seek to have the person pursue voluntary emergency evaluation and treatment or advise the family to pursue an evaluation or commitment mandate through the mental health system or the courts. Evaluation initiated by the police should be a last resort, dictated by the immediacy of the situation, and/or lack of access to others who have the relationship and authority to intervene.
 - 2. If the person will not pursue voluntary treatment and there is no family member available to pursue an evaluation or commitment mandate, the officer should notify the Marin County Mental Health staff members.
 - 3. If there is immediate danger to self or others, the officer may elect to take the person into custody before contacting the Marin County Mental Health. Whenever possible, appropriate back-up should be on-scene before an officer takes the person into custody. The officer should search the individual for and seize any weapons, potential weapons or contraband.
 - 4. Procedures to follow when taking a person into custody for involuntary emergency mental evaluation are outlined below.

Response to Mental Illness

- a. Be honest with the individual about where he or she is being taken, and why.
- b. If no adult is present to assume responsibility for the individual's home, the officer should ensure that the person's place of residence is secured before leaving.
- c. As is customary, personal property taken from the individual must be documented and secured.
- d. Whenever possible, an adult member of the individual's family or circle of acquaintances should be asked to participate in the transport, provided this does not exacerbate the situation.
- e. Officers should notify the receiving facility and transport the person directly to the Marin County Mental health evaluation facility.
- f. No arrest form(s) should be completed on a person taken into custody for the purpose of an emergency mental health evaluation or placement in a mental health facility unless the person is to be criminally charged.
- g. Once an officer takes custody of a person with mental illness who is likely to cause harm to self or others, the officer should release the person only to the appropriate mental health facility. Occasionally, the facility to which an officer transports a person for an emergency mental evaluation will refuse to admit the person and may direct the officer to pursue other alternatives. Refusal to admit may be based on lack of space in the facility or the facility may not be equipped to treat other problems the person has, such as evidence of alcohol or drug abuse, or the existence of a medical emergency. Officers should maintain detailed information on the reasons for the failure to admit and record the names and titles of all parties involved. If alternatives are available, such as admitting the person to a substance abuse center or emergency room, they should be pursued.
- h. If alternatives are not readily available, officers should consult with the on-duty supervisor and follow departmental procedures.
- i. Once the person has been transported to a mental health facility, the officer should remove his or her weapon, unload it and secure it in a locked, safe area. No officer should wear a firearm while interacting with the person once he or she has been placed in a mental health or medical facility and the immediate risk of danger has passed.
- j. All information on the individual, including a full description of behavior and circumstances, must be documented in a police incident report or mental health system report. The quality of information collected by officers may influence the timeliness and focus of mental health providers in aiding a person who has mental

Response to Mental Illness

illness. Whether it be a detailed description of an individual's behavior patterns, or notification to the provider about next of kin, officers should be thorough in their observations and in the information they convey verbally and in writing. Officers should convey their observations of an individual's behavior to the attending mental health workers.

- k. Officers will remain with mental health workers at the scene and in the evaluation center until any risk of harm has passed or until they are released by a mental health worker. If time commitment becomes excessive, the on-duty supervisor should be contacted.

411.6.3 INVOLUNTARY COMMITMENT

- a. Involuntary commitment is appropriate when ordered by a recognized authority such as the courts, a physician or a legally authorized mental health practitioner in accord with state and local laws. Authority to require a person with mental illness to undergo involuntary commitment is granted by California law.
- b. When the officer receives a commitment mandate from the courts, or medical or other health authorities, people with mental illnesses who are at risk of harming themselves or others should be taken to Marin County Mental Health for evaluation.
- c. Supervisors are expected to assist officers if they have any questions concerning the involuntary commitment or transportation of a person who has mental illness.
- d. The following steps are suggested procedures for the involuntary commitment of a person who has mental illness. Officers need to familiarize themselves with the state and local criteria and procedures for involuntary commitment contained in Attachment F. Officers should use their discretion in determining which steps to follow and consider the needs and rights of the individual, the effect of the individual's behavior on family members, and the safety of others, including the officers involved.
 - 1. The officer should notify the receiving facility of the anticipated admission prior to transporting the person with mental illness.
 - 2. If the person poses immediate danger to self or others, the officer may elect to take him or her into custody prior to contacting the receiving facility. Whenever possible, appropriate back-up should be on-scene before the officer takes the person into custody. The officer should search the individual for and seize any weapons, potential weapons or contraband.

Response to Mental Illness

- e. Procedures to follow when taking a person into custody to carry out a commitment order or mandate are outlined below.
1. Be honest with the individual about where he or she is being taken, and why.
 2. If no adult is present to assume responsibility for the individual's home, the officer should ensure that the person's place of residence is secured before leaving.
 3. As is customary, personal property taken from the individual must be documented and secured.
 4. Whenever possible, an adult member of the individual's family or circle of acquaintances should be asked to participate in the transport, provided this does not exacerbate the situation.
 5. Officers will transport the person directly to the Marin County Mental Health, Unit B.
 6. No arrest form(s) should be completed on a person taken into custody to carry out a commitment order or mandate, unless the person is to be criminally charged.
 7. Once an officer takes custody of a person with mental illness who is likely to cause harm to self or others, the officer should release the person only to the appropriate mental health facility. Occasionally, the facility to which an officer transports a person for an emergency mental evaluation will refuse to admit the person and may direct the officer to pursue other alternatives. Refusal to admit may be based on lack of space in the facility or the facility may not be equipped to treat other problems the person has, such as evidence of alcohol or drug abuse or the existence of a medical emergency. Officers should maintain detailed information on the reasons for the failure to admit and record the names and titles of all parties involved. If alternatives are available, such as admitting the person to a substance abuse center or emergency room, they should be pursued.
 8. If alternatives are not readily available, officers should consult with the on-duty supervisor and follow departmental procedures.
 9. Once the person has been transported to a mental health facility, the officer should remove his or her weapon, unload it, and secure it in a locked, safe area. No officer should wear a firearm while interacting with the person once he or she has been placed in a mental health or medical facility and the immediate risk of danger has passed.
 10. Officers should convey their observations of an individual's behavior to the attending mental health workers. All information on the individual, including a full description of behavior and circumstances, must be documented in a police incident report or mental health system

Response to Mental Illness

report. Whether it is a detailed description of an individual's behavior patterns, or notification to the provider about next of kin, officers should be thorough in their observations and in the information they convey verbally and in writing.

11. Officers will remain with mental health workers in the mental health facility until any risk of harm has passed or until they are released by a mental health worker. If time commitment becomes excessive, the on-duty supervisor should be contacted.
12. A copy of the order made by a mental health professional or judge should be obtained and attached to the officer's incident report.

411.7 ESCAPEES/WALK-OFFS FROM MENTAL HEALTH FACILITIES

- a. Police officers have full authority to take into custody any person with a mental illness who leaves a hospital or mental health facility without permission so long as that person was committed involuntarily. Involuntary commitment may include commitment by order of the court or as a result of being charged with or convicted of a crime.
- b. Police officers who take into custody these "escapees" (people involuntarily committed to a hospital or mental health facility who have left without permission) should follow custodial procedures outlined in previous sections of this policy.
- c. Police officers do not have the authority to take into custody people with mental illness who are voluntarily placed and who choose to "walk-off" from the mental health facility without being discharged. "Walk-offs" or elopees, as they are sometimes called, are people who were self-committed or committed by family or guardians with consent. People who are voluntarily committed should not be taken into custody by a police officer unless, at the time of the officer's contact, the person's actions indicate clearly that there is a potential for danger or harm to self or others.
- d. When the potential for danger or harm exists, officers who take a "walk-off" or elopee into custody should transport the person to Marin County Mental Health.
 1. Officers should immediately notify the mental health facility or hospital that had responsibility for the person and prepare a Teletype or other formal communication acknowledging that the person has been found. It is the facility's responsibility to notify family and guardians.
 2. If the contact is made within reasonable distance of the hospital or mental health facility, the officer may return the person directly to that facility. If the distance to the facility is not reasonable, it should be the responsibility of the hospital or mental health facility to arrange for return transportation. The person may be taken to a police department facility or other available setting to await transportation.
 3. At no time should a "walk-off" or elopee be placed in a cell or made to wait in a detention area.

Response to Mental Illness

4. No fingerprints, photographs or arrest reports are required.
5. Officer must complete a detailed incident report on all "walk-offs" or elopees.

411.8 CONFIDENTIALITY

- a. Any officer having contact with a person who has mental illness should keep related information confidential except to the extent that revealing information is necessary to conform to departmental reporting procedures or official mental health/medical proceedings.
- b. When there are recurring calls for service involving the same individual, information on the individual, the nature of the individual's atypical behavior, presence of a weapon, family or care givers who were contacted, and attending mental health practitioners should be included in the appropriate incident report and forwarded to Communications and Dispatch. Communications and Dispatch personnel must maintain confidentiality with respect to this information.

Mental Illness Commitments

412.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

412.2 POLICY

It is the policy of the Mill Valley Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

412.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

- a. An individual who is providing or has provided mental health treatment or related support services to the person
- b. A family member
- c. The person subject to the determination or anyone designated by the person

412.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, the officer may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

- a. Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
- b. Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and /or admission.

If at any point the person changes their mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.

412.3.2 RESTRAINTS

Mental Illness Commitments

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

412.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

412.3.4 SECURING OF WEAPONS

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

412.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

- a. Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- b. Community or neighborhood mediation services.
- c. Conflict resolution and de-escalation techniques.
- d. Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

412.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

Mental Illness Commitments

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

412.5 TRANSPORTATION

Transport for any individual for a 5150 commitment shall be conducted in accordance with the Transporting Persons in Custody Policy.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy.

412.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

- a. Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations Division which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- b. The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).
- c. If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.
- d. Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.
- e. In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

Mental Illness Commitments

412.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

412.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

412.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

- a. The officer's name and agency.
- b. The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
- c. The name of the facility to which the person is being taken.
- d. If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

412.8 CRIMINAL OFFENSES

Mental Illness Commitments

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- a. Arrest the individual when there is probable cause to do so.
- b. Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
- c. Facilitate the individual's transfer to jail.
- d. Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

412.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see the Property and Evidence Section Policy).

412.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The

Mental Illness Commitments

report shall be forwarded to the Investigations Division, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

412.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

Cite and Release Policy

413.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

413.2 POLICY

It is the policy of the Mill Valley Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

413.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

413.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

413.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

413.4 NON-RELEASE

Cite and Release Policy

413.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- a. Misdemeanor domestic battery (Penal Code § 243(e)(1))
- b. Felony domestic battery (Penal Code § 273.5)
- c. Serious or violent felonies (Penal Code § 1270.1(a)(1))
- d. Felony intimidation of witnesses and victims (Penal Code § 136.1)
- e. Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- f. Stalking (Penal Code § 646.9)
- g. Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

413.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

1. The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
2. The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
3. The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
4. There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
5. The person could not provide satisfactory evidence of personal identification.
 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
6. The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
7. There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

Cite and Release Policy

8. The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
9. There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 1. Previous failure to appear is on record
 2. The person lacks ties to the area, such as a residence, job, or family
 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
10. A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
11. There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

413.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- a. The misdemeanor cited in the warrant involves violence.
- b. The misdemeanor cited in the warrant involves a firearm.
- c. The misdemeanor cited in the warrant involves resisting arrest.
- d. The misdemeanor cited in the warrant involves giving false information to a peace officer.
- e. The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- f. The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- g. The person has other ineligible charges pending against themselves.
- h. There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- i. The person refuses to sign the notice to appear.
- j. The person cannot provide satisfactory evidence of personal identification.
- k. The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

413.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

Cite and Release Policy

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Mill Valley City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations Division for further action including diversion.

413.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

Foreign Diplomatic and Consular Representatives

414.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Mill Valley Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

414.2 POLICY

The Mill Valley Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

414.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- a. Notify a supervisor.
- b. Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- c. Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U. S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- d. Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- e. Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

414.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

Foreign Diplomatic and Consular Representatives

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.
 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
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:
 1. Diplomatic-level staff of missions to international organizations and recognized family members
 2. Diplomatic agents and recognized family members
 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 4. Career consular officers, unless the person is the subject of a felony warrant
5. The following persons may generally be detained and arrested:
 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 2. Support staff of missions to international organizations
 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 4. Honorary consular officers
 5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

414.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

414.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

Mill Valley PD Policy Manual

Law Enforcement Policy

Foreign Diplomatic and Consular Representatives

Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

Mill Valley PD Policy Manual

Law Enforcement Policy

Foreign Diplomatic and Consular Representatives

Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- 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.
- Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- A small number of senior officers are entitled to be treated identically to diplomatic agents.
- Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

415.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

415.2 POLICY

The Mill Valley Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

415.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- a. Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- b. Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- c. Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- d. Whether the suspect can be contained or denied access to victims.
- e. Whether the officers have the ability to effectively communicate with other personnel or resources.
- f. Whether planned tactics can be effectively deployed.

Rapid Response and Deployment

- g. The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

415.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

415.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- a. Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- b. Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- c. Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- d. Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

415.5 PLANNING

The Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

- a. Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- b. Availability of building plans and venue schematics of likely critical incident target sites.
- c. Communications interoperability with other law enforcement and emergency service agencies.
- d. Training opportunities in critical incident target sites, including joint training with site occupants.

Rapid Response and Deployment

- e. Evacuation routes in critical incident target sites.
- f. Patrol first-response training.
- g. Response coordination and resources of emergency medical and fire services.
- h. Equipment needs.
- i. Mutual aid agreements with other agencies.
- j. Coordination with private security providers in critical incident target sites.

415.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

1. Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
2. Communications interoperability with other law enforcement and emergency service agencies.
3. Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
 - a. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
4. First aid, including gunshot trauma.
5. Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Portable Audio/Video Recorders

416.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Mill Valley Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

416.2 POLICY

The Mill Valley Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

416.3 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- a. Establishing a system for downloading, storing and security of recordings.
- b. Designating persons responsible for downloading recorded data.
- c. Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- d. Establishing a system for tagging and categorizing data according to the type of incident captured.
- e. Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- f. Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- g. Maintaining logs of access and deletions of recordings.

416.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

416.5 MEMBER RESPONSIBILITIES

Portable Audio/Video Recorders

Prior to going into service, each uniformed member will be responsible for making sure that he/ she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, MVPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

Members shall ensure their body worn camera device is properly docked for upload of digital data prior to end of shift and the recorded media will be uploaded to the Department's on-line media storage system.

Uniformed personnel shall wear the BWC above the midline of their torso and in a forward-facing position to produce an effective recording.

416.5.1 SUPERVISOR RESPONSIBILITIES

Supervisors will ensure officers are using their BWC's in accordance with this policy. Supervisors shall ensure that those officers working under them are uploading, labeling, and categorizing all recorded media files prior to the end of the officer's shift.

Supervisors shall ensure recorded media files related to critical incidents are uploaded to the Department's on-line media storage system as soon as practical after the critical incident has concluded.

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

Supervisors may have the ability to immediately resolve citizen complaints by reviewing recorded media files that have been captured by a BWC. In circumstances where a complaint has been resolved with no further action needed, supervisors shall add the additional category of Citizen Complaint to the recording and enter any appropriate comments in the Notes section of the Department's on-line storage system.

Portable Audio/Video Recorders

416.6 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Uniformed members shall patrol with their portable recorder on and in buffer mode. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- a. All enforcement and investigative contacts including stops and field interview (FI) situations
- b. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- c. Self-initiated activity in which a member would normally notify the Communications Center
- d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- e. SRT tactical operations - ALL operators

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

416.6.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Under very limited circumstances an officer may decide to mute the audio of a BWC recording during a law enforcement encounter. Examples of when it might be appropriate to mute audio of a BWC recording include, but are not limited to:

- During sensitive interviews with crime victims and/or witnesses who insist the BWC be turned off, such as cases that involve child abuse, sexual assault, etc.
- During conversations that involve case strategies or tactical planning.

Portable Audio/Video Recorders

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

416.6.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

416.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

416.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

416.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

Portable Audio/Video Recorders

- a. The recording contains evidence relevant to potential criminal, civil or administrative matters.
- b. A complainant, victim or witness has requested non-disclosure.
- c. A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- d. Disclosure may be an unreasonable violation of someone's privacy.
- e. Medical or mental health information is contained.
- f. Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

416.9 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- a. Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- b. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- c. By media personnel with permission of the Chief of Police or the authorized designee.
- d. In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- e. By authorized members via the Axon Respond live streaming service during critical incidents or situations that present a safety risk to members of the department or the public.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

416.9.1 AXON RESPOND LIVE STREAMING

Axon Respond live streaming is a service that allows a user to remotely view BWC in real-time from a field user's recording device. Remote viewing of video from a field user's BWC shall be limited to authorized members which would include supervisors and Administrators. Access to live streaming should be

Portable Audio/Video Recorders

considered when responding to critical incidents, unusual occurrences that present a safety risk to members of this department or the public, and/or other occurrences where there is a compelling safety interest or to gather intelligence or gain a tactical advantage.

416.10 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

- a. Incidents involving use of force by an officer
- b. Officer-involved shootings
- c. Incidents that lead to the detention or arrest of an individual
- d. Recordings relevant to a formal or informal complaint against an officer or the Mill Valley Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

416.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

416.10.2 RELEASE OF PHYSICAL FORCE AND FELONY CASE VIDEOS TO MARIN COUNTY DISTRICT ATTORNEY'S OFFICE

It is the request of the Marin County District Attorney's Office for MVPD to provide BWC video of all felony cases, as well as any case in which an officer uses physical force to detain or arrest a subject, prior to the filing of a case. The following definitions of physical force include; Any use of a weapon (firearm, Taser /Conducted Energy Device, Bola device, less-lethal bean bag, baton) punching, kneeing, elbowing, kicking, tripping, and pushing.

The Supervisor approving the physical force or felony cases will reasonably ensure ALL physical force and felony case BWC videos are downloaded before the end of shift. The Supervisor will send notification by phone or e-mail to Administrators and Community Service Officers of the case video status. The Community Service Officers or Administrators will ensure the videos are provided to the DA's office via Evidence.com.

Illegal Sign Nuisance Abatement

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish uniform standards and procedures for abatement of illegal signs pursuant to Mill Valley Municipal Code § 16.04.

This policy is primarily directed toward illegal real estate and political signs. Signs violating other sections of the Municipal ordinance will be described in a case report which will be forwarded to the Administrative Services Division for review with the Department of Community Development.

417.2 ABATEMENT PROCEDURE

- a. Signs placed or erected on public or private property in the City of Mill Valley in violation of Municipal Code § 16.04 will be removed from such private or public property and stored in the Public Safety Building storage room.
- b. Real estate signs in violation of Municipal Code § 16.04.050 will be stored in the Public Safety Building storage room.
 1. Illegal real estate signs may be claimed by the owner or owner's agent after posting an abatement fee.
 2. Abatement fees may be posted by cash, cashier's check, money order, personal check, or corporate check. A receipt will be issued for each fee posted.
- c. Political signs in violation of Municipal Code § 16.04.030 will be processed in the same manner as real estate signs, with the same abatement fee. Political signs not claimed may be discarded immediately following the election they advertise.

417.3 ABATEMENT FEE

The abatement fee shall be ten dollars (\$10.00) for each occurrence. Example: One illegal sign on public or private property is subject to the abatement fee. Three signs directing to one parcel of property is subject to one abatement fee for all three signs.

- a. Abatement fees deposited for the release of illegal signs will be forwarded to the Finance Department accompanied by a copy of the receipt issued.

Immigration Violations

418.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Mill Valley Police Department relating to immigration and interacting with federal immigration officials.

418.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

418.2 POLICY

It is the policy of the Mill Valley Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

418.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

418.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

418.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Immigration Violations

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

418.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

418.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

418.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

- a. Transfer the person to federal authorities.
- b. Transfer the person to jail.

418.6 FEDERAL REQUESTS FOR ASSISTANCE

Immigration Violations

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

418.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

- a. Sending information to, or requesting or receiving such information from federal immigration officials
- b. Maintaining such information in department records
- c. Exchanging such information with any other federal, state or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

418.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

- a. The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).
- b. The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.
- c. The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- d. The individual is a current registrant on the California Sex and Arson Registry.
- e. The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

418.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Mill Valley Police Department intends to comply with the request (Government Code § 7283.1).

If the Mill Valley Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

418.7.3 ICE INTERVIEWS

Immigration Violations

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Mill Valley Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

418.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

- a. Transfer is authorized by a judicial warrant or judicial probable cause determination.
- b. The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
- c. The individual is a current registrant on the California Sex and Arson Registry.
- d. The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

418.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Investigations Division supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Bureau Policy).

418.8 TRAINING

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

- a. Identifying civil versus criminal immigration violations.
- b. Factors that may be considered in determining whether a criminal immigration offense has been committed.
- c. Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

418.9 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division supervisor assigned to oversee the handling of any related case. The Investigations Division supervisor should:

Immigration Violations

1. Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
2. Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
3. Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
 3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
 4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)
4. Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
 1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).
5. Inform the victim liaison of any requests and their status.

418.9.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

418.9.2 REPORTING TO LEGISLATURE

The Investigations Division supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and

Immigration Violations

the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

418.9.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

Emergency Utility Service

419.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

419.1.1 BROKEN WATER LINES

Marin Municipal Water District's (MMWD) responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. MMWD can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

419.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. Pacific Gas & Electric should be promptly notified, as appropriate.

419.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Marin Municipal Water District maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

419.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

419.2 TRAFFIC SIGNAL MAINTENANCE

The City of Mill Valley contracts with Republic Electric to furnish maintenance for all traffic signals within the city, other than those maintained by the State of California.

419.2.1 RESPONSIBILITY FOR SIGNALS

Upon observing a damaged or malfunctioning signal, the officer will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

419.2.2 OFFICER RESPONSIBILITY

Emergency Utility Service

Upon observing a damaged or malfunctioning signal, the officer will advise the police dispatcher of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Field Training Officer Program

420.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Mill Valley Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

420.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

420.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- a. Desire to be an FTO
- b. One-year of Police Officer experience at time of appointment
- c. Demonstrated ability as a positive role model
- d. Review of employee's personnel file
- e. Possess a POST Basic certificate

420.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

420.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

Field Training Officer Program

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

- a. Assignment of trainees to FTOs
- b. Conduct FTO meetings
- c. Maintain and ensure FTO/trainee performance evaluations are completed
- d. Maintain, update, and issue the Field Training Manual to each trainee
- e. Monitor individual FTO performance
- f. Monitor overall FTO Program
- g. Maintain liaison with FTO coordinators of other agencies
- h. Maintain liaison with academy staff on recruit performance during the academy
- i. Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

420.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Mill Valley Police Department who has successfully completed a POST approved Basic Academy.

420.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete a POST-approved Field Training Program, consisting of a minimum of 10 weeks (Penal Code § 13515.295; 11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

All Trainees will go through a minimum one-week orientation program and are also given the opportunity to spend a day in dispatch, records, and property during that period. Trainees will perform in five phases of evaluated training, which will be broken down as follows:

- Phase One: Four weeks assigned to FTO #1
- Phase Two: Four weeks assigned to FTO #2
- Phase Three: Four weeks assigned to FTO #3

Field Training Officer Program

- Phase Four: Four weeks assigned to FTO #4
- Phase Five: A minimum of two weeks assigned to available prior FTO.

Academy graduates must perform in each of the five phases for a minimum of eighteen weeks.

Accelerated Lateral Officers must be evaluated by at least two FTO's, if they are to be considered for expedited release from the program. Accelerated Lateral Officers should complete up to ten weeks of training in the FTP

420.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Mill Valley Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Mill Valley Police Department.

420.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

420.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

- a. Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- b. Review the Daily Trainee Performance Evaluations with the trainee each day.
- c. Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
- d. Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

420.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

420.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

420.6.4 TRAINEE

Field Training Officer Program

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

420.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- a. Daily Trainee Performance Evaluations
- b. End-of-phase evaluations
- c. A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Obtaining Air Support

421.1 PURPOSE AND SCOPE

The use of police air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support (helicopter or fixed-wing) may be requested, and the responsibilities for making a request.

421.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain assistance should be made through the Marin Communications Center for mutual aid.

421.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Watch Commander, or his/her designee, will call the closest agency having support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

421.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police air support may be requested under any of the following conditions:

- a. When the air support is activated under existing mutual aid agreements
- b. Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
- c. When the use of air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
- d. When air support is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
- e. Vehicle pursuits

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

Contacts and Temporary Detentions

422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

422.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

422.2 POLICY

The Mill Valley Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

Contacts and Temporary Detentions

422.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Mill Valley Police Department to strengthen community involvement, community awareness, and problem identification.

422.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- a. Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- b. Actions suggesting that he/she is engaged in a criminal activity
- c. Presence in an area at an inappropriate hour of the day or night
- d. Presence in a particular area is suspicious
- e. Carrying of suspicious objects or items
- f. Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- g. Location in proximate time and place to an alleged crime
- h. Physical description or clothing worn that matches a suspect in a recent crime
- i. Prior criminal record or involvement in criminal activity as known by the officer

422.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- a. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- b. Where more than one suspect must be handled by a single officer.
- c. The hour of the day and the location or neighborhood where the stop takes place.
- d. Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- e. The actions and demeanor of the suspect.
- f. Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Contacts and Temporary Detentions

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

422.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

422.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

422.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

422.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

- a. If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- b. Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

Contacts and Temporary Detentions

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

422.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

422.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- a. Identifying all persons present at the scene and in the immediate area.
 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- b. Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Mill Valley Police Department members.
 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Watch Commanders

423.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a supervisor heads each watch.

423.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Sergeant is unavailable for duty as Watch Commander, in most instances the senior qualified corporal or senior officer shall be designated as acting Watch Commander. This policy does not preclude designating sergeants with less seniority as an Acting Watch Commander when operational needs require, or training permits.

Mobile Digital Computer Use

424.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

424.2 CLETS/NCIC INQUIRIES & WANT/WARRANT HITS

Patrol units may use the mobile data computer for any number of State & Federal criminal database inquiries including license plates, driver's licenses, property, guns, wanted persons, supervisory release files, restraining order files, criminal histories, and much more.

It is important to remember that State and Federal laws, and department procedures govern the use of all of these criminal database systems. As is currently the policy, records of all these transactions are maintained and the Department of Justice conducts periodic audits to insure compliance with all laws.

This is especially important for criminal history inquiries. You are personally accountable for both the inquiry and the subsequent dissemination of the information. The inquiry screen must be properly completed and the system may only be used for legitimate law enforcement purposes.

A Patrol unit may request that the dispatcher perform any of these inquiries, as is currently the practice, or the Patrol unit may elect to perform the inquiry using the mobile data computer. When performing enforcement activities, Patrol units should consider officer safety issues when deciding which method to use. If the Patrol unit receives a positive match (hit) on a want, warrant, stolen, or officer safety related notification, he/she must immediately advise the dispatcher on the radio of the information.

The dispatcher is not automatically notified of any hit. This notification to the dispatcher is not necessary if the inquiry is for informational purposes only and the subject, vehicle, or item of property is not in the immediate presence of the Patrol unit.

Once the notification to the dispatcher is made, he/she can retrieve the information on the subject, vehicle, or item of property from the Patrol unit's history information. The dispatcher will use the information to check the match, and if requested by the Patrol unit, confirm the want, warrant, or stolen information with the agency holding the original record.

As always, an arrest should not be made based on computer information alone. The dispatcher will notify the Patrol unit on the radio whether or not confirmation is received. The Patrol unit may also request that the dispatcher assist in interpreting a potential match in the same manner.

Mobile Digital Computer Use

424.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

424.4 POLICY

Mill Valley Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

424.5 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

424.5.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

424.6 DOCUMENTATION OF ACTIVITY

Mobile Digital Computer Use

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a [dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- a. All contacts or activity shall be documented at the time of the contact.
- b. Whenever the activity or contact is initiated by voice, it should be documented by a [dispatcher.
- c. Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

424.6.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

424.6.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

424.7 EQUIPMENT CONSIDERATIONS

424.7.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the [dispatcher to document all information that will then be transmitted verbally over the police radio.

424.7.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

Mobile Digital Computer Use

Automatic Vehicle Locating System

425.1 PURPOSE AND SCOPE

It is the policy of the Mill Valley Police Department to install the Automatic Vehicle Locating System in all marked patrol vehicles, and other mobile devices at the direction of the Chief of Police. The AVL system is designed to increase officer safety, enhance coordination and resource management during tactical incidents and to provide documentation against false accusations and civil claims against the agency.

425.1.1 DEFINITIONS

Automatic Vehicle Locating System (AVL): A multi-agency software based system that allows for the monitoring of various mobile solutions utilizing both cellular signals and the Global Positioning System. The system is capable of reporting a precise location, speed, and direction of travel as well as historical data of various mobile devices. The system is also integrated with the computer aided dispatching system to provide mapping and directions to dispatched calls for service to units in the field.

425.1.2 PROCEDURE

The AVL system shall be configured to be on and running at any time the mobile data computer, or other similar mobile solution, is running and the modem is activated and transmitting data. Unauthorized personnel shall not tamper with, or in any way attempt to disable the AVL unit or alter its functionality.

The AVL system includes a mapping capability to enable the viewing of maps showing the location of other units utilizing the AVL system. The Mill Valley Police Department units running the AVL system will be configured to view all mobile devices including other participating outside agencies.

The use of this system does not eliminate the need for all employees to maintain their status and location with their appropriate communications dispatcher. While the system will be available to dispatchers for viewing, it is not the responsibility of dispatchers to constantly monitor the location and/or status of units by utilizing the AVL system.

The AVL system maintains historical data regarding every assigned mobile device and will not be used as a surveillance tool to monitor the general and/or routine activities of employees. That historical data shall be maintained for a minimum of 6 months or longer at the discretion of the Chief of Police.

Historical data contained within the AVL system shall only be retrieved at the direction of a sergeant or higher authority. Access to historical data requires a reasonable basis for that inquiry, including but not limited to evaluating vehicle pursuits, responding to citizen complaints, or conducting authorized investigations.

Medical Marijuana

426.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

426.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

Medical Marijuana

426.2 POLICY

It is the policy of the Mill Valley Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Mill Valley Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

426.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- a. Investigations when no person makes a medicinal claim.
- b. Investigations when a medicinal claim is made by a cardholder.
- c. Investigations when a medicinal claim is made by a non-cardholder.

426.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

426.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

- a. The information contained in the card is false or falsified.
- b. The card has been obtained or used by means of fraud.
- c. The person is otherwise in violation of the provisions of the MMP.
- d. The person possesses marijuana but not for personal medical purposes.

Medical Marijuana

Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

426.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

426.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- a. Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 1. The suspect has been identified and can be easily located at a later time.
 2. The case would benefit from review by a person with expertise in medical marijuana investigations.
 3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
 4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

Medical Marijuana

- b. Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:
 - 1. The amount of marijuana recommended by a medical professional to be ingested.
 - 2. The quality of the marijuana.
 - 3. The method of ingestion (e.g., smoking, eating, nebulizer).
 - 4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
 - 5. Whether the marijuana is being cultivated indoors or outdoors.
- c. Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).
- d. Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

426.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

- a. Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).
- b. Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).
- c. Smoking marijuana (Health and Safety Code § 11362.79):
 - 1. In any place where smoking is prohibited by law.
 - 2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
 - 3. On a school bus.
 - 4. While in a motor vehicle that is being operated.
 - 5. While operating a boat.
- d. Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

426.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

Medical Marijuana

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

426.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

426.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division supervisor.

Bicycle Patrol Unit

427.1 PURPOSE AND SCOPE

The Mill Valley Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

427.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

427.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

- a. Recognized competence and ability as evidenced by performance.
- b. Special skills or training as it pertains to the assignment.
- c. Good physical condition.
- d. Willingness to perform duties using the bicycle as a mode of transportation.

427.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Operations Division Commander or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- a. Organizing bicycle patrol training.

Bicycle Patrol Unit

- b. Inspecting and maintaining inventory of patrol bicycles and program equipment.
- c. Scheduling maintenance and repairs.
- d. Evaluating performance of bicycle officers.
- e. Coordinating activities with the Operations Bureau.
- f. Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

427.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

427.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

427.6 CARE AND USE OF PATROL BICYCLES

Bicycle Patrol Unit

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE#?" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1 (b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

427.7 OFFICER RESPONSIBILITY

Bicycle Patrol Unit

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- a. In response to an emergency call.
- b. While engaged in rescue operations.
- c. In the immediate pursuit of an actual or suspected violator of the law.

Foot Pursuits

428.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

428.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

428.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

Foot Pursuits

- a. Containment of the area.
- b. Saturation of the area with law enforcement personnel, including assistance from other agencies.
- c. A canine search.
- d. Thermal imaging or other sensing technology.
- e. Air support.
- f. Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

428.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

- a. Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
- b. The officer is acting alone.
- c. Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- d. The officer is unsure of his/her location and direction of travel.
- e. The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- f. The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
- g. The officer loses radio contact with the [dispatcher or with assisting or backup officers.
- h. The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
- i. The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

Foot Pursuits

- j. The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- k. The officer loses possession of his/her firearm or other essential equipment.
- l. The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- m. The suspect's location is no longer definitely known.
- n. The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
- o. The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

428.4 RESPONSIBILITIES IN FOOT PURSUITS

428.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

- a. Location and direction of travel
- b. Call sign identifier
- c. Reason for the foot pursuit, such as the crime classification
- d. Number of suspects and description, to include name if known
- e. Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate

Foot Pursuits

efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the [dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

428.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

428.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

428.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

- a. Date and time of the foot pursuit.
- b. Initial reason and circumstances surrounding the foot pursuit.
- c. Course and approximate distance of the foot pursuit.
- d. Alleged offenses.
- e. Involved vehicles and officers.
- f. Whether a suspect was apprehended as well as the means and methods used.
 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- g. Arrestee information, if applicable.

Foot Pursuits

- h. Any injuries and/or medical treatment.
- i. Any property or equipment damage.
- j. Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

428.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

Automated License Plate Readers (ALPRs)

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

429.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Mill Valley Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Services Division Commander. The Administrative Services Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

429.2.1 ALPR ADMINISTRATOR

The Administrative Services Division Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- a. A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
- b. Training requirements for authorized users.
- c. A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
- d. Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
- e. The title and name of the current designee in overseeing the ALPR operation.
- f. Working with the Custodian of Records on the retention and destruction of ALPR data.
- g. Ensuring this policy and related procedures are conspicuously posted on the department's website.

429.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Automated License Plate Readers (ALPRs)

- a. An ALPR shall only be used for official law enforcement business.
- b. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
- c. While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- d. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- e. No ALPR operator may access department, state or federal data unless otherwise authorized to do so.
- f. If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

429.4 DATA COLLECTION AND RETENTION

The Administrative Services Division Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

All data captured by fixed ALPR equipment owned by and leased from Flock Group, Inc., will be securely retained by Flock Group, Inc. The information collected by the Flock ALPR system should be stored for no more than thirty days. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the Flock Group server onto portable media and booked into evidence. This information includes Hot List data which must be manually deleted by the user at the conclusion of their investigation.

429.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Mill Valley Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

Automated License Plate Readers (ALPRs)

- a. All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- b. Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- c. ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

429.6 POLICY

The policy of the Mill Valley Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

429.7 RELEASING ALPR DATA

The ALPR data may be shared only with public agencies and only as otherwise permitted by law (Civil Code § 1798.90.55).

For purposes of this section, a public agency is limited to California state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies (Civil Code § 1798.90.5).

The following procedures are guidelines for ALPR requests:

1. The agency makes a written request for the ALPR data that includes:
 1. The name of the agency.
 2. The name of the person requesting.
 3. The intended purpose of obtaining the information.
2. The request is reviewed by the Administrative Services Division Commander or the authorized designee and approved before the request is fulfilled.
3. The approved request is retained on file.

Requests for ALPR data by non-California public agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

429.8 TRAINING

The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Mill Valley PD Policy Manual

Law Enforcement Policy

Automated License Plate Readers (ALPRs)

Homeless Persons

430.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Mill Valley Police Department recognizes that members of the homeless community are often in need of special protection and services. The Mill Valley Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

430.1.1 POLICY

It is the policy of the Mill Valley Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

430.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- a. Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
- b. Meet with social services and representatives of other organizations that render assistance to the homeless.
- c. Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- d. Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- e. Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

Homeless Persons

- f. Develop training to assist officers in understanding current legal and social issues relating to the homeless.

430.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

430.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- a. Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.
- b. Document places the homeless person may frequent.
- c. Provide homeless victims with victim/witness resources when appropriate.
- d. Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.
- e. Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.
- f. Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- g. Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

430.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

Homeless Persons

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

430.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

430.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Public Recording of Law Enforcement Activity

431.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

431.2 POLICY

The Mill Valley Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

431.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

1. Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
2. Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 1. Tampering with a witness or suspect.
 2. Inciting others to violate the law.
 3. Being so close to the activity as to present a clear safety hazard to the officers.
 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
3. The individual may not present an undue safety risk to the officers, him/herself or others.

431.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant;

Public Recording of Law Enforcement Activity

directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

431.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- a. Request any additional assistance as needed to ensure a safe environment.
- b. Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- c. When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- d. Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- e. Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

431.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

1. There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
2. There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
3. The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Mill Valley PD Policy Manual

Law Enforcement Policy

Public Recording of Law Enforcement Activity

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Crisis Intervention Incidents

432.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

432.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

432.2 POLICY

The Mill Valley Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

432.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- a. A known history of mental illness
- b. Threats of or attempted suicide
- c. Loss of memory
- d. Incoherence, disorientation or slow response
- e. Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- f. Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- g. Social withdrawal
- h. Manic or impulsive behavior, extreme agitation, lack of control
- i. Lack of fear
- j. Anxiety, aggression, rigidity, inflexibility or paranoia

Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

432.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

432.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

1. Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
2. Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
3. If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
4. Attempt to determine if weapons are present or available.
 1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
5. Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
6. Secure the scene and clear the immediate area as necessary.
7. Employ tactics to preserve the safety of all participants.
8. Determine the nature of any crime.
9. Request a supervisor, as warranted.
10. Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

Crisis Intervention Incidents

11. If circumstances reasonably permit, consider and employ alternatives to force.

432.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

432.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the [dispatcher provide critical information as it becomes available. This includes:

- a. Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- b. Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- c. Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

432.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

Crisis Intervention Incidents

- a. Attempt to secure appropriate and sufficient resources.
- b. Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- c. Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- d. Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- e. Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

432.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

432.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

432.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- a. Members should treat all individuals equally and with dignity and respect.
- b. If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- c. Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

432.11 EVALUATION

Crisis Intervention Incidents

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

432.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

First Amendment Assemblies

433.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

433.2 POLICY

The Mill Valley Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

433.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- a. Engage in assembly or demonstration-related discussion with participants.
- b. Harass, confront or intimidate participants.
- c. Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

First Amendment Assemblies

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

433.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

433.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

433.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

433.5.1 INFORMATION GATHERING AND ASSESSMENT

First Amendment Assemblies

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

433.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- a. Command assignments, chain of command structure, roles and responsibilities.
- b. Staffing and resource allocation.
- c. Management of criminal investigations.
- d. Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- e. Deployment of specialized resources.
- f. Event communications and interoperability in a multijurisdictional event.
- g. Liaison with demonstration leaders and external agencies.
- h. Liaison with City government and legal staff.
- i. Media relations.
- j. Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- k. Traffic management plans.
- l. First aid and emergency medical service provider availability.
- m. Prisoner transport and detention.
- n. Review of policies regarding public assemblies and use of force in crowd control.
- o. Parameters for declaring an unlawful assembly.
- p. Arrest protocol, including management of mass arrests.
- q. Protocol for recording information flow and decisions.

First Amendment Assemblies

- r. Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- s. Protocol for handling complaints during the event.
- t. Parameters for the use of body-worn cameras and other portable recording devices.

433.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

433.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

433.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants'

First Amendment Assemblies

conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

433.8 ARRESTS

The Mill Valley Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- a. Reasonable measures to address the safety of officers and arrestees.
- b. Dedicated arrest, booking and report writing teams.
- c. Timely access to medical care.
- d. Timely access to legal resources.
- e. Timely processing of arrestees.
- f. Full accountability for arrestees and evidence.
- g. Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

433.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

433.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally

First Amendment Assemblies

where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

433.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

433.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- a. Operational plan
- b. Any incident logs
- c. Any assignment logs
- d. Vehicle, fuel, equipment and supply records
- e. Incident, arrest, use of force, injury and property damage reports
- f. Photographs, audio/video recordings, the Communications Center records/tapes
- g. Media accounts (print and broadcast media)

433.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- a. Date, time and description of the event
- b. Actions taken and outcomes (e.g., injuries, property damage, arrests)
- c. Problems identified
- d. Significant events
- e. Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

433.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

First Amendment Assemblies

433.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- a. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- b. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- c. Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- d. An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- e. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- f. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- g. An objectively reasonable effort has been made to extract individuals in distress.
- h. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- i. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- j. Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 1. A violation of an imposed curfew.
 2. A verbal threat.
 3. Noncompliance with a law enforcement directive.
- k. If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

433.13.1 USE SUMMARY

The Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

First Amendment Assemblies

433.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

Civil Disputes

434.1 PURPOSE AND SCOPE

This policy provides members of the Mill Valley Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

434.2 POLICY

The Mill Valley Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

434.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- a. Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- b. Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- c. Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- d. Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- e. Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

434.4 COURT ORDERS

Civil Disputes

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- a. The person's knowledge of the court order or whether proof of service exists.
- b. Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

434.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

434.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

434.6 REAL PROPERTY

Civil Disputes

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Suspicious Activity Reporting

435.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

435.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

435.2 POLICY

The Mill Valley Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

435.3 RESPONSIBILITIES

Suspicious Activity Reporting

The Investigation Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Division Commander include, but are not limited to:

- a. Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
- b. Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- c. Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- d. Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- e. Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- f. Coordinating investigative follow-up, if appropriate.
- g. Coordinating with any appropriate agency or fusion center.
- h. Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

435.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

435.5 HANDLING INFORMATION

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Investigations Division supervisor

Suspicious Activity Reporting

- Crime Analysis Unit
- Other authorized designees

Medical Aid and Response

436.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

436.2 POLICY

It is the policy of the Mill Valley Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

436.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- a. The location where EMS is needed.
- b. The nature of the incident.
- c. Any known scene hazards.
- d. Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex, and age, if known.
 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Medical Aid and Response

Members should not direct EMS personnel whether to transport the person for treatment.

436.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are not in custody and who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

436.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

436.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, the arrestee should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Medical Aid and Response

Arrestees who appear to have a serious medical issue should be transported by ambulance to an appropriate medical facility.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

436.6.1 HOSPITAL SECURITY AND CONTROL

Officers who transport persons in custody to medical facilities for treatment should provide security and control during examination and treatment consistent with department protocols. Any such transport should be conducted in accordance with the Transporting Persons in Custody Policy.

The Operations Division Commander should develop protocols related to the following:

- a. Providing security and control during an examination or treatment, including:
 1. Monitoring the person in custody (e.g., guarding against escape, suicide, and assault of others)
 2. Removal of restraints, if necessary and appropriate (see the Handcuffing and Restraints Policy)
- b. Responsibility for continuing security and control if the person in custody is admitted to the hospital
 1. This should include transferring custody of the person to an appropriate agency.

436.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

436.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.

Medical Aid and Response

- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

436.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

436.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly shall be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

436.9.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

436.9.3 AED TRAINING AND MAINTENANCE

Medical Aid and Response

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100027.05).

436.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

436.10.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

436.10.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Manager will ensure that the Records Supervisor is provided enough information to meet applicable state reporting requirements.

436.10.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards (Civil Code § 1714.22).

436.10.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

436.10.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Medical Aid and Response

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

436.11 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS

The Operations Division Commander may authorize the acquisition of epinephrine auto-injectors for use by department members as provided by Health and Safety Code § 1797.197a. The Training Manager shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by Health and Safety Code § 1797.197a(f).

Trained members who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (Health and Safety Code § 1797.197a(b); 22 CCR 100027.03).

436.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members should handle, store and administer epinephrine auto-injectors consistent with their training and the Department operations plan. Members should check the auto-injectors at the beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Department Operations Plan.

Any member who administers an epinephrine auto-injector medication should contact the Communications Center as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

436.11.2 EPINEPHRINE AUTO-INJECTOR REPORTING

Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.

The Training Manager should ensure that the Records Supervisor is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197a(f)).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

436.11.3 EPINEPHRINE AUTO-INJECTOR TRAINING

The Training Manager should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100027.03.

436.12 FIRST-AID TRAINING

Mill Valley PD Policy Manual

Law Enforcement Policy

Medical Aid and Response

The Training Manager should ensure officers receive initial first-aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

Aircraft Accidents

437.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

437.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

437.2 POLICY

It is the policy of the Mill Valley Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

437.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- a. Protect persons and property.
- b. Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- c. Preserve ground scars and marks made by the aircraft.
- d. Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- e. Maintain a record of persons who enter the accident site.
- f. Consider implementation of an Incident Command System (ICS).

437.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

437.5 NOTIFICATIONS

Aircraft Accidents

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- a. Fire department
- b. Appropriate airport tower
- c. Emergency medical services (EMS)

437.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- a. FAA.
- b. Fire department, EMS or other assisting law enforcement agencies.
- c. Coroner.
- d. Air Carrier/Operators investigative teams with NTSB approval.
- e. Appropriate branch of the military, when applicable.
- f. Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

437.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- a. Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- b. Pressure vessels, compressed gas bottles, accumulators and tires.
- c. Fluids, batteries, flares and igniters.
- d. Evacuation chutes, ballistic parachute systems and composite materials.

Aircraft Accidents

437.8 DOCUMENTATION

All aircraft accidents occurring within the City of Mill Valley shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of MVPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

437.8.1 WRECKAGE

When reasonably safe, members should:

1. Obtain the aircraft registration number (N number) and note the type of aircraft.
2. Attempt to ascertain the number of casualties.
3. Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
4. Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
5. Acquire copies of any recordings from security cameras that may have captured the incident.

437.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- a. The location of the witness at the time of his/her observation relative to the accident site.
- b. A detailed description of what was observed or heard.
- c. Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- d. The names of all persons reporting the accident, even if not yet interviewed.
- e. Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

437.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Body-Worn Cameras

438.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of a body-worn camera (BWC) by members of this department and for the access, use, and retention of department BWC media.

The provisions of this policy, including notice, documentation, access, and retention, also apply to other portable audio/video recording devices used by members, where applicable.

This policy does not apply to undercover operations, wiretaps, or eavesdropping (concealed listening devices).

438.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - To place a BWC in active mode (also called event mode). In active mode, the BWC records both video and audio.

BWC media - The video, audio, and images captured by department BWCs and the associated metadata.

BWC media systems - Any software, including web-based programs and mobile applications, used by the Department to upload/download, store, view, transfer, and otherwise maintain BWC media.

Deactivate - To place a BWC in buffering mode (also called ready or pre-event mode). In buffering mode, the BWC records video (without audio) in short, predetermined intervals that are retained only temporarily. However, when a BWC is activated, the interval recorded immediately prior to activation is then stored as part of the BWC media. Deactivate does not mean powering off the BWC.

Event - A general term referring to a set of circumstances that may, but does not necessarily, correlate directly to a single public safety incident.

438.2 POLICY

It is the policy of the Department to use BWCs and BWC media for evidence collection and to accurately document events in a way that promotes member safety and department accountability and transparency while also protecting the privacy of members of the public.

A violation of this policy subjects the member to discipline (Penal Code § 832.18) (see the Personnel Complaints Policy).

438.3 RESPONSIBILITIES

438.3.1 BWC COORDINATOR RESPONSIBILITIES

Body-Worn Cameras

The Chief of Police or the authorized designee should delegate certain responsibilities to a BWC coordinator.

The responsibilities of the coordinator include (Penal Code § 832.18):

- a. Serving as a liaison between the Department and the BWC manufacturer/distributor and any third-party media storage vendor.
- b. Developing inventory procedures for issuing and tracking BWC equipment, including properly marking BWCs as property of the Department and recording the date each BWC is placed into or taken out of service.
- c. Assisting with troubleshooting and maintenance of BWC equipment and media systems and, when necessary, coordinating the repair or replacement of BWCs.
 1. All equipment and system malfunctions and their resolutions should be documented, and maintenance and repair records should be maintained for all BWCs.
- d. Managing BWC media systems so that:
 1. Access is limited to the minimum necessary authorized users and user privileges are restricted to those necessary for the member to conduct assigned department duties.
 2. Security requirements, such as two-factor authentication and appropriate password parameters, are in place for user credentials.
- e. Configuring BWC media systems, or developing manual procedures, so that media is appropriately categorized and retained according to the event type tagged by members.
- f. Retaining audit logs or records of all access, alteration, and deletion of BWC media and media systems, and conducting periodic audits to ensure compliance with applicable laws, regulations, and department policy.
- g. Developing and updating BWC training for members who are assigned a BWC or given access to BWC media systems.
- h. Coordinating with the community relations coordinator to (see the Community Relations Policy):
 1. Provide the public with notice of the department's use of BWCs (e.g., posting on the department website or social media pages).
 2. Gain insight into community expectations regarding BWC use.
- i. Coordinating with the Records Supervisor to (see the Records Bureau and Records Maintenance and Release policies):
 1. Determine and apply proper retention periods to BWC media. Agency legal counsel should be consulted in determining retention periods.
 2. Develop procedures for the appropriate release of BWC media.
- j. Coordinating with the Property and Evidence Section to develop procedures for the transfer, storage, and backup of evidentiary BWC media (see the Property and Evidence Section Policy).
- k. Establishing a system to prevent tampering with, deleting, or copying recordings, and to ensure chain of custody integrity.
- l. Designating the persons responsible for downloading the recorded data from the BWC.
- m. Completing an annual administrative review of the BWC program and providing it to the Chief of Police for review.

Body-Worn Cameras

438.3.2 MEMBER RESPONSIBILITIES

Every member issued a BWC is responsible for its proper use, safekeeping, and maintenance (Penal Code § 832.18).

At the beginning of each shift or period of BWC use, the member should inspect their assigned BWC to confirm it is charged and in good working order. As part of the inspection, the member should perform a function test by activating the BWC and recording a brief video stating their name, identification number, assignment, and the date and time.

Members should wear their assigned BWC on their outermost garment positioned at or near chest level and as close to the center of their body as practicable. Members are responsible for ensuring there are no obstructions and that the BWC remains in a position suitable for recording.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When a BWC is not in the physical possession of the member to which it is assigned, it should be placed on the charging dock and stored in a secure location.

Members shall report any malfunction or damage to the BWC coordinator or on-duty supervisor as soon as practicable and, if possible, obtain a functioning BWC to use either temporarily while repairs are being made to the member's BWC or as a permanent replacement.

Members shall ensure their body worn camera device is properly docked for upload of digital data prior to end of shift and the recorded media will be uploaded to the Department's on-line media storage system.

438.3.3 SUPERVISOR RESPONSIBILITIES

Supervisors will ensure officers are using their BWC's in accordance with this policy. Supervisors shall ensure that those officers working under them are uploading, labeling, and categorizing all recorded media files prior to the end of the officer's shift.

Supervisors shall ensure recorded media files related to critical incidents are uploaded to the Department's on-line media storage system as soon as practical after the critical incident has concluded.

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

Body-Worn Cameras

Supervisors may have the ability to immediately resolve citizen complaints by reviewing recorded media files that have been captured by a BWC. In circumstances where a complaint has been resolved with no further action needed, supervisors shall add the additional category of Citizen Complaint to the recording and enter any appropriate comments in the Notes section of the Department's on-line storage system.

438.4 BWC USE

The following guidelines apply to the use of BWCs:

- a. Only department-issued BWCs should be used. Members are prohibited from using any other BWC without the express consent of the Chief of Police or the authorized designee.
- b. BWCs should only be used by the member or members to whom it was issued unless otherwise authorized by a supervisor.
- c. The use of department-issued BWCs shall be strictly limited to department-related activities (Penal Code § 832.18).
- d. Members shall not use BWCs or BWC media systems for which they have not received prior authorization and appropriate training.
- e. Members shall immediately report unauthorized access or use of BWCs or BWC media systems by another member to their supervisor or the Chief of Police.

438.4.1 PROHIBITIONS

BWCs should not be used to record:

- a. Routine administrative activities of the Department that do not involve interactions with the public. Care should be taken to avoid incidentally recording confidential documents that the Department has a duty to keep secure (i.e., criminal justice information).
- b. Areas within the department facilities where members have a reasonable expectation of privacy (e.g., locker rooms or dressing areas, breakrooms) unless responding to a call for service or conducting an investigation.
- c. Conversations of other members without their knowledge.
- d. When a member is taking an authorized break or otherwise engaged in personal activities.
- e. In a courtroom unless responding to a call for service or emergency situation.
- f. Interactions with undercover officers or confidential informants.
- g. Strip searches.

BWCs shall not be used for the purpose of embarrassment, harassment, or ridicule of any individual or group.

438.5 ACTIVATION OF BWC

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Uniformed members shall patrol

Body-Worn Cameras

with their portable recorder on and in buffer mode. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

1. All enforcement and investigative contacts including stops and field interview (FI) situations
2. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
3. Self-initiated activity in which a member would normally notify the Communications Center
4. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
5. SRT tactical operations - ALL operators

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

438.5.1 AUTOMATIC ACTIVATION

The AXON BWC system has several methods of automatic activation external to the device itself. These methods of activation are as follows:

- Removing an AXON TASER Conducted Electrical Weapon (CEW) from its holster
- Activation of the AXON TASER Conducted Electrical Weapon (CEW)
- Removing a firearm from its holster (for officers with a signal sidearm detection device)

No employee of this department shall intentionally disable any of the automatic activation features of this BWC system.

438.5.2 NOTICE OF RECORDING

Unless otherwise approved based on unique circumstances, a member should wear the BWC in a manner that is conspicuous and shall answer truthfully if asked whether they are equipped with a BWC or if their BWC is activated.

438.5.3 PRIVACY CONSIDERATIONS

Members should remain sensitive to the dignity of individuals being recorded and should exercise sound discretion with respect to privacy concerns.

When responding to a place where individuals have an expectation of privacy (e.g., private residences, medical or mental health facilities, restrooms) or to a sensitive situation (e.g., individuals partially or fully unclothed), members are permitted to mute or deactivate their BWC if it reasonably appears that the privacy concern outweighs any legitimate department interest in recording the event. Members may also mute or deactivate their BWC:

Body-Worn Cameras

- a. To protect the privacy of a victim or witness.
- b. When an individual wishes to provide information anonymously.
- c. To avoid recording a confidential informant or undercover officer.
- d. When discussing case tactics or strategy.
- e. During private conversations with other members or emergency responders.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

Members should choose to mute rather than deactivate BWCs when practicable. Deactivation should only be used when muting the BWC will not accomplish the level of privacy necessary for the situation.

Before muting or deactivating their BWC, the member should verbally narrate the reason on the recording. As soon as possible once the privacy concern is no longer an issue, or when circumstances change so that the privacy concern no longer outweighs the department's interest in recording the event (e.g., the individual becomes combative, the conversation ends), the member should unmute or reactivate their BWC and verbally note that recording has resumed.

438.5.4 AXON RESPOND LIVE STREAMING

Axon Respond live streaming is a service that allows a user to remotely view BWC in real-time from a field user's recording device. Remote viewing of video from a field user's BWC shall be limited to authorized members which would include supervisors and Administrators. Access to live streaming should be considered when responding to critical incidents, unusual occurrences that present a safety risk to members of this department or the public, and/or other occurrences where there is a compelling safety interest or to gather intelligence or gain a tactical advantage.

438.5.5 DOCUMENTATION

Members are encouraged to provide narration while using a BWC when it would be useful to provide context or clarification of the events being recorded. However, the use of a BWC is not a replacement for written reports and should not be referred to in a written report in place of detailing the event.

Every report prepared by a member who is issued a BWC should state "BWC available" or "BWC unavailable," as applicable, and should document:

- a. To the extent practicable and relevant, the identity of individuals appearing in the BWC media.
- b. An explanation of why BWC media is unavailable including any malfunction, damage, or battery issue that resulted in the failure of the BWC to capture all or part of the event.
- c. Any exigency or other circumstances that prevented the member from immediately activating the recording at the beginning of the event.
- d. Any period of the event in which the member deactivated or muted their BWC and the reason for such action.

Body-Worn Cameras

- e. If livestreaming was activated during the event, the reason for livestreaming and the members who communicated or participated in the event through BWC livestreaming.

438.6 DOWNLOADING BWC MEDIA

Unless otherwise authorized by a supervisor, all media from a member's BWC should be properly downloaded and tagged before the end of their shift. BWC media related to a serious or high-profile event (e.g., search for a missing child, active shooter situation) should be downloaded and tagged as soon as practicable upon returning to the Department (Penal Code § 832.18).

Following an officer involved shooting or death or other event deemed necessary, a supervisor should take possession of the BWC for each member present and download and tag the BWC media if the storage system does not have automatic downloading capacity (Penal Code § 832.18).

438.6.1 TAGGING BWC MEDIA

Members should tag all media captured by their BWC with their name and/or identification number, the case or incident number, and the event type. BWC media should be tagged upon downloading or, if capabilities permit tagging in the field, as close to the time of the event as possible. If more than one event type applies to BWC media, it should be tagged with each event type. If BWC media can only be tagged with a single event type, the media should be tagged using the event type with the longest retention period.

BWC media depicting sensitive circumstances or events should be tagged as restricted. BWC media should be flagged for supervisor review when it pertains to a significant event such as:

- a. An incident that is the basis of a formal or informal complaint or is likely to result in a complaint.
- b. When a member has sustained a serious injury or a line-of-duty death has occurred.
- c. When a firearm discharge or use of force incident has occurred.
- d. An event that has attracted or is likely to attract significant media attention.

Supervisors should conduct audits at regular intervals to confirm BWC media is being properly downloaded and tagged by their subordinates.

438.7 BWC MEDIA

All BWC media is the sole property of the Department (Penal Code § 832.18). Members shall have no expectation of privacy or ownership interest in the content of BWC media.

All BWC media shall be stored and transferred in a manner that is physically and digitally secure with appropriate safeguards to prevent unauthorized modification, use, release, or transfer. Contracts with any third-party vendors for the storage of BWC media should include provisions specifying that all BWC media remains the property of the Department and shall not be used by the vendor for any purpose without explicit approval of the Chief of Police or the authorized designee (Penal Code § 832.18).

Body-Worn Cameras

Members shall not alter, copy, delete, release, or permit access to BWC media other than as permitted in this policy without the express consent of the Chief of Police or the authorized designee (Penal Code § 832.18).

BWC media systems should not be accessed using personal devices unless authorized by the Chief of Police or the authorized designee.

438.7.1 ACCESS AND USE OF BWC MEDIA

BWC media systems shall only be accessed by authorized members using the member's own login credentials and in accordance with the Information Technology Use Policy.

BWC media shall only be accessed and viewed for legitimate department-related purposes in accordance with the following guidelines:

- a. BWC media tagged as restricted should only be accessible by those designated by the Chief of Police or the authorized designee.
- b. Members may review their own BWC media for department-related purposes. Members should document in their report if they reviewed BWC media before completing the report.
- c. Investigators may review BWC media pertaining to their assigned cases.
- d. A member testifying regarding a department-related event may review the pertinent BWC media before testifying.
- e. Supervisors are permitted to access and view BWC media of their subordinates.
 1. Supervisors should review BWC media that is tagged as a significant event or that the supervisor is aware pertains to a significant event.
 2. Supervisors should conduct documented reviews of their subordinate's BWC media at least annually to evaluate the member's performance, verify compliance with department procedures, and determine the need for additional training. The review should include a variety of event types when possible. Supervisors should review BWC media with the recording member when it would be beneficial to provide guidance or to conduct one-on-one informal training for the member.
 3. Supervisors should conduct periodic reviews of a sample of each subordinate's BWC media to evaluate BWC use and ensure compliance with this policy.
- f. The Training Manager is permitted to access and view BWC media for training purposes.
 1. The Training Manager should conduct a quarterly review of a random sampling of BWC media to evaluate department performance and effectiveness and to identify specific areas where additional training or changes to protocols would be beneficial. Training Committee members may review BWC media as part of their review to identify training needs.
 2. The Training Manager may use BWC media for training purposes with the approval of the Chief of Police or the authorized designee. The Training Manager should use caution to avoid embarrassing or singling out a member and, to the extent practicable, should seek

Body-Worn Cameras

consent from the members appearing in the BWC media before its use for training. When practicable, sensitive issues depicted in BWC media should be redacted before being used for training.

- g. The Records Supervisor may access BWC media when necessary to conduct department-related duties.
- h. The BWC coordinator may access BWC media and the BWC media system as needed to ensure the system is functioning properly, provide troubleshooting assistance, conduct audits, and fulfill other responsibilities related to their role.

438.7.2 PUBLIC ACCESS

Unless disclosure is required by law or a court order, BWC media should not be released to the public if it unreasonably violates a person's privacy or sense of dignity or depicts the interior of:

- a. A private residence.
- b. A facility that offers health care, mental health or substance abuse treatment, or social services.
- c. A school building.
- d. Any other building in which public access is restricted or which implicates heightened security concerns.

Requests for the release of BWC media shall be processed in accordance with the Records Maintenance and Release Policy. The Records Supervisor should review BWC media before public release.

438.7.3 RELEASE OF PHYSICAL FORCE AND FELONY CASE VIDEOS TO MARIN COUNTY DISTRICT ATTORNEY'S OFFICE

It is the request of the Marin County District Attorney's Office for MVPD to provide BWC video of all felony cases, as well as any case in which an officer uses physical force to detain or arrest a subject, prior to the filing of a case. The following definitions of physical force include; Any use of a weapon (firearm, Taser /Conducted Energy Device, Bola device, less-lethal bean bag, baton) punching, kneeing, elbowing, kicking, tripping, and pushing.

The Supervisor approving the physical force or felony cases will reasonably ensure ALL physical force and felony case BWC videos are downloaded before the end of shift. The Supervisor will send notification by phone or e-mail to Administrators and Community Service Officers of the case video status. The Community Service Officers or Administrators will ensure the videos are provided to the DA's office via Evidence.com.

438.8 RETENTION OF BWC MEDIA

Non-evidentiary BWC media should be retained for a minimum of 60 days, after which it may be erased, destroyed, or recycled. Non-evidentiary media may be kept for more than 60 days for availability in case of a civilian complaint and to preserve transparency (Penal Code § 832.18).

Body-Worn Cameras

Unless circumstances justify continued retention, BWC media should be permanently deleted upon the expiration of the retention period in a way that it cannot be retrieved. BWC media shall not otherwise be deleted by any person without the authorization of the Chief of Police or the authorized designee.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

438.8.1 EVIDENTIARY BWC MEDIA

BWC media relevant to a criminal prosecution should be exported from the BWC media system and securely transferred to digital evidence storage according to established department procedures. Evidentiary BWC media is subject to the same laws, policies, and procedures as all other evidence, including chain of custody, accessibility, and retention periods (see the Property and Evidence Section Policy).

Evidentiary BWC media should be retained for a minimum of two years under the following circumstances (Penal Code § 832.18):

- a. The recording is of an incident involving the use of force by an officer or an officer-involved shooting.
- b. The recording is of an incident that leads to the detention or arrest of an individual.
- c. The recording is relevant to a formal or informal complaint against an officer or the Mill Valley Police Department.

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

438.9 TRAINING

The BWC coordinator should ensure that each member issued a BWC receives initial training before use, and periodic refresher training thereafter. Training should include:

- a. Proper use of the BWC device and accessories.
- b. When BWC activation is required, permitted, and prohibited.
- c. How to respond to an individual's request to stop recording.
- d. Proper use of the BWC media systems, including downloading and tagging procedures.
- e. Security procedures for BWC media, including appropriate access and use.

Members who are not issued a BWC but who have access to BWC media systems shall receive training on the BWC media system, including appropriate access, use, and security procedures.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Mill Valley Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS

Traffic Function and Responsibility

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

- a. Explanation of the violation or charge
- b. Court appearance procedure including the optional or mandatory appearance by the motorist
- c. Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

- a. Vehicular manslaughter
- b. Felony and misdemeanor driving under the influence of alcohol/drugs
- c. Felony or misdemeanor hit-and-run
- d. Refusal to sign notice to appear
- e. Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS

Traffic Function and Responsibility

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The Mill Valley Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

501.2 RESPONSIBILITY

The Watch Commander will be responsible for distribution of the Collision Investigation Manual. The Watch Commander will receive all changes in the state manual and ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING

All Traffic Collision Reports taken by members of the Mill Valley Police Department shall be forwarded to the Watch Commander for approval and data entry into the Mill Valley Police Department Records Management System. The Records Clerk will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Operations Division Commander, or other persons as required.

501.4 REPORTING SITUATIONS

A collision is an "unintended event that produces damage or injury involving a vehicle in-transport". (CHP Collision Investigation Manual page 2-1). An incident not resulting in damage or injury does not require a traffic collision report.

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A CHP Form #555-03 [Traffic Collision Report - Property Damage Only (referred to as PDO or Rip and Tear) may be used to document the collision.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Mill Valley Police Department resulting in a serious injury or fatality, the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

Traffic Collision Reporting

The on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances or a request by either driver for a traffic collision report.

- a. If the collision meets the criteria for a collision report, and ALL the following conditions apply, the report may be handwritten using CHP Form #555-03.
 1. No more than two involved parties.
 2. No injuries or fatalities.
 3. No prosecution recommended for or citation issued to party at fault.
 4. No suspect information on a hit and run accident occurring on public or private property.
 5. When the collision involves city property. Supervisor may authorize a PDO report if there appears to be no City liability, or if only one vehicle is involved. Example: Hit and run, where City is victim (sign post knocked down) and no witness or physical evidence warrants follow-up.
 6. Solo bicycle collision, in which there is no prosecutable violation and in which the bicyclist does not suffer serious injury, may be documented using a PDO report.
 7. Instructions for completion of the PDO report at scene of collision:
 - a. Fill in the top half of the form and give the two copies to the involved parties. The check boxes will then be completed on the original face sheet only. Brief notes will be included on the reverse of the face sheet, similar in format to a report narrative. (refer below)

Traffic Collision Reporting

- b. If the collision can not be documented using a PDO report, the patrol or traffic officer assigned to the collision will complete a report or investigation using CHP form 555 /556 and following the guidelines provided by the CIM for each type of report.
- c. The investigation format will only be used if the collision involves serious injury (as previously defined) or fatality. When an investigation is required, every effort should be made by a patrol officer to consult with a traffic investigator or qualified personnel with the California Highway Patrol (with supervisor approval).

501.4.6 TRAFFIC COLLISION REPORT REVIEW

The designated Mill Valley Police Department motor officer will review All traffic collision reports once the reports are approved by the watch commander. Qualified personnel may issue a citation to the party at fault upon review of a collision report. Every effort shall be made by the reviewing officer to ensure consistency in reporting, per the above policy.

501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

A collision report will be required if a vehicle is damaged in a collision and a tow truck is necessary. Towing of a vehicle from a collision scene at the request of the driver when the vehicle would not otherwise be in need of towing, does not require a traffic collision report under this policy unless there is also a death, an injury, a vehicle code violation or request of either driver for a report.

Vehicle Safety Review Board

502.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a Vehicle Safety Review Board to investigate all vehicle accidents and reports of improper driving by police employees while operating City owned vehicles.

502.2 INVESTIGATION

The Vehicle Safety Review Board investigation into accidents or reports of improper driving by police employees will include, but is not limited to, the following information:

- a. Activity at the time of accident or complaint.
- b. Cause of accident.
- c. Could accident or complaint have been avoided?
- d. Reason for complaint of improper driving.
- e. Interview with the employee involved with emphasis placed on alternatives, training, or other measures designed to eliminate or reduce accidents and complaints of improper driving.
- f. A complete investigative report submitted to the Director on all accidents and complaints of improper driving.

502.3 VEHICLE SAFETY REVIEW BOARD

The Vehicle Safety Review Board will consist of three persons designated by the Chief of Police. All questions directed toward the interviewed officer shall be asked by and through no more than two interviewers at one time.

These persons will be responsible for the investigation of accidents and complaints of improper driving.

Vehicle Towing and Release

503.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Mill Valley Police Department. Nothing in this policy shall require the Department to tow a vehicle.

503.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

503.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

503.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Mill Valley. The officer will then store the vehicle using a CHP Form 180.

503.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

Vehicle Towing and Release

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

503.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

503.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

503.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

503.2.7 RECORDS BUREAU RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Vehicle Towing and Release

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and Vehicle Code § 14602.6(a)(2). The notice shall include the following (Vehicle Code § 22852(b)):

- a. The name, address, and telephone number of this Department
- b. The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage
- c. The authority and purpose for the removal of the vehicle
- d. A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice

503.3 TOWING SERVICES

The City of Mill Valley periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

- a. When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- b. When a vehicle is being held as evidence in connection with an investigation.
- c. When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

503.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

503.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

Vehicle Towing and Release

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

503.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

- a. Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- b. Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
- c. A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
 1. The vehicle was stolen.
 2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
 3. Any other circumstance as set forth in Vehicle Code § 14602.6.
 4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
- d. An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

503.7 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

Vehicle Towing and Release

Vehicle Impound Hearings

504.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

504.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Mill Valley Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

504.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Watch Commander will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code § 14602.6(b); Vehicle Code § 14602.8(b)).

Vehicle Impound Hearings

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

- a. If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.
 1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.
- b. If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).
- c. If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

505.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

505.2 POLICY

The Mill Valley Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

505.2.1 PRELIMINARY ALCOHOL SCREENING DEVICE

Preliminary Alcohol Screening (PAS) Devices are to be used by department members to augment or complement an officer's probable cause to arrest for driving under the influence (DUI) related cases. The PAS device is a hand-held breath-testing device designed to analyze blood alcohol concentration (BAC) of breath samples. PAS devices used by the department are accurate and highly reliable instruments, which meet stringent federal guidelines for evidentiary breath-testing instruments. A PAS device test is one of the Department's approved field sobriety tests (FST).

The use of a PAS device does not conflict with Implied Consent laws since the PAS device test is conducted prior to an arrest. Implied Consent is only applicable after a person has been arrested on suspicion of driving under the influence. The Department of Motor Vehicles will suspend the driving privilege of individuals who refuse to take a chemical test after submitting to a pre-arrest PAS test.

505.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Watch Commander will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- a. The field sobriety tests (FSTs) administered and the results.
- b. The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- c. Sources of additional information (e.g., reporting party, witnesses) and their observations.
- d. Information about any audio and/or video recording of the individual's driving or subsequent actions.
- e. The location and time frame of the individual's vehicle operation and how this was determined.
- f. Any prior related convictions in California or another jurisdiction.

Impaired Driving

505.4 FIELD TESTS

The Watch Commander should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

505.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

- a. The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.
- b. The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
- c. The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
- d. The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

505.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

505.5.2 BREATH SAMPLES

The Watch Commander should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Impaired Driving

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Watch Commander.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

505.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility. If the blood sample is to be transported via the United States Postal Service (USPS), the officer should activate their body camera when transferring possession of the blood sample to the USPS, ensuring the transfer is captured in the video.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

505.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

Impaired Driving

505.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

505.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

505.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

505.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- a. Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
- b. Audio- and/or video-record the admonishment when it is practicable.
- c. Document the refusal in the appropriate report.

505.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

- a. A search warrant has been obtained (Penal Code § 1524).
- b. The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

Impaired Driving

505.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

1. Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
2. Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
3. Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
 1. This dialogue should be recorded on audio and/or video if practicable.
4. Ensure that the blood sample is taken in a medically approved manner.
5. Ensure the forced blood draw is recorded on audio and/or video when practicable.
6. Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
7. Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

505.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

505.7 RECORDS BUREAU RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

505.8 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Impaired Driving

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

505.9 TRAINING

The Training Manager should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

505.10 ARREST AND INVESTIGATION

505.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

- a. The person is involved in a traffic crash.
- b. The person is observed in or about a vehicle that is obstructing the roadway.
- c. The person will not be apprehended unless immediately arrested.
- d. The person may cause injury to themselves or damage property unless immediately arrested.
- e. The person may destroy or conceal evidence of a crime unless immediately arrested.

505.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

- a. Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).
- b. Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
- c. Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

Community Release of Intoxicated Drivers

506.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the community release, in lieu of booking at the Marin County Jail, of persons arrested for operating a motor vehicle while under the influence of alcohol.

It is the intent of this policy to reduce the amount of time spent by Police Officers on booking suspected drunk drivers at the Marin County Jail.

Only those persons meeting established criteria shall be eligible for community release.

506.2 COMMUNITY RELEASE PROCEDURES

A person arrested for operating a motor vehicle under the influence of alcohol may be released upon his /her written promise to appear in court if the following criteria is met.

- a. The person is properly identified and has proof of residency in Marin County.
- b. The person is not so intoxicated that he/she could be a danger to himself or others.
- c. The person's blood level is .16 or lower, as measured by the intoxilyzer at the Mill Valley Police Department.
- d. The person signs a written promise to appear in court.
- e. The person is cooperative during the arrest procedures.
- f. The person agrees to be placed into the custody of a responsible adult (21 or over), who is able to respond to the station within 30 minutes from the time of the intoxilyzer test.
- g. The person taking custody of the arrested person signs a written waiver form provided by the Department.

The arresting officer shall not offer or mention the community release option to the arrested person prior to the completion of all tests and is satisfied that the person is able to make a competent decision regarding his/her responsibilities.

The person arrested shall be photographed. They may be fingerprinted at the police department. If not fingerprinted at the police department, the "Booking Required" box will be checked on the citation prior to release by the arresting officer.

Traffic Citations

507.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

507.2 RESPONSIBILITIES

The Watch Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

507.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Division Commander for review.

507.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Bureau.

507.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Bureau. The Traffic Bureau shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

Traffic Citations

507.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

507.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

507.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

- a. Administrative reviews are conducted by a Sergeant who will review written/documentary data. Forms for administrative reviews are available at the front desk during normal business hours or on-line on the city website. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency (Marin Parking Authority).
- b. If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- c. If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

507.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- a. Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
- b. Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
- c. An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The

Traffic Citations

person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

- d. Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

507.7.3 COSTS

- a. There is no cost for an administrative review.
- b. Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
- c. An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

507.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

507.8.1 TRAFFIC CITATIONS

The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation. The following guidelines shall be followed based on the information available:

507.8.2 MISDEMEANOR CITATIONS

- a. County Resident: Shall be cited to the Juvenile Traffic Court and will be notified by the court of the time and location of appearance. Officers shall check the "To be notified" box on the citation.
- b. Other County Resident: Residents of other counties shall not be cited to the County Juvenile Court, but shall be advised that the appropriate court will contact them by mail. Officers shall check the "To be notified" box on the citation.

507.8.3 INFRACTION CITATIONS

Juveniles under the age of 18 shall be cited into the Juvenile Traffic Court.

Disabled Vehicles

508.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

508.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

508.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

508.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

508.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

508.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

508.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

72-Hour Parking Violations

509.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Mill Valley City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

509.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Mill Valley 72-Hour Parking Ordinance shall be marked and noted on the Mill Valley Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

509.2.1 MARKED VEHICLE FILE

The Traffic Bureau shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

509.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Records Bureau to immediately notify the Stolen Vehicle

72-Hour Parking Violations

System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Mill Valley Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.3.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.3.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

Investigation and Prosecution

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

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.4 INITIAL INVESTIGATION

600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

1. Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 1. An initial statement from any witnesses or complainants.
 2. A cursory examination for evidence.
2. If information indicates a crime has occurred, the officer shall:
 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.

Investigation and Prosecution

4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 5. Collect any evidence.
 6. Take any appropriate law enforcement action.
 7. Complete and submit the appropriate reports and documentation.
3. If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

1. All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
2. The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
3. The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
4. The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
5. Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
6. Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

Investigation and Prosecution

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Investigation and Prosecution

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

1. Security procedures are developed to protect information gathered through the use of the technology.
2. A usage and privacy policy is developed that includes:
 1. The purposes for which using cellular communications interception technology and collecting information is authorized.
 2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
 3. Training requirements necessary for those authorized employees.
 4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
 5. Process and time period system audits.
 6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
 7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.

Investigation and Prosecution

8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department's usage and privacy procedures and all applicable laws.

600.10 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.11 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Mill Valley Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- a. Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
- b. Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the city to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigations Division supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Bureau Policy for additional guidance.

600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

Investigation and Prosecution

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Investigations Division supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Investigations Division supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Bureau for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Bureau Policy for additional guidance).

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Mill Valley Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- a. Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- b. Conduct follow-up interviews and investigation.
- c. Present appropriate cases of alleged sexual assault to the prosecutor for review.
- d. Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- e. Provide referrals to therapy services, victim advocates and support for the victim.
- f. Participate in or coordinate with SART.

601.4 REPORTING

Sexual Assault Investigations

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING

Subject to available resources, periodic training should be provided to:

1. Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).
2. Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Sexual Assault Investigations

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

1. Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).
2. If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).
 1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
 2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

601.7.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Sexual Assault Investigations

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

601.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private vendor laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the testing is complete, the statute of limitations has run, or the SAFE kit is exempt from the update requirement (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

1. Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

Sexual Assault Investigations

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
2. Sexual assault victims shall further have the following rights (Penal Code § 680):
 1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.
 2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
3. Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

601.8.4 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

601.8.5 NON-TESTING OF SAFE KITS

Sexual assault survivors 18 years or older may be undecided at the time of the medical examination whether to report the sexual assault to law enforcement and may request that any collected medical evidence not be tested. If such a request is made, the medical facility is responsible for the transfer of the

Sexual Assault Investigations

SAFE kit to the Mill Valley Police Department, if the Department is the investigating agency. The Department shall retain the SAFE kit until the sexual assault survivor requests testing (Penal Code § 680).

If the Department receives a request for non-testing after the examination and the SAFE kit has not already been submitted to a crime lab, the SAFE kit shall be retained by the Department. If the SAFE kit has been submitted to the crime lab, but DNA testing has not yet begun, the assigned officer shall notify the crime lab of the request, and the untested SAFE kit shall be returned to the Department and retained pursuant to department protocols (Penal Code § 680).

A sexual assault survivor who initially requested that their SAFE kit not be tested may later request testing, regardless of whether they decide to make a report to law enforcement. The Investigations Division supervisor should ensure the SAFE kit is sent to the crime lab for testing (Penal Code § 680).

601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW

The Investigations Division supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

DNA

602.1 PURPOSE AND SCOPE

In 1996, Gerald Parker, then in a California prison on a parole violation stemming from a 1980 sentence for raping a child, was charged with the rapes and murders of five women between December 1978 and October 1979 and the murder of a fetus during a rape in 1980. DNA samples from the crime scenes were run through California's sexual assault/violent offenders database, and four of the cases were found to have been committed by the same perpetrator. After DNA tests linked Parker to the victims, he confessed to the crimes. He also confessed to a similar, fifth crime for which Kevin Lee Green had been wrongly convicted and had served 16 years in prison.

Just as today's law enforcement officer has learned to look routinely for fingerprints to identify the perpetrator of a crime, that same officer needs to think routinely about evidence that may contain DNA. Recent advancements in DNA technology are enabling law enforcement officers to solve cases previously thought to be unsolvable. Today, investigators with a fundamental knowledge of how to identify, preserve, and collect DNA evidence properly can solve cases in ways previously seen only on television. Evidence invisible to the naked eye can be the key to solving a residential burglary, sexual assault, or child's murder. It also can be the evidence that links different crime scenes to each other in a small town, within a single State, or even across the Nation. The saliva on the stamp of a stalker's threatening letter or the skin cells shed on a ligature of a strangled victim can be compared with a suspect's blood or saliva sample. Similarly, DNA collected from the perspiration on a baseball cap discarded by a rapist at one crime scene can be compared with DNA in the saliva swabbed from the bite mark on a different rape victim.

Similar to fingerprints:

DNA is similar to fingerprint analysis in how matches are determined. When using either DNA or a fingerprint to identify a suspect, the evidence collected from the crime scene is compared with the "known" print. If enough of the identifying features are the same, the DNA or fingerprint is determined to be a match. If, however, even one feature of the DNA or fingerprint is different, it is determined not to have come from that suspect.

This policy will explain DNA and the related identification, preservation, and collection issues that every law enforcement officer should know.

602.2 DNA DEFINED

DNA, or deoxyribonucleic acid - is the fundamental building block for an individual's entire genetic makeup. It is a component of virtually every cell in the human body. Further, a person's DNA is the same in every cell. For example, the DNA in a man's blood is the same as the DNA in his skin cells, semen, and saliva.

DNA

DNA is a powerful tool because each person's DNA is different from every other individual's, except for identical twins. Because of that difference, DNA collected from a crime scene can either link a suspect to the evidence or eliminate a suspect, similar to the use of fingerprints. It also can identify a victim through DNA from relatives, even when no body can be found. And when evidence from one crime scene is compared with evidence from another, those crime scenes can be linked to the same perpetrator locally, statewide, and across the Nation.

Forensically valuable DNA can be found on evidence that is decades old. However, several factors can affect the DNA left at a crime scene, including environmental factors (e.g., heat, sunlight, moisture, bacteria, and mold). Therefore, not all DNA evidence will result in a usable DNA profile. Further, just like fingerprints, DNA testing cannot tell officers when the suspect was at the crime scene or for how long.

602.3 DNA EVIDENCE AT A CRIME SCENE

DNA evidence can be collected from virtually anywhere. DNA has helped solve many cases when imaginative investigators collected evidence from nontraditional sources (see "Identifying DNA Evidence"). One murder was solved when the suspect's DNA, taken from saliva in a dental impression mold, matched the DNA swabbed from a bite mark on the victim. A masked rapist was convicted of forced oral copulation when his victim's DNA matched DNA swabbed from the suspect's penis 6 hours after the offense. Numerous cases have been solved by DNA analysis of saliva on cigarette butts, postage stamps, and the area around the mouth opening on ski masks. DNA analysis of a single hair (without the root) found deep in the victim's throat provided a critical piece of evidence used in a capital murder conviction.

602.4 EVIDENCE COLLECTION AND PRESERVATION

Investigators and laboratory personnel should work together to determine the most probative pieces of evidence and to establish priorities. Although this brochure is not intended as a manual for DNA evidence collection, every officer should be aware of important issues involved in the identification, collection, transportation, and storage of DNA evidence. These issues are as important for the first responding patrol officer as they are for the experienced detective and the crime scene specialist. Biological material may contain hazardous pathogens such as the human immunodeficiency virus (HIV) and the hepatitis B virus that can cause potentially lethal diseases. Given the sensitive nature of DNA evidence, Officers should always contact their laboratory personnel or evidence collection technicians when collection questions arise.

602.5 CONTAMINATION

Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary when identifying, collecting, and preserving DNA evidence. DNA evidence can be contaminated when DNA from another source gets mixed with DNA relevant to the case. This can happen when someone sneezes or coughs over the evidence or touches his/her mouth, nose, or other part of the face and then touches the area that may contain the DNA to be tested. Because a new DNA technology called "PCR" replicates or copies DNA in the evidence sample, the introduction of contaminants or other

DNA

unintended DNA to an evidence sample can be problematic. With such minute samples of DNA being copied, extra care must be taken to prevent contamination. If a sample of DNA is submitted for testing, the PCR process will copy whatever DNA is present in the sample; it cannot distinguish between a suspect's DNA and DNA from another source.

602.6 TRANSPORTATION AND STORAGE

When transporting and storing evidence that may contain DNA, it is important to keep the evidence dry and at room temperature. Once the evidence has been secured in paper bags or envelopes, it should be sealed, labeled, and transported in a way that ensures proper identification of where it was found and proper chain of custody. Never place evidence that may contain DNA in plastic bags because plastic bags will retain damaging moisture. Direct sunlight and warmer conditions also may be harmful to DNA, so avoid keeping evidence in places that may get hot, such as a room or police car without air conditioning. For long-term storage issues, contact your local laboratory.

602.6.1 ELIMINATION SAMPLES

As with fingerprints, the effective use of DNA may require the collection and analysis of elimination samples. It often is necessary to use elimination samples to determine whether the evidence comes from the suspect or from someone else. An officer must think ahead to the time of trial and possible defenses while still at the crime scene. For example, in the case of a residential burglary where the suspect may have drunk a glass of water at the crime scene, an officer should identify appropriate people, such as household members, for future elimination sample testing. These samples may be needed for comparison with the saliva found on the glass to determine whether the saliva is valuable evidence. In homicide cases, be sure to collect the victim's DNA from the medical examiner at the autopsy, even if the body is badly decomposed. This may serve to identify an unknown victim or distinguish between the victim's DNA and other DNA found at the crime scene.

When investigating rape cases, it may be necessary to collect and analyze the DNA of the victim's recent consensual partners, if any, to eliminate them as potential contributors of DNA suspected to be from the perpetrator. If this is necessary, it is important to approach the victim with extreme sensitivity and provide a full explanation of why the request is being made. When possible, the help of a qualified victim advocate should be enlisted for assistance.

602.7 COMBINED DNA INDEX SYSTEM--CODIS

CODIS (Combined DNA Index System), an electronic database of DNA profiles that can identify suspects, is similar to the AFIS (Automated Fingerprint Identification System) database. Every State in the Nation is in the process of implementing a DNA index of individuals convicted of certain crimes, such as rape, murder, and child abuse. Upon conviction and sample analysis, perpetrators' DNA profiles are entered into the DNA database. Just as fingerprints found at a crime scene can be run through AFIS in search of a suspect or link to another crime scene, DNA profiles from a crime scene can be entered into CODIS. Therefore, law enforcement officers have the ability to identify possible suspects when no prior suspect existed.

DNA

602.8 IDENTIFYING DNA EVIDENCE

Since only a few cells can be sufficient to obtain useful DNA information to help your case, the list below identifies some common items of evidence that you may need to collect, the possible location of the DNA on the evidence, and the biological source containing the cells. Remember that just because you cannot see a stain does not mean there are not enough cells for DNA typing. Further, DNA does more than just identify the source of the sample; it can place a known individual at a crime scene, in a home, or in a room where the suspect claimed not to have been. It can refute a claim of self-defense and put a weapon in the suspect's hand. It can change a story from an alibi to one of consent. The more officers know how to use DNA, the more powerful a tool it becomes.

To avoid contamination of evidence that may contain DNA, always take the following precautions:

- a. Wear gloves. Change them often.
- b. Use disposable instruments or clean them thoroughly before and after handling each sample.
- c. Avoid touching the area where you believe DNA may exist.
- d. Avoid talking, sneezing, and coughing over evidence.
- e. Avoid touching your face, nose, and mouth when collecting and packaging evidence.
- f. Air-dry evidence thoroughly before packaging.
- g. Put evidence into new paper bags or envelopes, not into plastic bags. Do not use staples.

Asset Forfeiture

603.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Mill Valley Police Department seizes property for forfeiture or when the Mill Valley Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

- a. Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):
 1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
 2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
 3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
 4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.

Asset Forfeiture

5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
- b. Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
 2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

603.2 POLICY

The Mill Valley Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Mill Valley Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

603.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

603.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- a. Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.
- b. Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):
 1. The property subject to forfeiture is legally seized incident to an arrest.

Asset Forfeiture

2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

603.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- a. Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- b. Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).
- c. A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).
- d. Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).
- e. Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

603.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Asset Forfeiture

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

603.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- a. Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- b. Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- c. Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

603.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

- a. All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- b. All property received for forfeiture is checked to determine if the property has been stolen.
- c. All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- d. Property received for forfeiture is not used unless the forfeiture action has been completed.

Asset Forfeiture

603.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- a. Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- b. Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- c. Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- d. Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- e. Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- f. Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 1. Names and contact information for all relevant persons and law enforcement officers involved.
 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 3. A space for the signature of the person from whom cash or property is being seized.
 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- g. Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- h. Reviewing each asset forfeiture case to ensure that:

Asset Forfeiture

1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
 4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- i. Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - j. Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - k. Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Health and Safety Code § 11469).
 - l. Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health and Safety Code § 11471).
 - m. Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Asset Forfeiture

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

603.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Health and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

603.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Mill Valley Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of \$40,000 or more.

603.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

Informants

604.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Mill Valley Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Mill Valley Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

604.2 POLICY

The Mill Valley Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

604.3 USE OF INFORMANTS

604.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

604.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- a. The juvenile's parents or legal guardians
- b. The juvenile's attorney, if any
- c. The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- d. The Chief of Police or the authorized designee

Informants

604.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

604.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

1. The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Marin SIU supervisor or their authorized designees.
 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
2. Criminal activity by informants shall not be condoned.
3. Informants shall be told they are not acting as police officers, employees or agents of the Mill Valley Police Department, and that they shall not represent themselves as such.
4. The relationship between department members and informants shall always be ethical and professional.
 1. Members shall not become intimately involved with an informant.
 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Marin SIU supervisor.
 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
5. Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Marin SIU supervisor.
 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
6. When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
7. In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
8. Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

604.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Informants

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- a. The informant has provided untruthful or unreliable information in the past.
- b. The informant behaves in a way that may endanger the safety of an officer.
- c. The informant reveals to suspects the identity of an officer or the existence of an investigation.
- d. The informant appears to be using his/her affiliation with this department to further criminal objectives.
- e. The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- f. The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- g. The informant commits criminal acts subsequent to entering into an informant agreement.

604.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Marin SIU. The Marin SIU supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Marin SIU supervisor or their authorized designees.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Marin SIU supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

604.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

1. Name and aliases
2. Date of birth
3. Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
4. Photograph
5. Current home address and telephone numbers
6. Current employers, positions, addresses and telephone numbers

Informants

7. Vehicles owned and registration information
8. Places frequented
9. Briefs of information provided by the informant and his/her subsequent reliability
 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
10. Name of the officer initiating use of the informant
11. Signed informant agreement
12. Update on active or inactive status of informant

604.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Marin SIU supervisor will discuss the above factors with the Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

604.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

1. Payments of \$500 and under may be paid in cash from a Marin SIU buy/expense fund.
 1. The Marin SIU supervisor shall sign the voucher for cash payouts from the buy/expense fund.
2. Payments exceeding \$500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
 1. The check shall list the case numbers related to and supporting the payment.
 2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
 3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
 4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
3. To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
 1. The cash transfer form shall include the following:
 1. Date

Informants

2. Payment amount
 3. Mill Valley Police Department case number
 4. A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
 3. The cash transfer form will be kept in the informant's file.

604.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

604.6.3 AUDIT OF PAYMENTS

The Marin SIU supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Eyewitness Identification

605.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

605.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

605.2 POLICY

The Mill Valley Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

605.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

605.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

- a. The date, time and location of the eyewitness identification procedure.

Eyewitness Identification

- b. The name and identifying information of the witness.
- c. The name of the person administering the identification procedure.
- d. If applicable, the names of all of the individuals present during the identification procedure.
- e. An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- f. An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- g. If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- h. An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- i. A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- j. A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- k. Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

605.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

605.6 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness

Eyewitness Identification

know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

605.6.1 OTHER SAFEGUARDS

Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

605.7 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

605.7.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

605.7.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

605.8 FIELD IDENTIFICATION CONSIDERATIONS

Eyewitness Identification

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

1. Obtain a complete description of the suspect from the witness.
2. Assess whether a witness should be included in a field identification process by considering:
 1. The length of time the witness observed the suspect.
 2. The distance between the witness and the suspect.
 3. Whether the witness could view the suspect's face.
 4. The quality of the lighting when the suspect was observed by the witness.
 5. Whether there were distracting noises or activity during the observation.
 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 7. The length of time that has elapsed since the witness observed the suspect.
3. If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
4. When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
5. The person who is the subject of the show-up should not be shown to the same witness more than once.
6. In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
7. The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
8. If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Brady Material Disclosure

606.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

606.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Mill Valley Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

606.2 POLICY

The Mill Valley Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Mill Valley Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

606.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

Brady Material Disclosure

606.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

- a. In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
- b. The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
- c. Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- d. The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
- e. If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

606.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

606.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Mill Valley Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS ADMINISTRATOR

The Operations Administrator (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations Administrator will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the warrant check list and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the warrant checklist and submit it to the appropriate supervisor and the operations administrator for review and classification of risk.

Warrant Service

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- a. Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- b. A clear explanation of the affiant's training, experience, and relevant education.
- c. Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- d. A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- e. Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- f. A specific description of the location to be searched, including photographs of the location, if reasonably available.
- g. A sufficient description of the items to be seized.
- h. Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations administrator or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- a. When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- b. The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- c. Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

Warrant Service

- d. Reasonable efforts are made during the search to maintain or restore the condition of the location.
- e. Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- f. Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- g. A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- h. A copy of the search warrant is left at the location.
- i. The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations division commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Warrant Service

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Mill Valley Police Department are utilized appropriately. Any concerns regarding the requested use of Mill Valley Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Mill Valley Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Mill Valley Police Department when assisting outside agencies or serving a warrant outside Mill Valley Police Department jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.13 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

607.14 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Mill Valley Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target

Operations Planning and Deconfliction

deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

- a. Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- b. Maps of the location.
- c. Diagrams of any property and the interior of any buildings that are involved.
- d. Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- e. Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- f. Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- g. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- h. Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

1. Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 1. (SRT)
 2. Additional personnel
 3. Outside agency assistance
 4. Special equipment
 5. Medical personnel

Operations Planning and Deconfliction

6. Persons trained in negotiation
 7. Additional surveillance
 8. Canines
 9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
2. Contact the appropriate department members or other agencies as warranted to begin preparation.
 3. Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 4. Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

1. Operation goals, objectives, and strategies.
2. Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

Operations Planning and Deconfliction

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
3. Information from the risk assessment form by attaching a completed copy in the operational plan.
 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
4. Participants and their roles.
 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
5. Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
6. Identification of all communications channels and call-signs.
7. Use of force issues.
8. Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
9. Plans for detaining people who are not under arrest.
10. Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
11. Communications plan.
12. Responsibilities for writing, collecting, reviewing, and approving reports.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

1. The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
2. All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

Operations Planning and Deconfliction

3. The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
4. The briefing should include details of the communications plan.
 1. It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SRT debriefing.

Forensic Genetic Genealogy

609.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Combined DNA Index System (CODIS) - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

DNA typing laboratory - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

Extracted DNA - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

Forensic genetic genealogy (FGG) - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

Genetic genealogist - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

Genetic genealogy site - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

Short tandem repeat (STR) DNA profile - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

Single nucleotide polymorphism (SNP) DNA profile - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

609.2 POLICY

Forensic Genetic Genealogy

The Mill Valley Police Department's use of FGG will be in coordination with prosecutors, the Coroner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

609.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

- a. Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:
 1. The perpetrator of an unsolved violent felony.
 2. The unidentified human remains of a suspected homicide victim.
- b. All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).
- c. An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

609.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Coroner.

609.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e.g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is

Forensic Genetic Genealogy

from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

609.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

- a. Eliminate an individual as a potential suspect in the case.
- b. Link an individual to the case as a potential suspect.
- c. Identify human remains.

609.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

609.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

Forensic Genetic Genealogy

Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

- a. Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.
- b. If applicable, consult with the Coroner for an amendment to a certificate of death.

609.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

609.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the Property Officer and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

Facial Recognition Technology Use

610.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by an officer to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

610.1.1 DEFINITIONS

Definitions related to this policy include:

Facial recognition technology (FRT) - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

Probe image - A search image submitted to FRT for comparison with images contained within an image database.

610.2 POLICY

It is the policy of the Mill Valley Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

610.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

610.4 FRT COORDINATOR

The Chief of Police or the authorized designee should appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

- a. Establishing procedures for department FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:
 1. A process for submitting and assessing officer requests to use FRT.
 2. Requirements related to processing and reviewing results generated from the use of FRT.
- b. Establishing procedures for collecting, processing, and storing FRT data.
- c. Establishing procedures for access and security controls for department FRT systems, services, and data.

Facial Recognition Technology Use

1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.
- d. Establishing a procedure for submitting images to the image database. The procedure should include:
 1. A requirement that officers submit images.
 2. Restrictions related to the use of images voluntarily provided to the Department by members of the public (e.g., driver's license, state identification, passport, any other official identification that includes a photograph).
- e. Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).
- f. Conducting periodic audits of department FRT use.
 1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.
- g. Confirming that authorized users have completed department-approved FRT and forensic image comparison training prior to using FRT.
- h. Coordinating with the Training Manager to develop, identify, and update FRT training for officers who utilize the FRT system.
- i. Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.
- j. Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.
- k. Coordinating with the information systems technology supervisor, department counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.

610.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

- a. Unknown suspects where attempts at identification through other means have been exhausted or ineffective
- b. Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material)
- c. Deceased individuals
- d. Individuals who are incapacitated or do not know their identities
- e. Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided)
- f. Suspects in unsolved crimes
- g. Missing or endangered persons
- h. Unknown individuals pursuant to any other legitimate law enforcement purpose

610.6 ACCESS TO FRT

Only officers authorized by the Department may use FRT.

Facial Recognition Technology Use

Prior to using FRT, an officer seeking authorization shall submit a request to the appropriate supervisor consistent with department procedures.

The request should, at a minimum, include the following:

- a. The nature of the investigation
- b. The reason an officer believes that FRT use is necessary
- c. An explanation of how FRT may assist with the development of investigative leads
- d. A case identification number

610.7 FRT SEARCHES

An officer may submit a probe image for comparison with images available within the department FRT image database consistent with department procedures.

FRT searches shall only be conducted using lawfully obtained probe images.

Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by an officer trained in FRT.

610.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

610.7.2 FRT SEARCH DOCUMENTATION

The investigating officer shall document all FRT searches in the appropriate department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

- a. The requesting officer's name and position.
- b. Confirmation that the search was pre-approved pursuant to department procedures.
- c. The purpose of the search.
- d. The search parameters, if any.
- e. The date and time of the search.
- f. A list of any image databases searched.
- g. The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.
- h. The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

610.8 PRIVACY CONSIDERATIONS

Facial Recognition Technology Use

The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the officer shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

610.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

- a. For the arrest of individuals based solely on FRT results.
- b. For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.
- c. For any non-law enforcement purpose.
- d. As the sole basis for identification to establish probable cause in a criminal investigation.
- e. To harass or intimidate any individual or group.
- f. In any other manner that would violate applicable law, regulation, or policy.

No officer shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

610.10 RELEASE OF FRT DATA

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

610.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

610.12 TRAINING

Officers whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following:

- a. Capabilities and limitations of FRT
- b. FRT system functions and interpretation of results
- c. Data security and privacy concerns

Facial Recognition Technology Use

- d. Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests)
- e. Digital media handling and protections
- f. Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching)
- g. Principles of comparison
- h. Cognitive bias, confirmation bias, implicit bias, and automation bias
- i. Applicable policy, procedure, and federal and state law requirements

The FRT coordinator shall maintain a record of each authorized officer's training and acknowledgement of this policy.

Chapter 7 - Equipment

Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- a. Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- b. The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- c. Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- d. Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- e. In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. (Memorandum/Treasury Demand) This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Department Owned and Personal Property

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

- a. A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
- b. A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

Commuter Vehicle Policy

701.1 PURPOSE AND SCOPE

To establish and publish procedures for the use, care, and non-emergency operation of Mill Valley Police Department vehicles assigned to the commuter vehicle pool program

701.2 COMMUTER VEHICLE AGREEMENT

The commuter car program is for sworn Mill Valley Police Department personal only. When an employee uses a commuter vehicle, it may be used to transport the employee to work and from work to their residence or approved training classes. The Department encourages car pooling and those who car pool will be given priority to the use of a commuter vehicle. Due to recruitment issues, priority will be given to sworn police officers. Sworn personal may use the commuter car program upon successful completion of the Field Training Officer program. At no time may an employee drive a commuter vehicle with their uniform on or visible when operating such vehicle to and from work. The driving of a commuter vehicle will not be considered part of the employee's regular scheduled work shift. The commuter car program is a voluntary program and may be subject to discontinuation by the City at any time.

The commuter vehicle shall only be used by the employee to drive home to work and back, and shall not be used for personal errands, or transports, unless special circumstances exist and the shift sergeant gives authorization.

701.2.1 SECURITY

Employee's will be allowed to take a commuter vehicle home (if available) providing he/she meets the following criteria:

- a. Parking shall be available at the employee's residence.
- b. Vehicles shall be locked when not attended.
- c. Weapons shall be removed from the interior of the vehicle, when vehicle is left unattended.
- d. When an employee is on vacation, leave, or on their days off, the vehicle shall be parked at the Police Department, 1 Hamilton Drive.

701.3 ENFORCEMENT ACTIONS

When driving a commuter vehicle to and from work an officer shall not become involved in enforcement actions.

701.4 MAINTENANCE

Commuter Vehicle Policy

- a. The driver of a commuter vehicle is responsible for the cleanliness (exterior and interior) of the vehicle.
 - 1. Employee's may use the wash racks at the City Corporation Yard or at a designated car wash.
 - 2. Cleaning/maintenance supplies will be provided by the Department and are kept at the rear of the station.
- b. Employee's shall:
 - 1. Make daily inspections of their assigned vehicle for service/maintenance requirements and/or damage.
 - 2. Make periodic inspections of all fluid levels and correct any deficiencies.
 - 3. Sign commuter vehicle's in/out using the sign-out board in the Sergeants office..
- c. Shift Sergeants shall make, at the minimum, monthly inspections of their officers' vehicles to ensure the vehicles are being maintained in accordance with policy.
- d. Routine lube and oil changes shall be coordinated with the city mechanics shop.
 - 1. When leaving a vehicle at the mechanic's shop, complete a "vehicle repair form" explaining the service or repair, and leave it on the seat or dash.

701.5 ACCESSORIES AND/OR MODIFICATIONS

No modification shall be made or accessories added to the vehicle without written permission from the Chief of Police.

701.6 ACCIDENT DAMAGE, ABUSE, AND MISUSE

- a. Any time a vehicle is involved in a traffic collision, either singularly or with another vehicle, an outside agency of authority will be requested to investigate the cause and responsibility. The employee involved in the collision shall complete the city provided vehicle accident form, If the employee is incapable, the supervisor shall complete the form.
- b. Any damage to a vehicle, not caused by a traffic collision, shall be immediately (within the shift in which the damage was discovered) documented in memorandum format and forwarded to the shift sergeant.
- c. An accident review board or investigation (if the driver is unknown) will be conducted to determine indications of vehicle abuse and misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

701.7 MISCELLANEOUS

Commuter Vehicle Policy

Tobacco Products - Inasmuch as the police vehicle is an extension of the office, tobacco in any form, including, but not limited to cigarettes, cigars, pipes, chewing tobacco, and snuff will not be used in any police vehicle.

Driving a city owned commuter vehicle requires the employee to obey all traffic laws. The consumption of any amount of an alcoholic beverage is prohibited when operating a commuter vehicle.

Police commuter vehicles shall not be used to transport unauthorized persons or used for personal business. "De Minimis Use" may be authorized by the shift Sergeant in special circumstances.

No persons other than employees of the City of Mill Valley shall operate a commuter vehicle or any vehicle owned by the City of Mill Valley without the express permission of the Police Chief or City Manager.

701.8 DEPARTMENT RIGHTS AND RESPONSIBILITIES

The commuter vehicle pool program is at the discretion of the Chief of Police. Commuter vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

De Minimis use means a minimum amount of use secondary to the use for which the Vehicle is to be primarily used. Example: A stop for a personal errand on the way between work and the employee's home.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Mill Valley Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on- or off-duty for business-related purposes, or reasonably associated with work-related misconduct, will be subject to monitoring and inspection consistent with applicable law and this policy.

Additionally, the use of a PCD either on-duty or after duty hours for business-related purposes, or reasonably associated with work-related misconduct, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location-detection capabilities. This includes records of all keystrokes or web-browsing history made on the PCD. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department PCDs or networks (see the Information Technology Use Policy for additional guidance).

Members have no expectation of privacy regarding any communications while using a personally owned PCD for department-related business or when the use reasonably implicates work-related misconduct.

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without

Personal Communication Devices

notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will be either secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

1. Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
2. The Department accepts no responsibility for loss of or damage to a personally owned PCD.
3. The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
4. The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications) or as otherwise authorized by department procedures.
 1. Use of a personally owned PCD for work-related business constitutes consent for the Department to access the PCD to inspect and copy the work-related data (e.g., for litigation purposes, public records retention and release obligations, internal investigations).
 2. Use of and data within a personally owned PCD may be discoverable in cases when there is reason to believe it is associated with work-related misconduct.
 3. Searches of a personally owned PCD by the Department should be limited to those matters reasonably associated with the work-related business or work-related misconduct.
5. The device shall not be utilized to record or disclose any department business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the Department, without the express authorization of the Chief of Police or the authorized designee.
6. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

Personal Communication Devices

7. All work-related documents, emails, photographs, recordings, and other public records created or received on a member's personally owned PCD should be transferred to the Mill Valley Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from their supervisor, the member may engage in department business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate recordkeeping.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- a. A PCD shall not be carried in a manner that allows it to be visible while in uniform unless it is in an approved carrier.
- b. All PCDs in the workplace shall be set to silent or vibrate mode.
- c. A PCD may not be used to conduct personal business while on-duty except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times unless an emergency exists.
- d. Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.
- e. Members are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means requires the express authorization of the Chief of Police or the authorized designee.
- f. Members will not access social networking sites for any purpose that is not official department business. This restriction does not apply to a personally owned PCD used during authorized break times.
- g. Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

Personal Communication Devices

1. Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
2. Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

703.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

703.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

703.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

703.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

703.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

703.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

703.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

703.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Vehicle Maintenance

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

703.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

704.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Mill Valley to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

704.2 POLICY

The Mill Valley Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

704.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify the Communications Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

704.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Property and Evidence Section personnel assigned transportation duties to and from the maintenance yard, etc.

704.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the Watch Commander.

704.2.4 INSPECTIONS

Vehicle Use

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

704.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

704.3.1 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

704.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

704.3.3 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

704.3.4 MDC

Vehicle Use

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

704.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

704.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

704.3.7 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

704.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

704.3.9 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Vehicle Use

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

704.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

704.3.11 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

704.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

704.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

704.4.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

704.4.3 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- a. The circumstances are unplanned and were created by the needs of the department.
- b. Other reasonable transportation options are not available.

Vehicle Use

- c. The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Mill Valley City limits.
- d. Off-street parking will be available at the member's residence.
- e. Vehicles will be locked when not attended.
- f. All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

704.4.4 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Mill Valley is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Mill Valley may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- 1. Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- 2. Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- 3. Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Division Commanders.
 - 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- 4. While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

Vehicle Use

5. The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
6. Unattended vehicles are to be locked and secured at all times.
 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 2. All weapons shall be secured while the vehicle is unattended.
 3. All department identification, portable radios and equipment should be secured.
7. Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
8. Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
9. The member is responsible for the care and maintenance of the vehicle.

704.4.5 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Mill Valley Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

704.4.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- a. Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- b. It is the member's responsibility to ensure that the assigned vehicle is maintained according to the established service and maintenance schedule.
- c. All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

Vehicle Use

- d. The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- e. When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- f. All weapons shall be removed from any vehicle left for maintenance.
- g. Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

704.5 UNMARKED VEHICLES

Vehicles are assigned to various bureaus and their use is restricted to the respective bureau and the assigned member, unless otherwise approved by a bureau supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the bureau for that purpose. Any use of unmarked vehicles by those who are not assigned to the bureau to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

704.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

704.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the for the Assigned Vehicle Program manager.

704.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- a. Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- b. Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

Vehicle Use

704.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Cash Handling, Security and Management

705.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

705.2 POLICY

It is the policy of the Mill Valley Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

705.3 PETTY CASH FUNDS

The Chief of Police shall designate the Administrative Assistant responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

705.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

705.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

Cash Handling, Security and Management

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

705.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Marin SIU supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

705.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Personal Protective Equipment

706.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

706.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

706.2 POLICY

The Mill Valley Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

706.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

706.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

706.5 EYE PROTECTION

Personal Protective Equipment

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

706.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

706.7 RESPIRATORY PROTECTION

The Administrative Services Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

- a. Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- b. Fit testing, including identification of members or contractors qualified to conduct fit testing.
- c. Medical evaluations.
- d. PPE inventory control.
- e. PPE issuance and replacement.
- f. Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- g. Regularly reviewing the PPE plan.
- h. Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

706.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of

Personal Protective Equipment

exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

- a. It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- b. The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- c. The member needs to replace the respirator, filter, cartridge or canister.

706.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

- a. Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- b. Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- c. Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- d. Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

706.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- a. They smell, taste or are irritated by a contaminant.
- b. They experience difficulty breathing due to filter loading.

Personal Protective Equipment

- c. The cartridges or filters become wet.
- d. The expiration date on the cartridges or canisters has been reached.

706.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- a. Entering the hot zone of a hazardous materials incident.
- b. Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- c. Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

706.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

- a. At least once every 12 months.
- b. Whenever there are changes in the type of SCBA or facepiece used.
- c. Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

706.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

- a. The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- b. A physician or other licensed health care professional has reviewed the questionnaire.
- c. The member has completed any physical examination recommended by the reviewing physician or health care professional.

706.8 RECORDS

The Training Manager is responsible for maintaining records of all:

- 1. PPE training.
- 2. Initial fit testing for respiratory protection equipment.

Personal Protective Equipment

3. Annual fit testing.
4. Respirator medical evaluation questionnaires and any subsequent physical examination results.
 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

706.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

Military Equipment

707.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

707.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Military Equipment

707.2 POLICY

It is the policy of the Mill Valley Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

707.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police designates the Operations Captain of the department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- a. Acting as liaison to the governing body for matters related to the requirements of this policy.
- b. Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- c. Conducting an inventory of all military equipment at least annually.
- d. Collaborating with any allied agency that may use military equipment within the jurisdiction of Mill Valley Police Department (Government Code § 7071).
- e. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- f. Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- g. Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

707.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Mill Valley Police Department.

[Military Equipment Inventory List 24-25 AB481.pdf](#)

707.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the Mill Valley City Council by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the Mill Valley City Council and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the Mill Valley City Council prior to engaging in any of the following (Government Code § 7071):

- a. Requesting military equipment made available pursuant to 10 USC § 2576a.

Military Equipment

- b. Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- c. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- e. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- f. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- g. Acquiring military equipment through any means not provided above.

707.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this Department, or otherwise engaged in law enforcement operations in this jurisdiction, shall comply with their respective military equipment use policies in rendering mutual aid.

707.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

707.8 COMPLIANCE

(a) The Department Administrative Services Division will ensure that all Department members comply with this policy. The Administrative Services Division will conduct an annual audit with the assistance of the Operations Division. The Chief of Police or designee will be notified of any policy violations and, if needed, the violation(s) will be referred for investigation. All instances of non-compliance will be reported to City Council via the annual military equipment report.

(b) Any member of the public can log a question or concern regarding military use equipment via the department's transparency portal email at <https://www.cityofmillvalley.org/957/Military-Equipment-Funding-Acquisition-a>. A response to the question or concern shall be completed by the Department in a timely manner.

Military Equipment

(c) Any member of the public can submit a complaint to any member of the Department and in any form (i. e.; in person, telephone, email, etc.). Once the complaint is received, it should be routed to the Administrative Lieutenant.

707.9 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Chapter 8 - Support Services

Property and Evidence Section

800.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

800.1.1 DEFINITIONS

Definitions related to this policy include:

Property - All articles placed in secure storage within the Property and Evidence Section, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

800.2 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

800.2.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the member going off-duty unless otherwise approved by a supervisor. Members booking property shall observe the following guidelines:

Property and Evidence Section

- a. Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- b. Mark each item of evidence with the booking member's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- c. Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- d. Place the case number in the upper right-hand corner of the bag.
- e. The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- f. When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

800.2.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Bureau and detectives. The remaining copy will be detached and submitted with the case report.

800.2.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

800.2.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- a. Bodily fluids such as blood or semen stains shall be air dried prior to booking.
- b. License plates found not to be stolen or connected with a known crime, should be released directly to the Property Officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.

Property and Evidence Section

- c. All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Officer, or placed in the bicycle storage area until a Property Officer can log the property.
- d. All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.2.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms who are subject to the relinquishment provisions of Penal Code § 29810(a)(1) shall be issued a receipt that describes the firearm, the serial number, or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold, or otherwise transferred, unless (Penal Code § 29810):

- a. A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
- b. The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
- c. The Automated Firearms System indicates that the firearm was reported lost or stolen.
 - 1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property Officer shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (see the Records Bureau Policy).

800.3 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

- a. Narcotics and dangerous drugs
- b. Firearms (ensure they are unloaded and booked separately from ammunition)
- c. Property with more than one known owner
- d. Paraphernalia as described in Health and Safety Code § 11364
- e. Fireworks
- f. Contraband

Property and Evidence Section

800.3.1 PACKAGING CONTAINER

Members shall package all property, except narcotics and dangerous drugs, in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

800.3.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

800.4 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Mill Valley Police Department shall be noted in the property logbook.

800.5 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

800.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Property and Evidence Section

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Officer. This request may be filled out any time after booking of the property or evidence.

800.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting member will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property Officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the member to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Bureau for filing with the case.

800.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time, and to whom released.

The Property Officer shall obtain the signature of the person to whom property is released and the reason for release. Any member receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

800.5.4 AUTHORITY TO RELEASE PROPERTY

The Investigations Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

800.5.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

Property and Evidence Section

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Bureau for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

800.5.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386 (b)).

800.5.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Investigations Division will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

Property and Evidence Section

800.5.8 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, another successive order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

800.5.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms, other deadly weapons, or ammunition confiscated or relinquished from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

- a. If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
- b. If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- c. Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

800.5.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Mill Valley Police Department determines the person to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Property and Evidence Section

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

800.5.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

800.6 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

800.6.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

800.6.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Property and Evidence Section

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

800.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- a. The defendant
- b. The defendant's attorney
- c. The appropriate prosecutor and Attorney General
- d. Any sexual assault victim
- e. The Investigation Bureau supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Bureau supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Bureau supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

800.6.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS

Property and Evidence Section

The Property and Evidence Section supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

- a. Identification of firearms and other weapons that need to be destroyed
- b. Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons
- c. Identification of any law enforcement agency that the Department contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this department and the other agency
 1. If the Department contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

The Property and Evidence Section supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Mill Valley Police Department website (Penal Code § 18005).

800.7 INSPECTIONS OF THE EVIDENCE ROOM

- a. On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- b. Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- c. An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
- d. Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

800.8 POLICY

It is the policy of the Mill Valley Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

Records Bureau

801.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Mill Valley Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

801.2 POLICY

It is the policy of the Mill Valley Police Department to maintain department records securely, professionally, and efficiently.

801.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Mill Valley Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the Investigations Division Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Investigations Division Supervisor and the Administrative Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

801.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

- a. The individual is issued a certificate describing the action as a detention.

Records Bureau

- b. All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
- c. The California DOJ is notified.

801.5 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized members of the Records Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

801.6 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.

801.7 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

Restoration of Firearm Serial Numbers

802.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

802.2 PROCEDURE

Any firearm coming into the possession of the Mill Valley Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

802.2.1 PRELIMINARY FIREARM EXAMINATION

- a. Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
- b. If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
- c. Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record /document cylinder chamber and magazine contents. Package the ammunition separately.
- d. If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

802.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

802.2.3 OFFICER RESPONSIBILITY

Restoration of Firearm Serial Numbers

The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

802.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

802.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

802.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Mill Valley Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

- a. Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
- b. Maintaining and updating the department records retention schedule including:
 1. Identifying the minimum length of time the Department must keep records.
 2. Identifying the department bureau responsible for the original record.
- c. Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
- d. Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- e. Establishing rules regarding the processing of subpoenas for the production of records.
- f. Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
- g. Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
- h. Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
- i. Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
- j. Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

Records Maintenance and Release

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

1. The Department is not required to create records that do not exist.
2. Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
3. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
 1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
 2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
4. Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
5. When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is

Records Maintenance and Release

audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

6. If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- a. Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- b. Social Security numbers (Government Code § 7922.200).
- c. Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
- d. Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.

Records Maintenance and Release

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- e. Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
- f. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.
- g. Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.
- h. Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
- i. Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).
- j. Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
- k. Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- l. Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).
- m. Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).
- n. Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).
- o. A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).

Records Maintenance and Release

- p. Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
- q. Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

803.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

803.8.1 SEALING JUVENILE RECORDS

Upon receiving notice from a probation department to seal a citation, juvenile arrest records, or other related records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure

Records Maintenance and Release

that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

Upon receiving a list of juvenile arrest records that are eligible to be sealed from the California Department of Justice (DOJ), the Records Supervisor or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Records Supervisor or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

803.9 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

- a. Social Security number
 1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
 2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
 3. Medical information
 4. Health insurance information
 5. Information or data collected by Automated License Plate Reader (ALPR) technology
 6. Unique biometric data
 7. Genetic data
- b. A username or email address, in combination with a password or security question and answer that permits access to an online account

803.9.1 FORM OF NOTICE

1. The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
 1. The date of the notice.
 2. Name and contact information for the Mill Valley Police Department.

Records Maintenance and Release

3. A list of the types of personal information that were or are reasonably believed to have been acquired.
 4. The estimated date or date range within which the security breach occurred.
 5. Whether the notification was delayed as a result of a law enforcement investigation.
 6. A general description of the security breach.
 7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.
2. The notice may also include information about what the Mill Valley Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
 3. When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
 1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
 2. When the breach involves an email address that was furnished by the Mill Valley Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

803.9.2 MANNER OF NOTICE

1. Notice may be provided by one of the following methods (Civil Code § 1798.29):
 1. Written notice.
 2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
 3. Substitute notice if the cost of providing notice would exceed \$250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
 1. Email notice when the Department has an email address for the subject person.
 2. Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.
 4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
2. If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

Records Maintenance and Release

803.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Bureau supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

803.10.1 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

- a. During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.
2. When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

803.10.2 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

Records Maintenance and Release

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

803.10.3 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

- a. The person in the recording whose privacy is to be protected, or the person's authorized representative.
- b. If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- c. If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

803.10.4 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

1. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
2. Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
3. Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Mill Valley Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Mill Valley Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Mill Valley Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

- a. Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (DMV) records, and California Law Enforcement Telecommunications System (CLETS).
- b. Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Mill Valley Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.
- c. Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
- d. Developing procedures to ensure training and certification requirements are met.
- e. Resolving specific questions that arise regarding authorized recipients of protected information.

Protected Information

- f. Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Mill Valley Police Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

804.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

804.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- a. Criminal Records Security Officer
- b. Records Supervisor
- c. Full-time employees of the Records Bureau
- d. Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

804.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety

Protected Information

of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

804.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

804.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.

Protected Information

- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

- a. Developing and maintaining security practices, procedures, and training.
- b. Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- c. Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
- d. Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

804.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Bureau, the Communications Center and in the Detective Bureau to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

804.7.2 DESTRUCTION OF CORI

Protected Information

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

804.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Supervisor, unless otherwise directed by the Administrative Services Division Commander, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Administrative Services Division Commander may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administrative Services will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

804.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

804.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7 (a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.3.7(a) .

804.10 CALIFORNIA RELIGIOUS FREEDOM ACT

Mill Valley PD Policy Manual

Law Enforcement Policy

Protected Information

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

Computers and Digital Evidence

805.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

805.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- a. Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- b. Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.
- c. If the computer is off, do not turn it on.
- d. If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).
- e. Label each item with case number, evidence sheet number, and item number.
- f. Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- g. Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- h. At minimum, officers should document the following in related reports:
 1. Where the computer was located and whether or not it was in operation.

Computers and Digital Evidence

2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.
- i. In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

805.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

805.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

- a. Copy of report(s) involving the computer, including the Evidence/Property sheet.
- b. Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- c. A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
- d. An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

805.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- a. If the media has a write-protection tab or switch, it should be activated.
- b. Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.

Computers and Digital Evidence

- c. Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- d. Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
- e. Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

805.4 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

805.4.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

805.4.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- a. The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.
- b. Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.
- c. As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.
- d. Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.
- e. Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

Computers and Digital Evidence

805.4.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

- a. Files should not be opened or reviewed prior to downloading and storage.
- b. Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

805.4.4 PRESERVATION OF DIGITAL EVIDENCE

- a. Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- b. Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- c. If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Animal Control

806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

806.2 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

1. There is a threat to public safety.
2. An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
3. An animal is creating a traffic hazard.
4. An animal is seriously injured.
5. The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.2.1 ANIMAL BITE REPORTS

Officers shall obtain as much information as possible for forwarding to the ACO for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

806.3 DECEASED ANIMALS

Animal Control

Deceased animals on public property will be removed and properly disposed of by the ACO.

806.4 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

806.4.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

- a. During normal business hours, the animal should be taken to an authorized veterinary care clinic.
- b. If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.
- c. An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Marin Humane is not available, the information will be forwarded for follow-up.

806.4.2 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

806.4.3 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

- a. Make a reasonable effort to locate the owner before entering the vehicle.
- b. Take steps to minimize damage to the vehicle.
- c. Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
- d. Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
- e. Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- f. Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

806.5 CITATIONS

It should be at the discretion of the handling officer or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

Animal Control

806.6 POLICY

It is the policy of the Mill Valley Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.7 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

- a. An investigation should be conducted on all reports of animal cruelty.
- b. Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

806.8 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.9 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

806.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

806.11 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

CJIS Access, Maintenance, and Security

807.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access, process, store, or transmit Criminal Justice Information.

807.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal Justice Information (CJI) - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

Security incident - Any incident that compromises the security of CJI or systems that access, process, store, or transmit CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

807.2 POLICY

It is the policy of the Mill Valley Police Department to maintain the security, confidentiality, and integrity of its information systems that access, process, store, or transmit CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

807.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Mill Valley Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

807.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

- a. Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the California Justice Information Services.
- b. Managing member accounts with access to CJI, including:
 1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.

CJIS Access, Maintenance, and Security

2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts, validating new passwords against known compromised or commonly used passwords).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.
- c. Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:
 1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
 2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
 3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
 4. Maintaining records for all system maintenance and diagnostic activities.
- d. Configuring remote access systems and devices only with the explicit authorization of the Chief of Police or the authorized designee, including:
 1. Routing through authorized and managed access control points (e.g., firewalls, secure gateways).
 2. Mandatory multi-factor authentications for users.
 3. Use of automated mechanisms to monitor and control remote access methods.
 4. Mandatory encryption (e.g., VPN, Transport Layer Security).
 5. Required logging of all remote access activity.
- e. Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.
- f. Providing for the security of hardware that includes provisions for the following:
 1. How hardware is to be brought into and taken out of department facilities
 2. Physical security of hardware within department facilities
 3. Physical security of areas containing network connections and transmission lines, including monitored access
- g. Implementing and carrying out the department Incident Response Plan, including:
 1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
 2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
 3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
 4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

CJIS Access, Maintenance, and Security

- h. Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.
- i. Developing and updating department information security and privacy literacy training and incident response training as required by policy.
- j. Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.
- k. Managing the development, documentation, and dissemination of applicable policies and procedures for the following:
 - 1. Access Control
 - 2. Awareness and training
 - 3. Auditing and accountability
 - 4. Assessment, authorization, and monitoring
 - 5. Configuration management
 - 6. Contingency planning
 - 7. Identification and authentication
 - 8. Incident response
 - 9. Maintenance
 - 10. Media protection
 - 11. Physical and environmental protection
 - 12. Planning
 - 13. Personnel security
 - 14. Risk assessment
 - 15. Systems and services acquisition
 - 16. Systems and communications protection
 - 17. System and information integrity
 - 18. Supply chain risk management
- l. Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

807.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

807.5 SUPERVISOR RESPONSIBILITIES

CJIS Access, Maintenance, and Security

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

807.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

- a. The account has expired.
- b. The account is no longer associated with a member.
- c. The account is found to be in violation of this policy.
- d. The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

807.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

- a. Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.
- b. Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
- c. Non-privileged members shall not be allowed to execute privileged functions.

807.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

807.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

CJIS Access, Maintenance, and Security

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall only be conducted by authorized members and shall be documented.

807.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

807.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

- a. Flaw remediation.
- b. System monitoring.
- c. Security alerts, advisories, and directives.
- d. Software, firmware, and information integrity controls.
- e. Spam protection.

807.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

807.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

CJIS Access, Maintenance, and Security

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

807.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Mill Valley Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

900.2 POLICY

The Mill Valley Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.3.1 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- a. Authorized members entering for official business purposes.
- b. Emergency medical personnel when necessary.
- c. Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

Temporary Custody of Adults

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

900.4.1 RELEASE OR PRISONER'S PROPERTY

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing, on the booking sheet.

When a Prisoner is released from custody all property will be returned to him/her and they will be required to sign the back of the property sheet.

If a Prisoner is released to the court or an officer of another agency, all property will be released to that officer who will be required to verify and sign for the property. The officer transporting prisoners to court is required to obtain the receiving officer's signature on the booking form as notice of receipt of the prisoner's property.

Any alleged shortage or discrepancy shall be brought to the attention of the on-duty Watch Commander who will interview the prisoner claiming the shortage prior to his/her release. The Watch Commander shall ensure that a search for the alleged missing item(s) is complete and shall attempt to prove or disprove the claim. A written claim by prisoner shall be requested where the discrepancy cannot be resolved.

900.4.2 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

1. Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
2. Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 1. Continuous, direct sight and sound supervision.
 2. Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

Temporary Custody of Adults

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
3. Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
4. Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.3 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

1. Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
2. Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - a. Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - b. Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.
 - c. Forward any communication from the individual to the individual's consular officers without delay.
 - d. Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:
 1. Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 2. Forward any communication from the individual to the individual's consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

Temporary Custody of Adults

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Mill Valley Police Department, the custody shall be promptly and properly documented in a custody log, including:

- a. Identifying information about the individual, including the individual's name.
- b. Date and time of arrival at the Department.
- c. Any charges for which the individual is in temporary custody and any case number.
- d. Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- e. Any medical and other screening requested and completed.
- f. Any emergency situations or unusual incidents.
- g. Any other information that may be required by other authorities, such as compliance inspectors.
- h. Date and time of release from the Mill Valley Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 PHONE ACCESS FOR ARRESTED PERSONS

Each arrested person shall have the right to make at least three (3) completed telephone calls immediately upon being booked and, except where physically impossible, no later than three (3) hours after arrest. These calls may be to either an attorney, a bail bondsman, and/or a relative or other person. (Penal Code § 851.5)

900.5.3 ATTORNEY VISITATION

Each arrested person has the right to have access to an attorney and legal representation, barring unforeseen or special circumstances. Department employees should not, however, recommend an attorney and there is no obligation to assist an arrestee in locating a requested attorney.

Any attorney claiming to represent an arrested person may be required to show proof of ability to practice in the California courts. Prior to any meeting between an attorney and an arrested person where there is no impenetrable barrier between the two, the attorney may be subject to a reasonable search. Any employee who willfully refuses or neglects to allow an attorney to visit with an arrested person may be guilty of a misdemeanor. (Penal Code § 825)

900.5.4 PUNISHMENT OF PRISONERS

In no instance shall an officer take punitive action against a prisoner. In instances where a sentenced prisoner's actions are incompatible with his/her status, he/she may be returned to the holding cell and the Supervisor or, in his or her absence the Watch Commander shall be immediately advised of the problem.

Temporary Custody of Adults

900.5.5 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

1. Safety checks and significant incidents/activities are noted on the log.
2. Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 2. This does not apply to surreptitious and legally obtained recorded interrogations.
3. There is reasonable access to toilets and wash basins.
4. There is reasonable access to a drinking fountain or water.
5. There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
6. There is privacy during attorney visits.
7. Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
8. Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 1. The supervisor should ensure that there is an adequate supply of clean blankets.
9. Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
10. Adequate furnishings are available, including suitable chairs or benches.

900.5.6 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Mill Valley Police Department. They should be released or transferred to another facility as appropriate.

900.5.7 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Temporary Custody of Adults

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.5.8 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

1. Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
2. The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
 2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
3. Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
4. Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

900.5.9 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Temporary Custody of Adults

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.10 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.5.11 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.12 ATTORNEYS AND BAIL BONDSMEN

- a. An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- b. Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- c. The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- d. Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- e. Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.13 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

900.6 USE OF RESTRAINT DEVICES

Temporary Custody of Adults

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Mill Valley Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

900.8 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Operations Division Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Mill Valley Police Department. The procedures should include the following:

- a. Immediate request for emergency medical assistance if appropriate
- b. Immediate notification of the Watch Commander, Chief of Police, and Investigation Division Commander
- c. Notification of the spouse, next of kin, or other appropriate person
 1. In-custody death notification shall be made within 24 hours as provided by Penal Code § 4032.5.
- d. Notification of the appropriate prosecutor
- e. Notification of the City Attorney
- f. Notification of the Coroner

Temporary Custody of Adults

- g. Evidence preservation
- h. In-custody death review reports in compliance with 15 CCR 1046
 - 1. A copy of the initial review report of an in-custody death shall be provided to the BSCC within 60 days of the death.
- i. Preparation of a written report to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)
 - 1. A copy of the report submitted to the Attorney General shall also be submitted to the BSCC within 10 days of the death (15 CCR 1046).
 - 2. Any change or new information that becomes available after the initial reporting to the Attorney General shall be updated in the report and provided to the Attorney General within 10 days of the date of the change or the date the new information becomes available.

900.8.1 IN-CUSTODY DEATH PUBLICATION

The Chief of Police or the authorized designee should ensure that all specified information relating to an in-custody death is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

900.9 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- 1. All proper reports, forms, and logs have been completed prior to release.
- 2. A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- 3. It has been confirmed that the correct individual is being released or transported.
- 4. All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.
- 5. All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).
- 6. The individual is not permitted in any nonpublic areas of the Mill Valley Police Department unless escorted by a member of the Department.
- 7. Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.
- 8. Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.9.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

Temporary Custody of Adults

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

900.10 ASSIGNED ADMINISTRATOR

The Operations Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- a. General security
- b. Key control
- c. Sanitation and maintenance
- d. Emergency medical treatment (15 CCR 1200)
- e. Escapes
- f. Evacuation plans
- g. Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- h. Disaster plans (e.g., natural disasters)
- i. Building and safety code compliance
- j. Civil and other disturbances including hostage situations
- k. Periodic testing of emergency equipment
- l. Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012
- m. Inspections and operations reviews
- n. Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.11 TRAINING

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

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- a. Applicable minimum jail standards
- b. Jail operations liability
- c. Separation of incarcerated persons
- d. Emergency procedures and planning, fire safety, and life safety
- e. Suicide prevention
- f. De-escalation
- g. Juvenile procedures

Temporary Custody of Adults

- h. Racial bias
- i. Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Manager shall maintain records of all such training in the member's training file.

Booking Room Security

901.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures to enhance the safety of officers while booking, fingerprinting and/or interviewing persons; and to ensure the safety and protection of those persons in custody.

901.2 WEAPONS LOCKER

Use of weapons locker while with prisoners/suspects:

- a. Officer's weapons will be placed in the weapons locker before handcuffs are removed from prisoners.
- b. Officers will re-handcuff prisoners before the weapon is removed from the locker.
- c. When a prisoner is in the booking room, but not in a holding cell, no officer will enter without having first placed weapons in a secure location.

901.3 BOOKING ROOM

- a. Prisoners will not be left unattended in the booking room unless in a holding cell.
- b. The booking room door will be closed at all times while a prisoner is undergoing Intoxilyzer testing, being placed in a cell, photographed, fingerprinted and/or being removed from a cell.
- c. Before a prisoner is placed in a holding cell, the following will be done:
 1. Search for weapons and/or contraband
 2. Remove all items from pockets - coins, etc.
 3. Remove items of jewelry - necklaces, rings, etc.
 4. Remove neckties, belts.
 5. Remove laces from boots and shoes.
- d. Before leaving the booking room, advise the dispatcher that a prisoner is in the holding cell and to monitor his/her actions via the closed circuit TV and audio systems.

Booking Room Security

901.4 RESPONSIBILITY

It is the responsibility of the watch supervisor to see that the provisions of the policy are adhered to.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Mill Valley Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

Strip search - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Mill Valley Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

Custodial Searches

902.3.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Mill Valley Police Department identification number and information regarding how and when the property may be released.

902.3.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.4 STRIP SEARCHES

No individual in temporary custody at any Mill Valley Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- a. The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- b. Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

Custodial Searches

- c. Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- d. The individual's actions or demeanor.
- e. Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.4.1 STRIP SEARCH PROCEDURES

Strip searches at Mill Valley Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

- a. Written authorization from the Watch Commander shall be obtained prior to the strip search.
- b. All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- c. All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- d. Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- e. Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
- f. The primary member conducting the search shall prepare a written report to include:
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Watch Commander.
 - 4. The name of the individual who was searched.
 - 5. The name and sex of the members who conducted the search.
 - 6. The name, sex, and role of any person present during the search.
 - 7. The time and date of the search.
 - 8. The place at which the search was conducted.
 - 9. A list of the items, if any, that were recovered.
 - 10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.
- g. No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it

Custodial Searches

reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

- h. If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.
- i. A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.4.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- a. There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- b. There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

902.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

- a. No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- b. Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.
- c. Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

Custodial Searches

- d. Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- e. All such searches shall be documented, including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Watch Commander's approval.
 - 4. A copy of the search warrant.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The names, sex and roles of any department members present.
 - 8. Any contraband or weapons discovered by the search.
- f. Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.6 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

- a. Conducting searches of cross-gender individuals.
- b. Conducting searches of transgender and intersex individuals.
- c. Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.7 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all persons in custody upon entering the secure booking area of the facility. Members (Penal Code § 4030):

- a. Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.
- b. Should ask persons in custody if they are pregnant prior to a body scan and should not knowingly use a body scanner on a pregnant person.

Custodial Searches

902.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

902.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

- a. Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
 1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
- b. Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

Transporting Persons in Custody

903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Mill Valley Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

903.2 POLICY

It is the policy of the Mill Valley Police Department to provide safe, secure, and humane transportation for all persons in custody.

903.3 OPERATIONS DIVISION COMMANDER RESPONSIBILITIES

The Operations Division Commander should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

903.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

- a. Search all areas of the vehicle accessible to a person in custody before and after each transport.
- b. Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
 1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.
- c. Provide Dispatch with any required notifications (e.g., start time, mileage, end time).
- d. Properly secure all property.
- e. Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio/Video and Body-Worn Camera policies for additional guidance).
- f. Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

Transporting Persons in Custody

- g. Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.
- h. Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:
 - 1. Individuals in auxiliary restraints.
 - 2. Individuals in leg restraints.
 - 3. Individuals wearing a spit hood.
 - 4. Individuals who are a suspected suicide risk.
- i. Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
- j. Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):
 - 1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

903.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

- a. Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
 - 1. Juveniles and adults shall not be transported together.
 - 2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
 - 3. Persons of different genders should not be transported together.
- b. If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

903.6 TRANSPORT VANS

An officer trained on the safety and restraint systems of a transport van should be present during the transport van's use for transporting a person in custody.

An officer should assist persons getting into and out of the transport van to avoid falls.

903.7 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

Transporting Persons in Custody

Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

903.8 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

Except in exceptional cases where alternatives are not reasonably available, officers should not transport persons in custody who are unconscious, have serious injuries, or who may be seriously ill. EMS personnel should be called to handle such transportation.

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a Watch Commander.

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

903.9 TRANSPORTING PREGNANT PERSONS IN CUSTODY

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

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

903.10 MENTAL ILLNESS COMMITMENT TRANSPORTS

When transporting any individual for a mental illness commitment, the transporting officer should request that the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

See the Mental Illness Commitments Policy for additional guidance.

Transporting Persons in Custody

903.11 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify Dispatch and request an appropriate response.

903.12 EXTENDED TRANSPORTS

During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

903.13 PROHIBITIONS

When transporting a person in custody, officers should not:

- a. Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
- b. Handcuff a person to any part of a vehicle.
- c. Leave the vehicle unattended with the person in custody in the vehicle.
- d. Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
- e. Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.
- f. Stop to conduct any personal activities.
- g. Engage in a pursuit.

903.14 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise the Communications Center and other units of the escape, provide a description of the escapee, notify the Watch Commander, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Watch Commander should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Mill Valley Police Department, the Watch Commander should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

903.15 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting

Transporting Persons in Custody

with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

903.16 NOTIFICATIONS

Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

903.17 TRAINING

The Training Manager should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Mill Valley Police Department and that are promulgated and maintained by the Personnel Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Mill Valley Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administrative Services Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

- a. Establishment of a written recruitment plan.
 1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
- b. Identification of racially and culturally diverse target markets.
- c. Use of marketing strategies to target diverse applicant pools.
- d. Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- e. Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
- f. Employee referral and recruitment incentive programs.
- g. Consideration of shared or collaborative regional testing processes.

Recruitment and Selection

The Administrative Services Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- a. A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- b. Driving record
- c. Personal and professional reference checks
- d. Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- e. Information obtained from public internet sites
 1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
- f. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- g. Local, state, and federal criminal history record checks (Government Code § 1030; Penal Code § 11105.002; Penal Code § 11105.05)
- h. Lie detector test (when legally permissible) (Labor Code § 432.2)
- i. Medical and psychological examination (may only be given after a conditional offer of employment)
 1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
 2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
- j. Review board or selection committee assessment

Recruitment and Selection

- k. Relevant national and state decertification records, if available, including the National Decertification Index

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Mill Valley Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator.

Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

All applicants shall be required to submit a notarized Authorization to Release Personal Information waiver prior to entering the background investigation process.

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Administrative Services Division Commander should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The Administrative Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

Recruitment and Selection

- a. The legal rights of candidates are protected.
- b. Material and information to be considered are verified, accurate, and validated.
- c. The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administrative Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administrative Services Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

1000.5.4 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

- a. Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.

Recruitment and Selection

- b. Reports and documentation for candidates not hired by the Department for a minimum of four years.

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Mill Valley Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.5.8 CONFIDENTIAL POST RECORDS

Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity

Recruitment and Selection

and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

1. Free of any felony convictions
2. Be legally authorized to work in the United States under federal law
3. At least 21 years of age except as provided by Government Code § 1031.4
4. Fingerprinted for local, state, and national fingerprint check (Government Code § 1030; Penal Code § 11105.002; Penal Code § 11105.05)
5. Good moral character as determined by a thorough background investigation (11 CCR 1953)
6. High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
7. Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
8. Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
9. Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
 1. Reading and writing ability assessment (11 CCR 1951)
 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
10. POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
11. Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.8 PROBATIONARY PERIODS

Recruitment and Selection

The Administrative Services Division Commander should coordinate with the Mill Valley Personnel Department to identify positions subject to probationary periods and procedures for:

- a. Appraising performance during probation.
- b. Assessing the level of performance required to complete probation.
- c. Extending probation.
- d. Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Mill Valley Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Evaluation of Employees

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1001.3.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy.

1001.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for six months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Evaluation of Employees

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.5.2 APPEARANCE

- **Physical Grooming:**

(1) Long or unkempt hair, offensive body odor. When applicable: unshaven, gaudy, and/or harsh make-up, large or loud jewelry, rings or earrings.

(4) Good hygiene, neatly trimmed hair, when applicable: trimmed mustache and sideburns, tasteful make-up.

(7) Excellent grooming and hygiene.

- **Physical Conditioning:**

(1) Overweight, underweight or physical conditioning which impairs ability to perform law enforcement duties. Unable to perform routine tasks.

(4) Weight in proportion to height. Physical conditioning and weight which does not impair ability to perform enforcement duties.

(7) Excellent physical condition. Maintains a personal fitness program.

- **Uniform Appearance:**

(1) Dirty or unkempt uniform. Dirty or unkempt shoes. Incomplete uniform.

(4) Complete clean uniform, shined shoes.

(7) Tailored clean uniform. Highly shined shoes.

Evaluation of Employees

- **Maintains Safety Equipment:**

(1) Dirty or unkempt weapon and/or safety equipment. Worn and/or unpolished leather gear. Weapon or extra ammunition is not maintained or carried.

(4) Weapon, safety equipment and leather gear are clean, maintained and shined.

(7) Maintains equipment at an exceptional level, new in appearance and function.

1001.5.3 ATTITUDE-RELATIONSHIPS

- **Relationships With Citizens**

(1) Abrupt, belligerent, overbearing, introverted or uncommunicative

(4) Courteous, friendly, empathetic, communicates in a professional and unbiased manner.

(7) Establishes a rapport and is objective. Appears to be at ease in any person-to-person situation.

- **Relationships With Other Races or Cultures**

(1) Evident or expressed hostilities, derogatory statements of sympathy toward persons of other races and cultures because of prejudice, bias or pity. Contacts are uneasy and/or awkward.

(4) Appears to be at ease and does not feel threatened by presence of people from other races and cultures. Able to communicate effectively.

(7) Understands racial, ethnic and cultural differences and the effects they have on relationships. Reacts properly under all situations.

- **Relationships With Co-Workers**

(1) Disrespectful or overbearing. Little regard for others and makes little attempt to work harmoniously. Disruptive behavior which detracts from morale for fellow employees.

(4) Shows respect, works efficiently and cooperates with fellow employees.

(7) Respectful of fellow employees. Is aware of the needs of fellow employees and attempts to assist them whenever possible. Promotes a positive work environment.

- **Relationships With Supervisors**

(1) Disrespectful, confrontational, undermines or disregards authority, expressed verbally or through physical behavior.

Evaluation of Employees

(4) Respectful, works efficiently and cooperates with supervisors. Does not undermine authority.

(7) Respectful, non-confrontational, never undermines or disregards authority. Presents ideas and contributes to the department in a positive manner.

- **Attitude Toward Police Profession**

(1) Takes police profession only as a job, uses job to reinforce ego needs, abuses authority and/or is "badge heavy," no dedication. Does not willingly accept assignments or extra duty, hostility displayed verbally or physically.

(4) Expresses active interest toward the job. Accepts assignments in a positive manner.

(7) Utilizes off-duty time to further professional knowledge, maintains high ideal toward professional responsibilities which is exhibited in actions and attitude.

- **Acceptance of Feedback as Displayed Verbally and by Behavior**

(1) Rationalizes, argumentative, refuses to make corrections, considers criticism as negative, expresses disagreement through inappropriate actions, i.e., throwing things, facial expressions, etc.

(4) Accepts criticism in a positive manner and applies it to further learning.

(7) Solicits criticism in order to improve performance, assumes responsibility for actions, implements constructive criticism to improve as an officer.

1001.5.4 KNOWLEDGE OF LAWS

- **Department Policies / Procedures**

(1) Has little knowledge of department policies and procedures. Improperly applies written policies and procedures to actual situations.

(4) Familiar with most commonly applied department policies and procedures and applies them properly in actual situations.

(7) Exceptional working knowledge of department policies and procedures and can apply them properly in unusual as well as routine situations.

- **Knowledge of the Vehicle Code**

(1) Has little knowledge of the commonly used Vehicle Code sections,.

(4) Has knowledge of and applies commonly used sections.

Evaluation of Employees

(7) Exceptional knowledge of many sections, both common and obscure.

- **Knowledge of Penal Code**

(1) Has little knowledge of the commonly used Penal Code Sections.

(4) Knows most commonly used Penal Code Sections.

(7) Has exceptional knowledge of both common and obscure Penal Code Sections.

- **Knowledge of Health and Safety Code**

(1) Has little knowledge of commonly used Health and Safety Code Sections.

(4) Has knowledge of commonly used Health and Safety Code Sections.

(7) Has exceptional knowledge of Health and Safety Code Sections.

- **Knowledge of Other Pertinent Codes**

(1) Little or no knowledge of law enforcement related codes.

(4) Knows most commonly related codes and is able to locate them with little or no assistance.

(7) Has an exceptional knowledge of both common and obscure sections of law enforcement related codes and can locate them without assistance.

- **Knowledge of Case Law**

(1) Unaware of current case law decisions, makes no effort to stay updated on decisions.

(4) Commonly applies codes and case law decisions to actual situations in a proper manner.

(7) Has exceptional ability to properly relate the codes and case law to unusual circumstances as well as to routine incidents.

- **In-field use / application of Laws**

(1) Improperly interprets code and case law, improperly applies codes and/or case law decisions to actual situations.

(4) Commonly applies codes and case law decisions to actual situations in a proper manor.

(7) Has exceptional ability to properly relate the codes and case law to unusual circumstances as well as routine incidents.

Evaluation of Employees

1001.5.5 REPORT WRITING

- **Organization / Details**

(1) Difficulty in converting field situations in written form. Reports ramble, lack elements of the crime or are not concise.

(4) Usually converts field situations into a logical/chronological sequence of thought to include all elements of the situation.

(7) Reports are consistently written in a complete and detailed manner accounting for all events. Written and organized so as to assist any reader in comprehending the occurrence.

- **Grammar / Spelling / Neatness**

(1) Illegible; poor penmanship; misspelled words, incomplete sentences, improper grammar/word usage.

(4) Level of usage of grammar, spelling, and neatness are satisfactory in that errors in these areas do not impair understanding.

(7) Very neat and legible; no spelling mistakes; excellent use of grammar.

- **Appropriate Time Used**

(1) Takes excessive time to complete reports.

(4) Completes reports in a reasonable amount of time for the given situation.

(7) Completes reports in minimal time while maintaining accuracy and completeness. Able to transcribe events quickly in a logical format.

- **Time Management**

(1) Does not complete reports in a timely fashion; requires excessive overtime to complete routine reports; allows reports to back up.

(4) Manages time so reports are completed in a timely manner.

(7) Uses patrol time to complete reports without causing reports to be held or delaying beat responsibilities.

- **Routine Forms: Accuracy / Completeness**

(1) Difficulty in determining proper form for given situation, forms not accurately and/or completely filled out.

Evaluation of Employees

(4) Used proper forms and format when completing reports. Completes forms with reasonable accuracy and thoroughness.

(7) Consistently and rapidly completes detailed forms with high degree of accuracy and thoroughness.

1001.5.6 DRIVING SKILL

- **Normal Conditions**

(1) Frequently violates Vehicle Code laws. Excessive or unnecessary speed, involved in chargeable accidents, lacks dexterity and coordination. Driving habits affect ability to observe criminal violations.

(4) Maintains control of vehicle while being alert to outside activity. Practices good defensive driving techniques.

(7) Sets good example of lawful courteous driving. Able to control and manipulate vehicle while staying alert to activity and using radio, note pad, etc. Not involved in chargeable accidents.

- **Moderate / Stress Conditions**

(1) Involved in chargeable accident(s). Excessive or unnecessary speed. Does not maintain proper control of vehicle. Drives imprudently for conditions.

(4) Maintains control of vehicle. Evaluates driving situations and reacts properly. Uses vehicle effectively during critical situations. Routinely positions vehicle for optimum officer safety.

(7) High degree of reflex driving ability. Very competent in driving skills and use of vehicle. Able to drive while communicating effectively and clearly.

- **Emergency / Pursuit(Code 3)**

(1) Does not maintain proper control of vehicle. Excessive or unnecessary speed. Allows situation to interfere with prudent driving practices. Unable to communicate effectively while driving. Improper use of lights and siren.

(4) Maintains control of vehicle. Drives safely and defensively. Able to communicate properly. Shows good judgment/decision making.

(7) High degree of control and good reflex abilities. Uses radio properly to communicate and coordinate other officers. Does not allow situation to interfere with prudent driving techniques.

- **Orientation / Response Time to Calls**

Evaluation of Employees

(1) Unaware of location while on patrol. Cannot effectively use a map. Unable to relate location to destination. Consistently slow to respond to locations.

(4) Reasonable knowledge of locations in most situations. Can quickly use map to find streets and then responds directly to location in the appropriate amount of time.

(7) Retains prior learning of locations. Aware of streets and traffic patterns. Chooses most direct route to calls and locations. Rarely needs map.

1001.5.7 FIELD PERFORMANCE

- **Non-Stress Conditions**

(1) Seemingly confused and disoriented as to what action should be taken. Fails to take action or takes inappropriate action. Overreacts in certain situations.

(4) Generally able to assess situations and take appropriate action.

(7) Requires minimal assistance and always takes appropriate action.

- **Stress Conditions**

(1) Becomes emotional, disoriented, or panic stricken. Fails to take appropriate action. Loses temper or acts overconfident.

(4) Exhibits calm and controlled demeanor. Does not allow certain situations to further deteriorate. Takes appropriate action.

(7) Maintains control and brings order under most circumstances without assistance. Never loses temper or acts inappropriately.

- **Self-Initiated Activity**

(1) Does not see, or avoids activity. Rationalizes suspicious activity and does not follow up on situations.

(4) Recognizes and identifies suspected criminal activity and takes actions.

(7) Catalogs, maintains, and uses information to make subsequent good quality arrests. Makes cases and issues citations from activity observed. Is alert for and takes immediate action upon observing possible criminal activity.

- **Investigative Skills**

Evaluation of Employees

(1) Not thorough in conducting investigations. Fails to check for and identify potential leads. Fails to locate all physical evidence.

(4) Conducts thorough investigations in a timely manner. Follows up on all potential leads. Properly checks for fingerprints and other physical evidence as necessary.

(7) Develops leads from minimal information. Develops informants and uses their information to continue investigations. Above average skills in the location and identification of physical evidence.

- **Follow-up and Cases Completion**

(1) Does not complete cases in a timely manner. Fails to turn in supplemental reports on time.

(4) Completes follow-up investigations in a timely manner. Keeps track of when follow-up reports are due and submits them on time. Conducts thorough follow up investigations.

(7) Submits follow-up reports prior to when they are due. Conducts very detailed investigations with minimal supervision.

- **Interviewing Skills**

(1) Lacks ability to establish rapport. Overly aggressive and fails to display impartiality, or appears passive and is unable to maintain control and direction. Fails to complete interviews to obtain all information possible.

(4) Able to establish rapport. Displays impartiality and empathy. Maintains control and direction while displaying sincerity. Elicits all information.

(7) Exceptional ability to establish rapport and to display sincerity and empathy. Able to evaluate people and uses a variety of proper techniques to elicit information.

- **Evidence Processing**

(1) Fails to process crime scene for evidence, fails to properly package and preserve evidence, fails to properly account for evidence, lacks basic skills in evidence collection/preservation.

(4) Processes crime scenes for evidence, generally properly collects and preserves evidence in accordance with set policy.

(7) Is meticulous in crime scene processing, evidence collection and/or preserving evidence.

- **Problem Solving and Decision Making Skills**

Evaluation of Employees

(1) Acts without thought and/or is indecisive. Makes poor use of information at hand, makes unsound decisions, fails to use common sense and good judgment.

(4) Able to reason out problems and relate them to prior experience and/or training. Good perception and ability to make decision on his/her own.

(7) Excellent perception if foreseeing problems and arriving at advance solutions.

- **Radio: Appropriate Use of 10 Code**

(1) Misinterprets 10 Code definitions and/or fails to use it in accordance with set policy.

(4) Has good working knowledge of and properly uses 10 Code.

(7) Has excellent knowledge of 10 Code and uses with ease and appropriately.

- **Radio: Listening / Comprehending Transmissions**

(1) Repeatedly misses call sign, is unaware of traffic in adjoining beats; frequently has to have information repeated by dispatchers/officers. Does not comprehend messages, uses excessive airtime.

(4) Hears and understands most radio transmission, is generally aware of adjoining beat traffic.

(7) Excellent grasp of adjoining beat traffic, uses minimal airtime, comprehends information on initial broadcasts.

- **Radio: Articulating Transmissions**

(1) Does not pre-plan message prior to transmitting. Poor modulation resulting in dispatcher's asking for a repeat of messages. Consistently talks at inappropriate times on the radio (during Code 33's, etc.). Projects emotions on the radio.

(4) Uses proper procedure most of the time with short and concise transmissions.

(7) Always uses proper procedure with clear, calm voice under stress situations.

- **Time Management**

(1) Consistently holds reports or other assignments until completion requires the use of overtime. Takes an inordinate amount of time to resolve details which results in other details being held or assigned to other officers.

(4) Works to complete assignments within the shift taking into account calls for service. Does not use unencumbered time for unnecessary activities when a report or pending reports have to be written.

Evaluation of Employees

(7) Manages assignments, follow up, etc., so they are consistently completed within the shift. Completion of assignments requires overtime only when circumstances or department policies dictate.

- **Care and Maintenance of Department Equipment**

(1) Abuses department equipment which results in the damage or loss of department property. Does not maintain assigned equipment in working condition.

(4) Maintains assigned equipment in working condition. Treats equipment with proper regard in order not to cause unnecessary damage. Reports inoperable equipment in a timely manner.

(7) Completes routine preventative maintenance (where applicable) on assigned equipment, testing it to confirm it is functional. Consistently treats equipment with proper regard (taking into account officer safety issues) to prevent damage to department property.

1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.6.1 DISCRIMINATORY HARASSMENT FORM

At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

- a. That the employee understands the harassment and discrimination policies.
- b. Whether any questions the employee has have been sufficiently addressed.
- c. That the employee knows how and where to report harassment policy violations.
- d. Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.

Evaluation of Employees

The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1001.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1001.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Personnel Department.

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Mill Valley Police Department.

1002.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- a. Investigator
- b. Motor Officer
- c. Accident Investigator
- d. Field Training Officer
- e. Community Relations/Training Officer
- f. SRT

1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- a. Two years experience
- b. Off probation
- c. Has shown an expressed interest in the position applied for
- d. Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- e. Complete any training required by POST or law

1002.3 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Mill Valley Personnel Department.

1002.4 POLICY

The Mill Valley Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

Special Assignments and Promotions

1002.5 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- a. Special Response Team member
- b. Investigator
- c. Motorcycle officer
- d. Bicycle Patrol officer
- e. Canine handler
- f. Collision investigator
- g. Field Training Officer
- h. Community Relations/Training Officer
- i. School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) officer
- j. Court Officer

1002.5.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- a. Three years of relevant experience
- b. Off probation
- c. Possession of or ability to obtain any certification required by POST or law
- d. Exceptional skills, experience, or abilities related to the special assignment

1002.5.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- a. Presents a professional, neat appearance.
- b. Maintains a physical condition that aids in his/her performance.
- c. Expressed an interest in the assignment.
- d. Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to department goals and objectives in a positive manner

1002.5.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

Special Assignments and Promotions

- a. Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
 - 1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.
- b. Division Commander interview - The Division Commander will schedule interviews with each candidate.
 - 1. Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Chief of Police.
- c. Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1003.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

- a. Attempt to resolve the issue through informal discussion with immediate supervisor.
- b. If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected bureau or bureau.
- c. If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.
- d. If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:

Grievance Procedure

1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:
 - a. The basis for the grievance (i.e., what are the facts of the case?).
 - b. Allegation of the specific wrongful act and the harm done.
 - c. The specific policies, rules or regulations that were violated.
 - d. What remedy or goal is being sought by this grievance.
- e. The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.
- f. The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

1003.3 GRIEVANCE AUDITS

The Training Manager shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Manager shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Manager should promptly notify the Chief of Police.

Reporting of Arrests, Convictions, and Court Orders

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Mill Valley Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

1004.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

1004.4 REPORTING

All members and all retired officers with an identification card issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or

Reporting of Arrests, Convictions, and Court Orders

foreign country, regardless of whether or not the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

1004.4.1 NOTIFICATION REQUIREMENTS

The Administrative Services Division Commander shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1005.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1005.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on City property or at any other time.

1005.2.2 USE OF PRESCRIBED MEDICATIONS

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor prior to commencing any on-duty status. No employee shall be permitted to work or drive a department-owned or department-leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1005.3.1 USE OF MEDICATIONS

Drug- and Alcohol-Free Workplace

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.

1005.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1005.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.5.1 ADDITIONAL SCREENING TESTS FOR OFFICERS

The Department may request an employee to submit to a screening test if the employee:

- a. Is a law enforcement officer and, during the performance of his/her duties, discharges a firearm other than by accident.
- b. During the performance of his/her duties, drives a motor vehicle in such a manner as to cause bodily injury to him/herself or another person or substantial damage to property.

Drug- and Alcohol-Free Workplace

1005.5.2 SCREENING TEST REFUSAL

An employee is subject to disciplinary action if he/she:

- a. Fails or refuses to submit to a screening test as requested.
- b. After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested by his/her appointing authority, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

1005.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- a. The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- b. The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- c. The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- d. The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1005.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- a. The test will be given to detect either alcohol or drugs, or both.
- b. The result of the test is not admissible in any criminal proceeding against the employee.
- c. The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

Drug- and Alcohol-Free Workplace

1005.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- a. Fails or refuses to submit to a screening test as requested.
- b. After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1006.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Government Code § 12945.8; Labor Code § 1510).

1006.2 POLICY

It is the policy of the Mill Valley Police Department to provide eligible employees with a sick leave benefit.

1006.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1006.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

Sick Leave

1006.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1006.5 REQUIRED NOTICES

The Personnel Manager shall ensure:

- a. Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
- b. A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1006.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

1. Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
2. Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel Department as appropriate.
3. Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 1. Negatively affected the member's performance or ability to complete assigned duties.
 2. Negatively affected department operations.
4. When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
5. Referring eligible members to an available employee assistance program when appropriate.

Injury and Illness Prevention Program

1007.1 PURPOSE AND SCOPE

No function of the City of Mill Valley is so critical as to require a compromise of safety. Therefore, it is the goal of the City to provide a place of employment free from recognized hazards and with the safest possible working practices. It is also the goal of the City to comply with all applicable local, state and federal safety regulations.

1007.2 RESPONSIBILITIES

The City Manager of the City of Mill Valley is the person responsible for implementing the City's Injury and Illness Prevention Program (IIPP). For purposes of safety program management, the City Manager has divided the City into seven logical work area. Each area has one Safety Representative, for the police department it's the Administrative Police Lieutenant. The Safety Representatives comprise the City's Central Safety Committee and they are appointed in writing by the City Manager. The responsibility for safety belongs to everyone, and accountability rests as follows:

- a. **City Council** - The Mill Valley City Council is ultimately responsible for the loss control efforts of the City of Mill Valley. Council approves or denies funding and staffing for the IIPP through adoption of the City's Operating and Capital Budgets. Council also holds personnel accountable for safety and loss control.
- b. **City Manager** - The City Manager appoints representatives to the Central Safety Committee, provides direction to the committee, and monitors the effectiveness of the IIPP.
- c. **Safety Officer** - The Safety Officer designs, administers and maintains the IIPP. He/she chairs the Central Safety Committee and serves as liaison to the City Manager. The Assistant City Manager assumes the Safety Officer's duties in his/her absence.
- d. **Safety Representatives** - The seven Safety Representatives represent their work area on the Central Safety Committee. They coordinate all safety activities in their respective work areas.
- e. **Department Heads** - Department Heads receive and act on recommendations from the Central Safety Committee and the Safety Subcommittees to:
 1. Expend funds
 2. Allocate people-power and
 3. Implement disciplinary action. They will also communicate with the appropriate Safety Representative(s) to keep fully informed on safety activities in their department(s).

Injury and Illness Prevention Program

- f. **Supervisors** - Supervisors will cooperate with the appropriate Safety Representative to determine safety training needs, provide safety training, conduct safety inspections, conduct accident investigations, provide appropriate safety equipment and materials, and initiate disciplinary proceedings.
- g. **Employees** - Employees are responsible for following all written and verbal safety instructions. Employees will use safe work practices, coach fellow employees on safe practices, report unsafe conditions, and report all injuries to their supervisors.

Employees have the right to refuse to perform a task with more than a reasonable level of risk until appropriate risk control measures have been instituted.

1007.3 WORK AREA DEFINITION - SAFETY COMMITTEES

The City of Mill Valley has been divided into seven work areas for the purpose of safety management. Work areas have been selected in an attempt to group employees together that have similar hazard exposures on the job. It follows that work-place hazards differ significantly from one work area to another. The City has therefore decentralized the Illness and Injury Prevention Program to the extent possible in order to concisely address the safety needs of each work area. The Central Safety Committee is a City-wide committee that oversees the safety activities of all departments. Safety Subcommittees are established where appropriate to coordinate the safety activities in each work area.

1007.3.1 CENTRAL SAFETY COMMITTEE (CSC)

This committee consists of the Safety Officer and seven work area Safety Representatives as shown on Exhibit 1. The CSC is chaired by the Safety Officer and has four regular meetings per year. Special meetings may be called by the Safety Officer at any time for any reason. The purpose of the CSC is to coordinate City-wide safety activities and to assure compliance with the Illness and Injury Prevention Program in each work area. The CSC will:

- a. Periodically review the written records maintained by each Safety Representative
- b. Receive a report of work area activities from each Safety Representative at the quarterly meetings
- c. Assist the Safety Representatives when requested
- d. Coordinate City-wide safety training with the Marin Cities Joint Powers Insurance Authority
- e. Serve as a resource coordinator for safety training materials
- f. Recommend training activities based on loss records

1007.3.2 SAFETY SUB-COMMITTEE

Injury and Illness Prevention Program

These committees are chaired by the respective work area Safety Representative and in cooperation with the appropriate supervisor(s) are responsible for the following activities in their respective work areas:

- a. Identify safety training needs
- b. Schedule safety training
- c. Conduct or assign safety training
- d. Conduct or assign safety inspections
- e. Receive Employee Safety Memorandums
- f. Review Inspection reports and Safety Memos and determine corrective action
- g. Investigate accidents
- h. Maintain all work area safety records

1007.4 IDENTIFYING, EVALUATING AND CORRECTING WORKPLACE HAZARDS

Safety inspections are conducted once every two years by a professional safety consultant hired by the Marin Cities JPIA. Safety inspections are also conducted in each work area by City employees according to the schedule adopted by the Subcommittee. Specific assignments are made by the Safety Subcommittee.

All inspections are documented in writing on a approved form and submitted to the Safety Subcommittee. The Subcommittee reviews the report and determines what corrective action is to be taken on each deficiency noted in the report. The Subcommittee will consult with the City's safety services consultant if assistance is needed in analyzing hazards. The subcommittee may determine that no corrective action is warranted for noted deficiencies.

Corrective action may be taken:

- a. By the Subcommittee, or
- b. Through the affected supervisor, or
- c. Through the City of Mill Valley DPW maintenance request forms.

All unsafe and unhealthy conditions and work practices will be corrected in a timely manner based on the severity of the hazard.

1007.5 ACCIDENT INVESTIGATION

Injury and Illness Prevention Program

After any accident occurs, the appropriate Safety Subcommittee will investigate to determine the cause of the accident and to determine what can be done to prevent a recurrence. The "Employee Accident Investigation Report" is to be completed by the Subcommittee and submitted to the appropriate supervisor for action.

These procedures are in addition to the normal City procedures for documenting accidents for Worker's Compensation purposes.

1007.6 COMMUNICATING WITH EMPLOYEES ON SAFETY ISSUES

1007.6.1 EMPLOYER TO EMPLOYEE

A copy of "Mill Valley Injury and Illness Prevention Program Summary", will be posted at all times in the seven work areas. This posting advises all employees in summary form of the contents of this Injury and Illness Program. This form also identifies the person responsible for safety in their work area and the location of the IIPP. Other means of communicating safety information to the employee is documented in the following section on training.

1007.6.2 EMPLOYEE TO EMPLOYER

All employees of the City of Mill Valley are encouraged to identify workplace hazards and may do so without fear of reprisal. "Employee Safety Memorandums" are available and are for this purpose. Safety Memos are submitted to the appropriate Safety Subcommittee and will be analyzed and corrected as warranted using the procedures detailed in Section Three above.

1007.7 HEALTH AND SAFETY TRAINING

1007.7.1 IDENTIFICATION OF TRAINING NEEDS

Each Safety Subcommittee has the ongoing responsibility to identify training needs in its work area. Both general safe practice training and training specific to the hazards associated with each job are identified. Initial training needs for each work area are identified in "Health and Safety Training Needs".

1007.7.2 TRAINING SCHEDULE

Training will be conducted in each work area in accordance with the approved schedule. Training will be documented on a form titled, "Safety Meeting Record".

Also, all new employees and employees that transfer from one work area to another will receive safety orientation and training and complete the form, "Employee Safety Orientation".

Training will also be provided whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard, and whenever the City receives notification of a new or unrecognized hazard.

1007.7.3 ENSURING SAFETY COMPLIANCE BY EMPLOYEES

Injury and Illness Prevention Program

The City recognizes that the first step to achieving compliance with this program is proper communication to the employees. Sections Five and Six above regarding communications and training have been designed with this goal in mind. Given that the City's requirements have been properly communicated, the City is prepared to initiate disciplinary action against any employee that fails to comply with this program. Disciplinary proceedings will be in accordance with the "progressive discipline procedure" currently employed by the City. This procedure begins with a verbal reprimand and may lead to termination of employment.

In the event that this paragraph conflicts in any way with any agreement between City management and any employee representation group, the provisions of the representation agreement shall govern.

1007.8 RECORD KEEPING

The Safety Representatives are responsible for maintaining records for their work area. As a minimum, the Safety Representative's files must include the following written documentation:

- a. Minutes of Safety Subcommittee meetings
- b. Record of Workplace Hazard Identification and Correction
- c. Employee Accident Investigation Report
- d. Safety inspection reports
- e. Employee Safety Memorandums
- f. Records of Safety Meetings
- g. Records of Employee Safety Orientation

1007.8.1 PROGRAM MODIFICATION

This program may be modified at the discretion of the Mill Valley City Manager.

1007.9 REPORTING OF ACCIDENTS AND INJURIES

Per Cal/OSHA, § 342, we are required to report work-connected fatalities and serious injuries as follows

- a. Call, fax, hand carry, or telegraph the nearest District Office of the Division of Occupational Safety and Health about any serious injury or illness, or death of an employee occurring in a place of employment or in connection with any employment. Immediately means as soon as practically possible but not longer than 8 hours after you know or with diligent inquiry would have known of the death or serious injury or illness. If you can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident.
- b. Your report must include the following information if available:

Injury and Illness Prevention Program

1. Time and date of accident
 2. Employers name, address, and telephone number
 3. Name and job title or badge number of person reporting the accident
 4. Address of site of accident or event
 5. Name of person to contact at site of accident
 6. Name and address of injured employee(s)
 7. Nature of injury
 8. Location where injured employee(s) was (were) moved to
 9. List and identity of other law enforcement agencies present at the site of accident
 10. Description of accident and whether the accident scene or instrumentality has been altered
- c. Serious injury or illness means any injury or illness occurring in a place of employment or in connection with any employment which requires inpatient hospitalization for a period in excess of 24 hours for other than medical observation or in which an employee suffers a loss of any member of the body or suffers any serious degree of permanent disfigurement but does not include any injury or illness or death caused by the commission of a Penal Code violation, except the violation of § 385 of the Penal Code, or an accident on a public Street or highway.
- d. Whenever a state, county, or local fire or police agency is called to an accident involving an employee covered by this part in which a serious injury, or illness, or death occurs, the nearest office of the Division of Occupational Safety and Health shall be notified by telephone immediately by the responding agency.
- e. The reporting requirements listed above are in addition to any other reports required by law and may be made by any person authorized by the employer's state, county, or local agencies to make such reports.

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Mill Valley Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY

The Mill Valley Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- a. Exposure-prevention and decontamination procedures.
- b. Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- c. The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.
- d. Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).
- e. Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

Communicable Diseases

2. Bloodborne pathogen mandates including (8 CCR 5193):
 - a. Sharps injury log.
 - b. Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
 - a. Engineering and work practice controls related to airborne transmissible diseases.
 - b. Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).
- f. Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

1. Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
2. Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
3. Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
4. Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
5. Using an appropriate barrier device when providing CPR.
6. Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
7. Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

Communicable Diseases

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
8. Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
9. Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
10. Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- a. Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- b. Obtain medical attention as appropriate.
- c. Notify a supervisor as soon as practicable.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- a. Name and Social Security number of the member exposed
- b. Date and time of the incident
- c. Location of the incident
- d. Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- e. Work being done during exposure
- f. How the incident occurred or was caused
- g. PPE in use at the time of the incident
- h. Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

Communicable Diseases

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- a. Whether the member has been informed of the results of the evaluation.
- b. Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1008.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- a. Obtaining consent from the individual.
- b. Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
- c. Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
- d. Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
- e. Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

Communicable Diseases

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

- a. Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- b. Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- c. Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Mill Valley Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Mill Valley Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Mill Valley Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1009.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Mill Valley Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Mill Valley Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Bureau, depending on the seriousness and complexity of the investigation.

Personnel Complaints

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Bureau, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- a. Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- b. Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- c. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- d. Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- e. Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Mill Valley Police Department offers complaint forms in English and Spanish, which can be accessed on the Department website (www.cityofmillvalley.org/police), Police Department front lobby (1 Hamilton Drive, Mill Valley), and Mill Valley City Hall lobby (26 Corte Madera Avenue, Mill Valley).

Mill Valley Police Department updated all its patrol, investigation, and administration department business cards to include a website link with further information on accessing department complaints.

As of February 2021, all Officers now carry complaint packets in their duty bags and in each patrol, detective, and administrative vehicle.

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Personnel Complaints

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

1010.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1010.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

1. Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

Personnel Complaints

1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
2. Responding to all complainants in a courteous and professional manner.
3. Resolving those personnel complaints that can be resolved immediately.
 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
4. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.
5. Promptly contacting the Personnel Department and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
6. Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
7. Informing the complainant of the investigator's name and the complaint number within three days after assignment.
8. Investigating a complaint as follows:
 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
9. Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
10. Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Bureau, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

1. Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, they shall be compensated.
2. Unless waived by the member, interviews of an accused member shall be at the Mill Valley Police Department or other reasonable and appropriate place.
3. No more than two interviewers should ask questions of an accused member.

Personnel Complaints

4. Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank, and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
5. All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
6. No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
7. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
8. The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
9. All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
10. All members shall provide complete and truthful responses to questions posed during interviews.
11. No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Personnel Complaints

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

Personnel Complaints

1010.6.7 LIMITATIONS ON INVESTIGATIONS

Investigations shall not be undertaken against any officer in the following limited circumstances:

- a. The officer has been placed on a prosecutor's *Brady* list, or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).
 1. An investigation may be initiated based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland*.
- b. A court finding against an officer in a challenge brought under Penal Code § 745 (California Racial Justice Act of 2020) (Government Code § 3305.6).
 1. An investigation may be Initiated based on the underlying acts or omissions which formed the basis of the action brought pursuant to Penal Code § 745 (Government Code § 3305.6).

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

- a. Pursuant to a state law or proper legal process
- b. Information exists that tends to indicate a conflict of interest with official duties
- c. If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- a. May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- b. Shall be required to continue to comply with all policies and lawful orders of a supervisor.

Personnel Complaints

- c. May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Mill Valley Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his /her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1010.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

Personnel Complaints

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

1. Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
2. An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7 (f)).

1010.10.4 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7 (f)).

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

Personnel Complaints

- a. The response is not intended to be an adversarial or formal hearing.
- b. Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- c. The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- d. In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- e. The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

Additionally, any evidence of a court finding that an officer violated Penal Code § 745 (California Racial Justice Act of 2020) shall not be introduced for any purpose in any administration appeal of a punitive action (Government Code § 3305.6).

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property

Personnel Complaints

interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1010.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- a. Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- b. Events that could affect an officer's POST certification, such as:
 1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
 2. Findings of civilian review boards.
 3. Final dispositions of any investigations.
 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Mill Valley Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

1010.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

- a. Name of the Department
- b. Administrative case number
- c. Name, current address, and phone number of the complainant, if available
- d. Name, POST ID, current address, and phone number of the involved officer
- e. A summary of the alleged misconduct including:
 1. A narrative of the allegations
 2. Date and time of incidents
 3. Location of occurrence
 4. Any witness information, if available

Personnel Complaints

- 5. Summary of arrest or indictment of involved officer
- f. A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
- g. Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

1010.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

- a. If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
 - 1. The Department shall provide the name of the body conducting the proceeding.
 - 2. The status of the proceeding, if known.
- b. If criminal charges are pending:
 - 1. The name of the court having jurisdiction over the criminal charges against the officer.
 - 2. The status of the criminal case, if known.

Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1011.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1011.3 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.4 POLICY

It is the policy of the Mill Valley Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.5 TRANSPORTING CHILDREN

Seat Belts

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1011.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1011.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1012.2 POLICY

It is the policy of the Mill Valley Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Mill Valley Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- a. Officers shall only wear agency-approved body armor.
- b. Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- c. Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- d. Body armor shall be worn when an officer is working in uniform.
- e. An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1012.3.2 INSPECTIONS OF BODY ARMOR

Body Armor

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature /humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1012.4 REFLECTORIZED VESTS

In order to reduce the danger to employees exposed to the hazards of approaching traffic, reflectORIZED vests are provided to increase the visibility of employees. Although intended primarily for traffic-related use, reflectORIZED vests should be worn at any time increased visibility would improve the safety and/or efficiency of the employee.

1012.4.1 CARE AND STORAGE OF REFLECTORIZED VESTS

One reflectORIZED vest shall be maintained in the trunk of each patrol and investigation unit and side box of each police motorcycle. Each vest should be stored inside a resealable plastic bag provided to protect the vest and to keep it in a serviceable condition.

A supply of reflectORIZED vests will be maintained in the Patrol Bureau equipment room for replacement of damaged or unserviceable vests in any police unit. When a need exists to replenish the equipment room supply, notification should be made to the Training Manager. Additional vests will then be obtained for this purpose.

1012.4.2 GUIDELINES FOR USE OF REFLECTORIZED VESTS

It is intended that reflectORIZED vests be worn at any time an officer anticipates prolonged exposure to the hazards of approaching traffic created by assignment to duties such as traffic control and accident

Body Armor

investigation. Officers may use their discretion regarding the wearing of vests during daylight hours. Use is strongly encouraged while directing traffic during hours of darkness, or when visibility is limited due to inclement weather conditions. Vests maintained in the investigation units may be used any time a plain-clothes officer might benefit from being easily identified as a police officer. Use of the vests shall also be mandatory when a supervising officer directs their use to be appropriate.

1012.5 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- a. Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- b. Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- c. Provide training that educates officers about the safety benefits of wearing body armor.

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

1. Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
2. Election of employee benefits.
3. Personnel action reports reflecting assignments, promotions, and other changes in employment /appointment status. These should be permanently retained.
4. Original performance evaluations. These should be permanently retained.
5. Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).
 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).
6. Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

Personnel Records

3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
7. Commendations and awards.
8. Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.4 BUREAU FILE

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- a. The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- b. The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or authorized designee.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- a. Not sustained
- b. Unfounded
- c. Exonerated

Personnel Records

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- a. Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- b. Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- c. Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- d. Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- e. Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Personnel Records

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1013.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (see also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former officer, as permitted by law (Penal Code § 832.7(b)(13)).

1013.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1013.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1013.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of

Personnel Records

command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- a. An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- b. Confidential portions of internal affairs files that have not been sustained against the member.
- c. Criminal investigations involving the member.
- d. Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.
- e. Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- f. Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.
- g. Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- h. Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- a. During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- b. If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- c. If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Personnel Records

1013.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or authorized designee in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- a. Records relating to the report, investigation, or findings of:
 1. The discharge of a firearm at another person by an officer.
 2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- b. Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:

Personnel Records

1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1013.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- a. Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers
- b. Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses
- c. Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force
- d. Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

Personnel Records

1013.11.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

a. Active criminal investigations

1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.

b. Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

c. Administrative investigations

1. Disclosure may be delayed until:
 - a. There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1013.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

- a. Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
- b. When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.
 1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:
 - a. When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

Mill Valley PD Policy Manual

Law Enforcement Policy

Personnel Records

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

Request for Change of Assignment

1014.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1014.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a Request for Change of Assignment memo. The memo should then be forwarded through the chain of command to their Division Commander.

1014.2.1 PURPOSE OF FORM

The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

All assignments an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect until the end of the calendar year in which it was submitted. Effective January 1st of each year, employees still interested in new positions will need to complete and submit a new Change of Assignment Request form.

1014.3 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Division Commander of the employee involved. In the case of patrol officers, the Watch Commander must comment on the request with his/her recommendation before forwarding the request to the Division Commander. If the Watch Commander does not receive the Change of Assignment Request Form, the Division Commander will initial the form and return it to the employee without consideration.

Fitness for Duty

1015.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1015.2 EMPLOYEE RESPONSIBILITIES

- a. It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- b. Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- c. During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- d. Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1015.3 SUPERVISOR RESPONSIBILITIES

- a. A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- b. Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
- c. In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- d. In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his /her duties.
- e. The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1015.4 NON-WORK RELATED CONDITIONS

Fitness for Duty

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1015.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- a. A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
- b. The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- a. Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Personnel Department to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- b. The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).
- c. In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- d. All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- e. Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

Fitness for Duty

- f. Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1015.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1015.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1016.1.1 MEAL PERIODS

Sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the Watch Commander prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1016.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the mid point, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last 90 minutes of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

Payroll Records

1017.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1017.2 POLICY

The Mill Valley Police Department maintains timely and accurate payroll records.

1017.3 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1017.4 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administrative Services as established by the City payroll procedures.

1017.5 RECORDS

The Administrative Services Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation Requests

1018.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1018.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 148 hours of compensatory time.

1018.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Bureau.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1018.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1018.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

Mill Valley PD Policy Manual

Law Enforcement Policy

Overtime Compensation Requests

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Division Commander for final approval.

1018.2.3 DIVISION COMMANDERS RESPONSIBILITY

Division Commanders, after approving payment, will then forward the form to the Chief of Police for review.

1018.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1018.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>	
1 to 15 minutes	.25	
16 to 30 minutes	.50	
31 to 45 minutes	.75	
46 to 60 minutes	1 hour	

1018.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

Outside Employment

1019.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1019.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1019.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

Outside Employment

Employees who engage in outside employment must recognize that their primary obligation is to the Mill Valley Police Department and the City of Mill Valley. Employees are subject to call at any time for emergencies, special assignments or overtime duty, secondary employment may not infringe on this obligation.

1019.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1019.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked, suspended or modified under the following circumstances:

- a. Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit
- b. Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- c. If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended, revoked or modified.
- d. When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1019.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- a. Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

Outside Employment

- b. Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department
- c. Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- d. Involves time demands that would render performance of the employee's duties for this department less efficient

1019.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

- a. The applicant will be required to enter into an indemnification agreement prior to approval.
- b. The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- c. Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:
 - 1. The officer(s) shall wear the departmental uniform/identification.
 - 2. The officer(s) shall be subject to the rules and regulations of this department.
 - 3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
 - 4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
 - 5. Outside security services shall not be subject to the collective bargaining process.
 - 6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

Outside Employment

1019.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1019.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

For outside employment of a permanent or indefinite duration, hours worked will not exceed four on any Police Department's workday, eight within a City five-day work week, or 16 within any seven day period, provided one full day of rest is set aside in said seven day week.

For temporary or seasonal outside employment extending over not more than 31 calendar days, hours not to exceed 20 per week without approval.

Employees may seek approval from Administration to work above the 16 hour cap during approved time off from the department on a case-by-case basis.

1019.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1019.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

Outside Employment

1019.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1019.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate administrator in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate administrator shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- a. The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- b. The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- c. The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Mill Valley Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1020.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1020.2 POLICY

The Mill Valley Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1020.3 RESPONSIBILITIES

1020.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1020.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1020.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administrative

Occupational Disease and Work-Related Injury Reporting

Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

1020.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1020.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he /she desired no medical attention at the time of the report. By signing, the member does not preclude his /her ability to later seek medical attention.

1020.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1020.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

Personal Appearance Standards

1021.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1021.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1021.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1021.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1021.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1021.2.4 FACIAL HAIR

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 quarter (1/4) 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. Goatees must be contiguous with the mustache. If only a mustache is worn, the requirements remain as defined in 1043.2.2.

The following styles of beards, goatees, mustaches and sideburns are prohibited: Chin Curtain, Chin Strap, Designer Stubble, Fu Manchu Mustache, Mutton Chops, Friendly Mutton Chops, Neck Beard, Soul Patch, Toothbrush Mustache, Van Dyke Beard.

Personal Appearance Standards

The wearing and appropriateness of facial hair as defined by this policy shall remain at the sole discretion of the Chief of Police or designee.

1021.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1021.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- a. Necklaces shall not be visible above the shirt collar.
- b. Earrings shall be small and worn only in or on the earlobe.
- c. One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- d. One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- e. Wristwatches shall be conservative and present a professional image.
- f. Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1021.3 TATTOOS

While on-duty or representing the Department in any official capacity, shall any tattoo or body art that is offensive, demeaning or prejudicial to good order be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material. Tattoos on any part of the hands, neck, face, head, eyelids, mouth and ears are prohibited with the following exceptions:

1. Tattoo of one wedding band on a ring finger.
2. Permanent facial make-up on the eyebrows, eyeliner, and lips of a conservative nature.

The appropriateness of tattoos as defined by this policy shall remain at the sole discretion of the Chief of Police or designee.

1021.3.1 PROHIBITED TATTOOS

A. The following tattoos, body art, and brands are prejudicial to good order and are prohibited for all employees, regardless of visibility: extremist, supremacist, sexist, racist, depictions of discrimination of any type, gang-related, drug use, nudity, sexually explicit acts, indecent or obscene language or material.

Personal Appearance Standards

B. Any tattoo, body art or brand that implies a negative bias toward any group will cause the employee to be subject to disciplinary action, up to and including termination.

1021.3.2 CONCEALED TATTOOS

The following tattoos, body art and brands must be concealed in accordance with this policy:

1. Symbols or markings likely to elicit a strong negative reaction in the workplace or public or that are inconsistent with the department's values or community relations objectives, including but not limited to symbols or markings that promote or are associated with violence or weaponry.
2. Anything contrary to the purpose of law enforcement, including, but not limited to: depictions symbolizing or indicative of alcohol or narcotics, illegal or gang related activity or symbols suggestive of activity that undermines the purpose of law enforcement.
3. Illustrations, references, symbols, acronyms or the like that denigrate the United States, State of California, or the Mill Valley Police Department.
4. Symbols or markings that represent political beliefs, political parties, political slogans, or that cast any political group in a negative light.

The department reserves the right to require employees to conceal their tattoos, body art or brands if deemed necessary to comport with evolving community standards, attitudes, or beliefs.

This policy and its exceptions do not grant permanent approval to display any tattoos, body art or brands subsequently deemed unacceptable for display and employees may be required to cover them at any time.

In order to conceal any tattoo, body art, or brands, employees shall wear long sleeve uniform shirts and pants. Employees will be allowed to wear short sleeve uniform shirts with compression sleeves underneath in the following colors white, black, or skin tone. No logos or labels should be visible.

1021.3.3 AUTHORIZATION FOR VISIBLE TATTOOS OR BODY ART

A. Current Employees

1. Prior to current employees being permitted to display visible tattoos:

(a). Employees interested in displaying visible tattoos must make a written request to the Chief of Police or designee for approval.

(b). Any potentially visible tattoos will be reviewed and approved for compliance with this policy. Documentation photographs will be taken and securely stored in the employee's Background File.

B. Prospective Employees

Personal Appearance Standards

1. Employment packages will include the information on all tattoos and body art of the applicant to ensure the applicant does not have any tattoos/body art that is prohibited by this policy.

C. Any future planned potentially visible tattoos or any tattoos that might be in violation of this policy should be reviewed prior to application and shall be approved as appropriate and photographed after application.

D. Any tattoo/body art that is believed to not conform to this policy should be brought to the attention of a supervisor. The supervisor will notify the Division Lieutenant.

1021.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- a. Tongue splitting or piercing.
- b. The complete or transdermal implantation of any material other than hair replacement.
- c. Abnormal shaping of the ears, eyes, nose or teeth
- d. Branding or scarification.

1021.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Uniforms and Civilian Attire

1022.1 PURPOSE AND SCOPE

This policy provides guidelines for Mill Valley Police Department-authorized uniforms and civilian attire regulations. It is established to ensure that uniformed members will be readily identifiable to the public through the proper use and wearing of department uniforms, and that the appearance of members who wear civilian attire reflects favorably on the Department.

This policy addresses the wearing and maintenance of department uniforms, accessories, insignia, patches and badge; the requirements for members who wear civilian attire; and the authorized use of optional equipment and accessories by members of the Department.

Other related topics are addressed in the Department-Owned and Personal Property, Personal Appearance Standards, Visible Display of Identification, and Facial Coverings policies.

The Uniform and Equipment Specifications Manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual should be consulted regarding authorized equipment and uniform specifications.

1022.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

- a. Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- b. All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- c. Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).
- d. The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
- e. All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- f. Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- g. Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
- h. If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty. This shall not apply to any personnel traveling in a marked police vehicle.

Uniforms and Civilian Attire

- i. Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
- j. All supervisors will perform periodic inspections of members under their commands to ensure conformance to this policy.

1022.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees should be in possession of their department issued identification card at all times while on duty. All employees shall be in possession of their department issued identification card at all times when carrying a concealed weapon.

- a. Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.
- b. Officers working specialized assignments may be excused from the possession and display requirements when directed by the Chief of Police or designee.

1022.2.2 ACCESSORIES

Members shall adhere to the following when wearing department uniforms:

- a. Mirrored sunglasses will not be worn.
- b. Jewelry shall be in accordance with the specifications in Personal Appearance Standards Policy.

1022.2.3 INSIGNIA, PATCHES, AND BADGE

Only the following elements may be affixed to department uniforms unless an exception is authorized by the Chief of Police:

- a. Shoulder patch - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.
- b. Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.
- c. Nameplate - The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform (Penal Code § 830.10).
 - 1. When a jacket is worn, the nameplate, or an authorized sewn-on cloth nameplate, shall be affixed to the jacket in the same manner as the uniform.
- d. Rank insignia - The designated insignia indicating the member's rank must be worn at all times while in uniform.
- e. Service insignia - The designated insignia indicating the member's length of service may be worn on long-sleeve shirts and jackets. The insignia shall be machine stitched to the left sleeve of the uniform.
- f. Assignment insignias - Assignment insignias (e.g., Special Response Team (SRT), Field Training Officer (FTO)) may be worn as designated by the Chief of Police.
- g. American flag pin - An American flag pin may be worn, centered above the nameplate.

Uniforms and Civilian Attire

- h. Award/commendation insignia - Insignia representing an award or commendation received under the Commendations and Awards Policy, or other recognition authorized by the Chief of Police, may be worn, centered above the nameplate. If more than one award is worn, or an American flag pin is worn, the insignia shall be equally spaced in one or two horizontal rows centered above the nameplate in a manner that provides a balanced appearance.

1022.2.4 MOURNING BAND

Uniformed members shall wear a black mourning band across the department badge whenever a law enforcement officer is killed in the line of duty or as directed by the Chief of Police. The following mourning periods will be observed:

- a. Mill Valley Police Department officer - From the time of death until midnight on the 14th day after the death.
- b. An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- c. Funeral attendee - While attending the funeral of an out-of-region fallen officer.
- d. National Peace Officers' Memorial Day (May 15) - From 0001 hours until 2359 hours.
- e. As directed by the Chief of Police.

1022.3 UNIFORM SPECIFICATIONS

All Mill Valley Police employees will refer to the following uniform specifications for attire to be worn while on-duty or at a special event. Any additions or alterations to this policy shall remain at the sole discretion of the Chief of Police or designee.

1022.3.1 SWORN OFFICER UNIFORM

SWORN - CLASS A UNIFORM

Hat: 8-Point, military style, wool or wool blend, dark blue. The visor shall be black patent leather. The hat shall have a rigid insert positioned inside the top circumference to ensure that the top outline of the hat is round and flat. A Department issued hat badge/pin shall be worn on the front of the hat.

A decorative strap shall be worn around the front of the headband and above the visor secured by one military "P" button on each side.

- Line officers shall wear silver colored metal.
- Command officers shall wear gold colored metal.

Uniforms and Civilian Attire

Dress Jacket: Wool or wool blend, dark blue. Department issued patches shall be stitched onto each sleeve, one-half inch beneath the shoulder seam and centered between the creases. All Department dress jackets shall bear military "P" buttons on each pocket, on the top of each shoulder epaulette and on both waistline adjustment straps located at the rear of the dress jacket.

- Line officers shall wear silver colored metal.
- Command officers shall wear gold colored metal.

Sleeve Braids:

- Patrol Officer, Corporal and Sergeant: One-half inch wide silver braid, the bottom of which shall be three inches above the cuff.
- Lieutenant: One-half inch wide gold braid, the bottom of which shall be three inches above the cuff.
- Captain: Two one-half inch wide gold braids spaced one quarter inch apart. The lower portion of the bottom braid shall be three inches above the cuff.
- Chief: Four one-half inch wide gold braids spaced one quarter inch apart. The lower portion of the bottom braid shall be three inches above the cuff.

Rank Emblems:

- Corporal: Two bar, blue and silver cloth chevrons on each sleeve, with the topmost portion of the chevron meeting the lowermost point of the Department patch.
- Sergeant: Three bar, blue and silver cloth chevrons on each sleeve with the topmost portion of the chevron meeting the lowermost point of the Department patch.
- Lieutenant: One plain, flat, metal bar, 3/8" wide and one inch long, worn on the center of the cross stitching on each shoulder strap, and perpendicular to the shoulder strap.
- Captain: Two parallel plain, flat, metal bars, 3/8" wide and one inch long, worn on the center of the cross stitching on each shoulder strap, and perpendicular to the shoulder strap.
- Chief: Four five-point metal stars worn in the same position as the emblems for Captain.

Service Stars:

- Each star shall represent five years of service as a sworn police officer with a P.O.S.T. certified California law enforcement agency.
- Command officers: Gold stars, which shall be stitched onto the left sleeve 3/4" above the sleeve braid and shall be centered between the sleeve creases.

Mill Valley PD Policy Manual

Law Enforcement Policy

Uniforms and Civilian Attire

- Line officers: Silver stars which shall be stitched onto the left sleeve $\frac{3}{4}$ " above the sleeve braid and shall be centered between the sleeve creases.
- Non-sworn service and reserve officer status do not apply toward peace officer service.

Uniform Shirts: Command and Line Officer: S.F.P.D. "Flying Cross," navy blue colored wool or wool blend, long-sleeve, epaulets on each shoulder, with badge holder eyelets above left breast pocket, shoulder straps, pockets, and creases shall conform to military standards. Buttons shall be black or navy blue. Department issued patches and rank emblems shall be stitched onto the sleeves in the manner specified for the dress jacket.

Rank Emblems for Uniform Shirt Collar:

- Corporal: Metal clutch two bar chevron, $\frac{3}{4} \times \frac{3}{4}$ " silver in color (no blue painted or enamel), worn on each collar point so that the bottom points of the chevron meet the inside seam stitching of the collar.
- Sergeant: Metal clutch three bar chevrons, $\frac{3}{4} \times \frac{3}{4}$ " silver in color (no blue painted or enamel), worn on each collar point so that the bottom points of the chevron meet the inside seam stitching of the collar.
- Lieutenant: One gold bar worn on each collar point with the front edge of the bar $\frac{3}{4}$ " from, and parallel with, the front edge of the collar. The bar shall be centered between the top and the bottom edge of the collar.
- Captain: Two parallel gold bars worn on each collar point. The front edge of the front bar shall be $\frac{3}{4}$ " from, and parallel with, the front edge of the collar. The bars shall be centered between the top and the bottom edge of the collar.
- Chief: Four gold five-point stars worn on each collar point, side-by-side in the same position as described for Captain.

Service Stripes:

The stripes shall measure $1 \frac{3}{4}$ " x $\frac{1}{4}$ ". The stripe shall be stitched onto the left sleeve $\frac{3}{4}$ " above the sleeve cuff with the left border of the stripe even with the center crease of the sleeve. Additional stripes shall be touching, parallel with, and above the first or lowest stripe. Each stripe shall represent five years of service as specified for the dress jacket. Service stripes shall only be allowed on long sleeve shirts.

- Line officers shall wear blue stripes, with silver borders
- Command officers shall wear blue stripes with gold borders

Undershirt: Black T-shirt.

Badge: The Department issued star shall be worn on the outermost garment.

Uniforms and Civilian Attire

Name Plates: "Standard Nameplate," polished metal name plate, 3/8" wide and 2-1/2" long, with blue lettering, clutch back, worn centered above the right outermost garment pocket with the bottom edge touching the top pocket seam. Only the Officer's first initial and last name should be listed on each name plate, in block lettering. "Serving Since Attachment", metal "Serving Since" base shall be attached to the nameplate with the employee's corresponding service start year in blue numbers.

- Line officer's name plates will be silver colored
- Command officer's name plates will be gold colored

Awards: All award ribbons shall be displayed when wearing a Class A uniform. The award ribbons shall be worn centered over the left shirt or jacket pocket and below the star. The award ribbons shall be worn so that they are displayed in descending order, from chest to shoulder, top to bottom. Each lateral row shall display no more than three (3) ribbons. Descending order shall be in the following order:

1. Medal of Valor
2. Medal of Merit
3. Blue Star Citation
4. Life Saving Citation
5. Exceptional Conduct Citation

US flag ribbons: US flag ribbons or US flag pins may be worn year-round. If worn, they are to be centered ¼ inch above the name plate. US flag ribbons should measure ¼" wide and 1 ¾" long.

Specialty Pin: Department issued specialty pins such as SRT, HNT, FTO, DRE, CSI, CIT, 10851, 23152 or Motor wings, may be worn by current members of the particular specialty. If worn, they are to be centered ¼ inch above name plate or US flag ribbon if worn.

Tie: Black clip-on tie with Windsor knot not to hang below the top of the service belt.

Tie Bar: Flat, plain metal worn so that the top edge of the bar is even with the bottom edge of the shirt pocket flap. A Mill Valley Police mini-badge tie tack is also authorized.

- Line officers will wear a silver colored
- Command officers will wear a gold colored

Uniform Trousers: Command and Line Officer: S.F.P.D. "Flying Cross," Wool or wool blend, dark blue, standard police uniform style with back pockets and flashlight pockets. ¼ inch black piping down outer leg seam.

Belt: 2-1/2" leather or synthetic black leather gun belt with basket weave pattern.

- Line officers shall wear silver colored metal or black plastic buckle

Uniforms and Civilian Attire

- Command officers shall wear gold colored metal or black plastic buckle

A handgun holster with on-duty handgun shall be worn directly under the weapon hand. Two keeper straps in basket weave pattern shall hold the gun belt in place.

Footwear: Patrol staff shall wear either "Parade Dress" formal shoes in black high gloss, or black duty boots, plain and smooth leather, or synthetic material that closely simulates leather. Shoes or boots shall be secured with a lacing system. The laces shall be black. The shoes or boots shall be highly polished. The boots may be maximum 10" or ankle boots.

Socks: Black or Navy Blue. White socks may be worn when approved by a physician and/or covered by high boots or dark socks.

SWORN - CLASS B UNIFORM:

As specified in the Sworn Class A uniform with the following exceptions:

Hat: Black Mill Valley Police Department baseball cap (optional for daily use). The front of all baseball caps shall have the Mill Valley Police badge embroidered on the front. The Mill Valley Police Department embroidered badge shall be ½" high and centered on the hat. The embroidered badge shall be 2 ½" wide and 2 ½" tall. The baseball hat may have the employees badge number embroidered on the back of the hat. If a badge number is embroidered on the back of the baseball hat, it shall be in ½" block numbers in a color that matches the Mill Valley Police badge and shall be placed on the rear center line at the bottom edge of the hat. The baseball hat must be professional looking, not faded, discolored or stained.

- Line officer's embroidered badge shall be in silver
- Command officer's embroidered badge shall be in gold

A black Watch Cap "Beanie Cap" is authorized for use during inclement weather per Mill Valley Police Department Policy 1045. The watch cap shall have no logos, symbols or poms affixed to the cap.

Utility Jacket: Black Elbeco "Shield Duty Jacket" and "Shield Performance Soft Shell" liner. Department patches and sleeve rank emblems worn as specified for the dress jacket. The name plate shall be a one-inch black cloth nametag with the officer's first initial and last name in block lettering positioned one inch above the right breast pocket. Department patches, sleeve rank emblems and name plates shall be affixed to both the outer and inner jackets.

- Line officers shall have silver colored stitching
- Command officers shall have gold colored stitching

A department approved embroidered star of the appropriate rank color shall be sewn onto both the outer and inner jackets in place of a metal badge. The embroidered star shall cover the badge eyelets.

Mill Valley PD Policy Manual

Law Enforcement Policy

Uniforms and Civilian Attire

- Line officer shall have silver colored embroidered badge
- Command staff shall have gold colored embroidered badge

Uniform Shirt: Dark blue "Flying Cross" wool or wool blend shirt as specified in the Class A uniform for all ranks. Sleeve length is optional. Department patches, service stripes, and rank emblems shall be worn as specified in the Class A uniform. Any visible repair such as patching of holes or stitching where a uniform has been torn is not allowed.

Rank Emblems for Uniform Shirt Collar:

As listed in the Class A uniform specs.

Undershirt: Black T-shirt for all shifts or a Department approved black mock turtleneck.

Duty belt: The use of Bianchi Accumold in black basket weave pattern equipment is authorized for all Department personnel. Employees must reference the Mill Valley Police policy manual to ensure they are carrying all the required tools and gear. All Accumold duty equipment must be Department approved. The approved Bianchi Accumold equipment shall be made by a Law Enforcement product line. Any deviation of this product line must be submitted in writing and pre-approved by the Chief. If the deviation involves a holster, the holster must also be pre-approved by the department range instructor.

A 2-1/2" gun belt, in black, with metal buckle or black plastic buckle centered on the trouser zipper; holster; duty handgun; reloading devices and extra ammunition; handcuffs (two allowed) carried in a double or two single handcuff cases; belt keepers; portable radio carrier; OC spray canister with holder, collapsible baton with holder, and Axon Taser with holster as specified in MVPD Policy 308 and 309.

Optional Gear: Hobble device and holder (or must be readily accessible); flashlight holder; knife and holder. Velcro or hidden fasteners may be used on carry cases and pouches.

Boots: Staff shall wear black duty boots, plain and smooth leather, or synthetic material that closely simulates leather. Boots shall be secured with a lacing system. The laces shall be black. The shoes or boots should be highly polished. The boots may be maximum 10" or ankle boots.

Inclement Weather Gear: Black rain jackets and black pants shall be issued by the Department. Officer first initial and last name shall be affixed and clearly visible on the exposed side of the jacket along with silver embroidered Mill Valley Police badge. Black rubber boots can be worn in place of uniform boots.

SWORN - CLASS B UNIFORM (OPTIONAL):

As specified in the Sworn Class B uniform with the following exceptions:

Uniform Shirt: Uniform shirts are to be 5.11 Stryke Patrol Duty Uniform (PDU), in midnight blue color, epaulets on each shoulder, front breast pockets with badge holder eyelets above left breast pocket. Sleeve length is optional. Buttons shall be black or navy blue. Uniform shirt shall be in good condition, not

Uniforms and Civilian Attire

faded, discolored or heavily stitched or repaired. Department patches, service stripes, and rank emblems shall be worn as specified in the Class A uniform. Any visible repair such as patching of holes or stitching where a uniform has been torn is not allowed.

Uniform Pants: Uniform pants are to be 5.11 Stryke PDU Cargo Pant only, in midnight navy blue color.

Tactical Patrol Vest (LBV): Point Blank Endeavor LBV in the color 'midnight navy' blue. The LBV shall be configured to allow for the use of the officer's department issued metal badge over the left breast pocket. The LBV shall have the midnight navy blue "NAME" (NAME in silver) patch worn centered above the right outermost garment pocket and "POLICE" (POLICE in silver) patch affixed to the back of the carrier. Pouches may be affixed to the LBV using the vest's MOLLE system as authorized by the Patrol Lieutenant.

1022.3.2 SWORN MOTORCYCLE OFFICER UNIFORM

MOTORCYCLE - CLASS A UNIFORM:

As specified in the Sworn Class A uniform with the following exceptions:

Helmet: A Motorcycle safety helmet as approved and issued by the department shall be worn in place of a hat. White enamel color with high crown Black enamel trim. Decorative chin straps. Metal cap piece as issued by the department.

Jacket: Tour Master Flex Law Enforcement Jacket in black jacket as issued by the department.

Pants: Dark blue "Flying Cross" motorcycle officer riding breeches with black 1/4 inch wide piping stitched along the outer seams of the legs extending from the pocket bottom to the hem.

Belt: As specified in the Sworn Class A uniform.

Boots: Plain black riding boots with black laces, neatly polished, as issued by the department.

Gloves: Black leather safety gloves as approved by the department.

Eyeglasses: Safety eyeglasses as approved by the department.

MOTORCYCLE - CLASS B UNIFORM:

As specified in the Motorcycle Class A uniform with the following exceptions:

Uniform Shirt: Dark blue "Flying Cross" wool or wool blend shirt as specified in the Class A uniform for all ranks. Sleeve length is optional. Department patches, service stripes, and rank emblems shall be worn as specified in the Class A uniform. Any visible repair such as patching of holes or stitching where a uniform has been torn is not allowed.

Uniforms and Civilian Attire

Undershirt: Black T-shirt.

Tie: Not required.

1022.3.3 SWORN BICYCLE OFFICER UNIFORM

BICYCLE - CLASS A UNIFORM:

As specified in the Sworn Class A uniform.

BICYCLE - CLASS B UNIFORM:

As specified in the Sworn Class B uniform.

BICYCLE - CLASS B UNIFORM (OPTIONAL):

As specified in the Sworn Class B uniform with the following exceptions:

Helmet: A bicycle safety helmet as approved and issued by the department shall be worn while riding a bicycle.

Utility Jacket: All season yellow and black jacket/vest, as issued by the department. "POLICE" shall be printed in black block letters on the upper rear shoulder area of garment. A department approved cloth star will be sewn onto the utility jacket or uniform shirt in place of the badge. The cloth star shall cover the badge eyelets. A one-inch black cloth nametag with block lettering in the appropriate rank color.

Shirts: Black 5.11 "Performance" or similar polo. Sleeve length is optional. Department patches and rank emblems shall be worn, on both sleeves. MVPD Badge shall be embroidered, in silver, onto shirt over left breast. Officer's first initial and last name shall be stitched over officer's right breast, with silver thread. "POLICE," shall be silk screened in silver 4" block lettering on the back of the shirt.

Undershirt: Black T-Shirt

Pants: Uniform pants are to be the 5.11 Bike Patrol Pant, in dark navy blue, that are convertible to shorts.

Shoes: All black athletic shoes.

Gloves: Black leather or nylon safety gloves as issued by the department may be worn.

Eyeglasses: Safety eyeglasses in clear or black color as approved by the department.

1022.3.4 SWORN INVESTIGATIONS UNIFORM

INVESTIGATIONS - CLASS A UNIFORM

Uniforms and Civilian Attire

As specified in the Sworn Class A uniform.

INVESTIGATIONS - CLASS B UNIFORM

As specified in the Sworn Class B uniform.

INVESTIGATIONS - CLASS B UNIFORM (OPTIONAL)

As specified in the Sworn Class B uniform with the following exceptions:

Jacket: Black 5.11 Chameleon Softshell Jacket with double breast pockets. MVPD embroidered gold badge on left internal flip out pocket. The word POLICE shall be embroidered onto the back internal flip out pocket.

Shirts: Black 5.11 "Performance" polo, in short or long sleeve, with department embroidered gold colored badge sewn over left breast. "INVESTIGATIONS" shall be embroidered in block letters, in gold thread, underneath the department badge. Officer's first initial and last name in block letters shall be embroidered in gold thread over right breast.

Undershirt: Black T-Shirt

Pants: 5.11 brand or similar cargo pants in gray, navy blue or tan.

Belt: Black or Brown leather or synthetic leather belt.

Optional Dress/Court Attire: Suit jacket, button-up collared shirt, tie, suit pants, with dress shoes or loafers.

1022.3.5 NON-SWORN PARKING ENFORCEMENT OFFICER UNIFORM

PARKING ENFORCEMENT OFFICER - CLASS A UNIFORM:

Shirt: Medium Blue "Flying Cross" poly-wool blend, long sleeve, with badge holder eyelets above left breast pocket, shoulder straps, pockets, and creases shall conform to military standards, department patches shall be stitched onto the sleeves one-half inch beneath the shoulder seam and centered between the creases.

Undershirt: White T-Shirt

Badge: Department issued silver, flat metal

Name Plates: Galls "Standard Nameplate," brushed metal name plate, 3/8" wide and 2-1/2" long, with blue lettering, clutch back, worn centered above the right outermost garment pocket with the bottom edge

Uniforms and Civilian Attire

touching the top pocket seam. Only the Officer's first initial and last name should be listed on each name plate, in block lettering. Galls "Serving Since Attachment", metal "Serving Since" base shall be attached to the nameplate with the employee's corresponding service start year in black numbers.

PEOs will be in silver

US flag ribbons: US flag ribbons or US flag pins may be worn year-round. If worn, they are to be centered ¼ inch above the name plate. US flag ribbons should measure ¼" wide and 2 ¼ long.

Tie: Navy clip on type with Windsor knot.

Tie Bar: Silver bar or MVPD mini-badge tie tack shall be worn.

Pants: Wool, wool blend, or polyester, dark blue, standard police uniform style with flashlight pockets.

Uniform Belt: 2-1/2" leather or synthetic leather belt with basket weave pattern with silver or black plastic buckle.

Shoes/Boots: All black leather or leather type uniform shoe, ankle boots, or oxfords. The laces must be black, and shoes must be highly polished.

Socks: Dark blue or black.

PARKING ENFORCEMENT OFFICER - CLASS B UNIFORM:

As specified in the PEO Class A uniform with the following exceptions:

Hat: As specified in the Sworn Officer Class B uniform description.

Utility Jacket: As specified in the Sworn Officer Class B uniform description. Jacket shall have "PARKING ENFORCEMENT," embroidered onto the back of the jacket in 2 ½" white block lettering. "P.E.O." shall be embroidered under the Mill Valley embroidered badge, above the left breast in ½" white block lettering.

Shirt: As specified in Parking Enforcement Officer Class A uniform, sleeve length optional.

Duty Equipment: 2 ½ inch belt Bianchi Accumold in basket weave pattern with radio holder and OC spray and holder. Key keeper optional. Any additional gear must be approved by Administrative Lieutenant.

Boots: Plain black leather or nylon with black laces. The shoes may be boots (maximum 10"), ankle boots, oxfords. All shoes or boots must be neatly polished.

Inclement Weather Clothing: Black rain jackets and black pants shall be issued by the Department. Black rubber rain boots can be worn in place of shoes/duty boots.

1022.3.6 COMMUNITY SERVICES OFFICER UNIFORM

Uniforms and Civilian Attire

COMMUNITY SERVICES OFFICER - CLASS A UNIFORM:

Shirt: White "Flying Cross" poly-cotton blend, long sleeve, with badge holder eyelets above left breast pocket, shoulder straps, pockets, and creases shall conform to military standards, department patches shall be stitched onto the sleeves one-half inch beneath the shoulder seam and centered between the creases.

Undershirt: White T-Shirt.

Badge: Department issued silver, flat metal

Name Plates: "Standard Nameplate," polished metal name plate, 3/8" wide and 2-1/2" long, with blue lettering, clutch back, worn centered above the right outermost garment pocket with the bottom edge touching the top pocket seam. Only the Officer's first initial and last name should be listed on each name plate, in block lettering. "Serving Since Attachment", metal "Serving Since" base shall be attached to the nameplate with the employee's corresponding service start year in blue numbers.

- CSOs will be in silver

Awards: As specified in the sworn Class A uniform.

US flag ribbons: US flag ribbons or US flag pins may be worn year-round. If worn, they are to be centered 1/4 inch above the name plate. US flag ribbons should measure 1/4" wide and 1 3/4" long.

Tie: Black clip-on tie with Windsor knot not to hang below the top of the service belt.

Tie Bar: Silver bar or MVPD mini-badge tie tack shall be worn.

Pants: Wool, wool blend, or polyester, dark blue, standard police uniform style.

Belt: 2-1/2" leather or synthetic leather belt with basket weave pattern with silver or black plastic buckle.

Shoes/Boots: All black leather or leather type uniform shoe, ankle boots, or oxfords. The laces must be black, and shoes must be highly polished.

Socks: Dark blue or black.

COMMUNITY SERVICES OFFICER - CLASS B UNIFORM:

As specified in the CSO Class A uniform with the following exceptions:

Hat: As specified in the Sworn Class B uniform description.

Utility Jacket: As specified in the Sworn Class B uniform description. Jacket shall have "C.S.O." embroidered under the Mill Valley embroidered badge, above the left breast in 1/2" white block lettering.

Uniforms and Civilian Attire

Duty Equipment: 2 ½ inch belt Bianchi Accumold in basket weave pattern with radio holder and OC spray and holder. Key keeper optional. Any additional gear must be approved by Administrative Lieutenant.

Inclement Weather Gear: Black rain jackets and black pants shall be issued by the Department. Black rubber boots can be worn in place of shoes/boots.

COMMUNITY SERVICES - CLASS B UNIFORM (OPTIONAL):

As specified in the CSO Class B uniform with the following exceptions:

Shirt: Dark gray 5.11 "Performance" or similar polo. Sleeve length is optional. MVPD badge shall be embroidered, in silver, onto shirt over left breast. Underneath the badge the letters, "C.S.O" shall be stitched in silver thread. Officer's first initial and last name shall be stitched over officer's right breast, with silver thread.

Undershirt: Black or Navy Blue T-Shirt.

Pants: Optional uniform pants are to be '5.11' or similar brand, standard police dark blue or black in color. Pants may have cargo pockets or sap pockets

1022.3.7 PROFESSIONAL STAFF UNIFORM

PROFESSIONAL STAFF - CLASS A UNIFORM:

Shirt: White "Flying Cross" poly-cotton blend, long sleeve, with badge holder eyelets above left breast pocket, shoulder straps, pockets, and creases shall conform to military standards, department patches shall be stitched onto the sleeves one-half inch beneath the shoulder seam and centered between the creases.

Undershirts: White T-Shirt.

Badge: Department issued silver, flat metal

Name Plates: "Standard Nameplate," polished metal name plate, 3/8" wide and 2-1/2" long, with blue lettering, clutch back, worn centered above the right outermost garment pocket with the bottom edge touching the top pocket seam. Only the Officer's first initial and last name should be listed on each name plate, in block lettering. "Serving Since Attachment", metal "Serving Since" base shall be attached to the nameplate with the employee's corresponding service start year in blue numbers.

- Professional Staff will be in silver

Uniforms and Civilian Attire

US flag ribbons: US flag ribbons or US flag pins may be worn year-round. If worn, they are to be centered ¼ inch above the name plate. US flag ribbons should measure ¼" wide and 1 ¾" long.

Tie: Black clip-on tie with Windsor knot not to hang below the top of the belt.

Tie Bar: Silver bar or MVPD mini-badge tie tack shall be worn.

Pants: Wool, wool blend, or polyester, dark blue, standard police uniform style.

Uniform Belt: 2-1/2" leather or synthetic leather belt with basket weave pattern with silver or black plastic buckle.

Shoes/Boots: All black leather or leather type uniform shoe, ankle boots, or oxfords. The laces must be black, and shoes shall be highly polished.

Socks: Dark blue or black.

PROFESSIONAL STAFF - CLASS B UNIFORM:

As specified in the CSO Class A uniform.

PROFESSIONAL STAFF - CLASS B UNIFORM (OPTIONAL):

As specified in the Professional Staff Class B uniform with the following exceptions:

Hats: As specified in the Sworn Officer Class B uniform description.

Jacket: Black or blue department issued, full zip or 3/4 zip jacket with embroidered badge over left breast pocket.

Shirts: Navy Blue 5.11 "Performance" or Elbeco polo. Sleeve length is optional. MVPD badge shall be embroidered, in silver, onto shirt over left breast. Underneath the badge the employee's title shall be stitched in silver thread. Employee's first initial and last name shall be stitched over their right breast, with silver thread.

Undershirt: Black or Navy Blue T-Shirt.

Pants: Navy blue or black trousers, or dress pants. Pants shall be full length trousers.

Shoes: Closed toe shoes, boots, ballet flats, or loafers.

EXCEPTIONS: Exceptions to uniform may be permitted with the permission of the Administrative Lieutenant based on necessity.

1022.3.8 CIVILIAN ATTIRE

Uniforms and Civilian Attire

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style. A necktie is required for investigative personnel. Waiver of the necktie is permitted with permission of the Chief.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:

1. T-shirt alone
2. Open toed sandals or flip flops
3. Swimsuit, tube tops, or halter-tops
4. Spandex type pants or see-through clothing
5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Mill Valley Police Department or the morale of the employees.

1022.3.9 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as SRT.

1022.4 BADGE - LINE OF DUTY DEATH

Uniformed employees should wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. When wearing a mourning band, the band shall be ½ inch black elastic band material. As you face the badge, the black band goes from the top right to bottom left of the badge. The following mourning periods will be observed:

- a. An officer of this department - From the time of death until midnight on the 14th day after the death.

Uniforms and Civilian Attire

- b. An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.
- c. Funeral attendee - While attending the funeral of an out of region fallen officer.
- d. National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.
- e. As directed by the Chief of Police

1022.5 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Department members may not wear any uniform item, accessory, or attachment unless specifically authorized in the Uniform and Equipment Specifications Manual, by the Chief of Police, or the authorized designee.

Department members may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications Manual, by the Chief of Police, or the authorized designee.

1022.6 TRAINING AND SPECIAL EVENTS ATTIRE

Mill Valley Police Department employees shall dress in business casual clothing for assigned training and special events when not in uniform, unless specified otherwise by the training host or agency. Business casual attire will be as follows:

Shirt: Button up collared shirt or MVPD polo shirt.

Undershirt: Black T-Shirt for Sworn Staff; Black or Navy Blue T-Shirt for Non-Sworn Staff

Pants: Dockers, 5.11's, Chino/Khaki, or dress jeans (dark wash, no holes/rips)

Shoes: Closed toe shoe or boots.

1022.7 POLICY

The Mill Valley Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's memorandum of understanding. The Department may provide other department members with uniforms at the direction of the Chief of Police.

All uniforms and equipment issued to department members shall be returned to the Department upon termination or resignation.

Nepotism and Conflicting Relationships

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1023.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1023.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

Nepotism and Conflicting Relationships

- a. Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- b. Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- c. Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- d. To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.
- e. Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1023.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

Nepotism and Conflicting Relationships

1023.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

Department Badges

1024.1 PURPOSE AND SCOPE

The Mill Valley Police Department badge and uniform patch as well as the likeness of these items and the name of the Mill Valley Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1024.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1024.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- a. An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Mill Valley Police Department with the written approval of the Chief of Police.
- b. Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he /she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.
- c. An honorably retired officer may keep his/her flat badge upon retirement.
- d. The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1024.2.2 NON-SWORN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- a. Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
- b. Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1024.2.3 RETIREE UNIFORM BADGE

Department Badges

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1024.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1024.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- a. The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Mill Valley Police Department. The following modifications shall be included:
 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 2. The badge number portion displays the acronym of the employee association.
- b. The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

Temporary Modified-Duty Assignments

1025.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding, or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

1025.2 POLICY

Subject to operational considerations, the Mill Valley Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1025.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Mill Valley Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1025.4 PROCEDURE

Temporary Modified-Duty Assignments

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- a. An assessment of the nature and probable duration of the illness or injury.
- b. The prognosis for recovery.
- c. The nature and scope of limitations and/or work restrictions.
- d. A statement regarding any required workplace accommodations, mobility aids or medical devices.
- e. A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Personnel Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Division Commander, with notice to the Chief of Police.

1025.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1025.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

- a. Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
- b. Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as

Temporary Modified-Duty Assignments

determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

- c. Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.
- d. When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1025.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1025.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1025.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- a. Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- b. Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- c. Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

Temporary Modified-Duty Assignments

- d. Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1025.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- a. Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- b. Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- c. Ensuring that employees returning to full duty have completed any required training and certification.

1025.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1025.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

1025.7.1 NOTIFICATION

Temporary Modified-Duty Assignments

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1025.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

1025.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Speech, Expression, and Social Networking

1026.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Mill Valley Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

1026.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Mill Valley Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

1026.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Mill Valley Police Department members, such as posting personal information in a public forum or posting a photograph taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

Speech, Expression, and Social Networking

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow department member.
- Otherwise disclosing where another officer can be located off-duty.

1026.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Mill Valley Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

- a. Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.
- b. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
 2. Expression that demonstrates support for criminal activity.
 3. Participation in sexually explicit photographs or videos for compensation or distribution.
- c. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- d. Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).
- e. Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
- f. Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- g. Posting, transmitting, or disseminating any photographs, digital media, or audio recordings, likenesses, or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Mill Valley Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

Speech, Expression, and Social Networking

1026.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Mill Valley Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

- a. Endorse, support, oppose, or contradict any political campaign or initiative.
- b. Endorse, support, oppose, or contradict any social issue, cause, or religion.
- c. Endorse, support, or oppose any product, service, company, or other commercial entity.
- d. Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Mill Valley Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

1026.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department should not require a member to disclose a personal user name or password for accessing personal social media or to open a personal social website.

1026.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

- a. Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- b. Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

Speech, Expression, and Social Networking

- c. Whether the speech or conduct would reflect unfavorably upon the Department.
- d. Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.
- e. Whether similar speech or conduct has been previously authorized.
- f. Whether the speech or conduct may be protected and outweighs any interest of the Department.

1026.7 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

Performance History Audits

1027.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits. Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues (e.g., problematic conduct). This policy addresses the responsibilities, performance indicators, and components of the audit; handling of collected data; and conducting appropriate interventions, when necessary.

1027.2 POLICY

The Mill Valley Police Department collects data to assist supervisors with evaluating the performance of their employees, including identifying problematic conduct and providing for appropriate interventions. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with, the many variables in law enforcement, such as:

- Ability to detect crime.
- Work ethic.
- Assignment and shift.
- Physical abilities (ability to perform the job-related physical tasks).
- Randomness of events.

1027.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1027.3.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include, but are not limited to, the frequency and/or number of:

- a. Use of force incidents.
- b. Involvement and conduct during vehicle pursuits.
- c. Personnel complaints, including the findings.

Performance History Audits

- d. Commendations, compliments, and awards from the Department and the public.
- e. Claims and civil suits related to the employee's actions or alleged actions.
- f. Canine bite incidents.
- g. Personnel investigations.
- h. District Attorney case rejections and the reasons.
- i. Intentional or unintentional firearm discharges (regardless of injury).
- j. Vehicle collisions.
- k. Missed court appearances.
- l. Documented counseling.

1027.3.2 DATA ANALYSIS

The Administrative Services Division Commander will review each performance history audit report and determine whether it should be provided to the officer's immediate supervisor for further consideration.

1027.3.3 EMPLOYEE REVIEW

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant intervention to improve officer performance and avoid unnecessary uses of force. These interventions could include informal counseling, additional training, or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Division Commander of such recommendation. If the Division Commander concurs with the recommendation of the supervisor, the supervisor shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

1027.3.4 FOLLOW-UP MONITORING

Depending upon the results of each performance history audit, a determination should be made by the Administrative Services Division Commander, after discussion with the officer's immediate supervisor, about the need, type, and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

1027.4 CONFIDENTIALITY OF DATA

Information, data, and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy.

Performance History Audits

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

1027.5 RETENTION

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

Illness and Injury Prevention

1028.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Mill Valley Police Department, in accordance with the requirements of 8 CCR 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1028.2 POLICY

The Mill Valley Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1028.3 ILLNESS AND INJURY PREVENTION PLAN

The Administrative Services Division Commander is responsible for developing an illness and injury prevention plan that shall include:

1. Workplace safety and health training programs.
2. Regularly scheduled safety meetings.
3. Posted or distributed safety information.
4. A system for members to anonymously inform management about workplace hazards.
5. Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Prepare a written record of safety and health committee meetings.
 3. Review the results of periodic scheduled inspections.
 4. Review investigations of accidents and exposures.
 5. Make suggestions to command staff for the prevention of future incidents.
 6. Review investigations of alleged hazardous conditions.
 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.
6. Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR 342).

Illness and Injury Prevention

1028.4 ADMINISTRATIVE SERVICES DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administrative Services Division Commander include but are not limited to:

1. Managing and implementing a plan to reduce the incidence of member illness and injury.
2. Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 1. New member orientation that includes a discussion of safety and health policies and procedures.
 2. Regular member review of the illness and injury prevention plan.
 3. Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
3. Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
4. Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 1. Informing members of the illness and injury prevention guidelines.
 2. Recognizing members who perform safe work practices.
 3. Ensuring that the member evaluation process includes member safety performance.
 4. Ensuring department compliance to meet standards regarding the following:
 - a. Respiratory protection (8 CCR 5144)
 - b. Bloodborne pathogens (8 CCR 5193)
 - c. Aerosol transmissible diseases (8 CCR 5199)
 - d. Heat illness (8 CCR 3395; 8 CCR 3396)
 - e. Emergency Action Plan (8 CCR 3220)
 - f. Fire Prevention Plan (8 CCR 3221)
 - g. Hazards associated with wildfire smoke (8 CCR 5141.1)
5. Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
6. Making available the Investigation/Corrective Action Report to document individual incidents or accidents.
7. Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
8. Conducting and documenting a regular review of the illness and injury prevention plan.

1028.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

1. Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

Illness and Injury Prevention

2. Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
3. Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
4. Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Division Commander.
5. Notifying the Administrative Services Division Commander when:
 1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
 2. New, previously unidentified hazards are recognized.
 3. Occupational illnesses and injuries occur.
 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
 5. Workplace conditions warrant an inspection.

1028.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administrative Services Division Commander via the chain of command.

The Administrative Services Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1028.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

Illness and Injury Prevention

The Administrative Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1028.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1028.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- a. A visit to the accident scene as soon as possible.
- b. An interview of the injured member and witnesses.
- c. An examination of the workplace for factors associated with the accident/exposure.
- d. Determination of the cause of the accident/exposure.
- e. Corrective action to prevent the accident/exposure from reoccurring.
- f. Documentation of the findings and corrective actions taken.
- g. Completion of an Investigation/Corrective Action Report form.
- h. Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1028.9 TRAINING

The Administrative Services Division Commander should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- a. To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- b. To all members with respect to hazards specific to each member's job assignment.
- c. To all members given new job assignments for which training has not previously been provided.

Illness and Injury Prevention

- d. Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- e. Whenever the Department is made aware of a new or previously unrecognized hazard.

1028.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

- a. Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- b. Use of appropriate clothing, including gloves and footwear.
- c. Use of respiratory equipment.
- d. Availability of toilet, hand-washing and drinking-water facilities.
- e. Provisions for medical services and first aid.
- f. Handling of bloodborne pathogens and other biological hazards.
- g. Prevention of heat and cold stress.
- h. Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- i. Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- j. Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- k. Back exercises/stretchers and proper lifting techniques.
- l. Avoidance of slips and falls.
- m. Good housekeeping and fire prevention.
- n. Other job-specific safety concerns.

1028.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Departmental Awards

1029.1 POLICY

It is the policy of the Mill Valley Police Department to recognize members for actions of heroism, meritorious service, and for actions above and beyond the call of duty for services rendered to law enforcement and the community.

1029.2 DEFINITIONS

Medal of Valor

Medal of Valor is the Department's highest award, and may be awarded to members of the department who performed exceptional acts of bravery or heroism while in their official capacity. Recommendation for this medal shall be based on the following criteria: the nominee exhibited outstanding bravery above and beyond the normal demands of law enforcement; during an incident in which the nominee risked his or her life with full knowledge that an actual risk to life existed; the objective was of sufficient importance to justify the risk; and that the member did not use poor judgment, tactics or procedures that created the necessity for the act.

Medal of Merit

The Medal of Merit may be awarded to those members who distinguish themselves by performing in stressful situations with exceptional tactics and/or judgment. Recommendation for this medal shall be based on the following criteria: the nominee distinguished themselves by bravery or heroism above and beyond the normal demands of duty, but to a lesser degree than required for the Medal of Valor; the nominee acted with knowledge that a reasonable person would assume there was risk of serious bodily injury or death; that the objective was of sufficient importance to justify the risk; that the objective was met or the nominee was prevented from doing so through injury or death; and that the nominee did not create a necessity for his or her actions through the use of poor judgment, tactics, or procedures.

Blue Star Citation

The Blue Star Citation may be awarded to a member who incurs a serious injury or death while engaged in an official police duty involving the safety of persons or protection of property and where the member did not negligently use poor judgment or procedures that caused the injury.

Life Saving Citation

The Life Saving Citation may be awarded to those members and professional staff who distinguish themselves by saving another human being from imminent death or serious bodily injury through the administration of first aid or physical assistance during an emergency and that the first aid or physical

Departmental Awards

assistance was essential in the person surviving the injury for a period of time greater than 24 hours after the incident.

Exceptional Conduct Citation

The Exceptional Conduct Citation may be awarded to those members and professional staff who, in the best interest of the Department or Community, in a single task, event, incident or over an extended period of time and on behalf of the department, distinguished themselves by performing their duties with exceptional thoroughness, conscientiousness, determination or initiative and does so in a manner that is clearly above that which is normally expected. The behavior must have been for a purpose that is deemed objectively necessary to the goals of the department or community.

Certificate of Commendation

The Certificate of Commendation shall be awarded to members, professional staff, and community members who exemplify an extraordinary quality of service.

Certificate of Appreciation

The Certificate of Appreciation shall be awarded to members, professional staff, and community members who exemplify quality service above and beyond expectations as recognized by a member, professional staff person or citizen.

Letter of Commendation

A Letter of Commendation from the Chief of Police may be awarded to members, professional staff, and community members who perform acts or services deserving of department recognition.

Letter of Appreciation

A Letter of Appreciation from the Chief of Police may be awarded to members, professional staff, and community members, for appropriate reasons.

1029.3 PROCEDURE

Duty to Report

It shall be the duty of every member and professional staff person to report and document all acts worthy of commendation. The documentation shall be forwarded to the affected division commander as soon as practical, but should be less than 60 days after the incident.

1029.3.1 NOMINATION PROCEDURE

Nomination for the awards may be made by any member or professional staff whenever they have knowledge that an act or service has been performed that is deserving of such recognition. The nominating member shall complete an inter-departmental memo to the Administrative Lieutenant. The

Departmental Awards

Administrative Lieutenant shall review the memo for completeness and accuracy along with all appropriate supporting documentation including written reports. The Administrative Lieutenant shall forward the documentation to the Chief of Police for review.

The memo shall contain the following information:

- All the people involved in the actions(s)
- The date, time and a complete description of the incident.
- Any reports or supporting documentation of the incident.

This material should be submitted to the Administrative Lieutenant within 60 days of the incident.

When a manager or supervisor learns of the actions, which would qualify an employee or member for a Departmental award the manager or supervisor shall nominate that person by submitting an inter-departmental memo to the Administrative Lieutenant. Any member of the Department who believes they are entitled to recognition for an act done in performance of their duties or as a result of distinction to the Department, and where no recommendation has been submitted for consideration of commendation, should submit the following to their immediate supervisor via the chain of command:

- A memo indicating the date, time and a complete description of the incident
- Any reports or supporting documentation of the incident

This material should be submitted to the Chief of Police within 60 days of the incident.

The Administrative Lieutenant shall maintain a file on the Valor and Service Award Nominations and accompanying documentation.

The Administrative Lieutenant shall arrange for a meeting of the Awards' Evaluation Committee at least once each year, although more frequent meetings of the Committee may be arranged based on the number and/or type of nominations received.

The Chief of Police shall send a letter to the nominee advising him/her that a request for an award has been received for a review by the Awards Evaluation Committee. This letter should be sent out within 30 days of receipt of the nomination.

1029.4 AWARDS EVALUATION COMMITTEE

Each year in January, or more frequently based on the nature of the circumstances, the Chief of Police will appoint the Awards Evaluation Committee. Any employee or member may indicate their desire to serve on this Committee to the Administrative Lieutenant. The Committee shall consist of five members.

Departmental Awards

The Administrative Lieutenant shall be designated as Chairperson and serve as a facilitator only. Additionally, in case of a tie, the Administrative Lieutenant shall cast the tie-breaking vote. The balance of the committee shall consist of:

1. One Patrol Sergeant
2. One Patrol Officer
3. One Professional Staff Employee.
4. One Investigations Division Detective or Supervisor.

The Awards Evaluation Committee shall review nominations each January and shall have the responsibility to assign an award, or commendation to each nomination being considered, or in the alternative, determine that an award is not applicable. The Board will make their recommendations to the Chief of Police on each nomination. Alternate Committee members will be assigned each year to be used in the event that a regularly assigned member cannot complete the task due to some unforeseen issue, or a conflict of interest.

The Committee will evaluate the recommendation of each award taking consideration the totality of the circumstances surrounding the awards recommendation and any negligent conduct committed during the course of the event.

The Administrative Lieutenant or their designee shall prepare a letter for each nominee for the Chief's signature. They shall state the nature and the final disposition of the nomination. Copies of the nomination process shall be placed in the member's or professional staff's personnel file.

1029.5 PRESENTATION OF AWARDS

The presentation of all awards should be held during at a time and location deemed appropriate by the Chief of Police or his/her designee.

The Administrative Lieutenant or his/her designee shall be responsible for notification of the employee(s) receiving awards by mail or in person ten (10) days prior to the ceremony. Efforts shall be made to invite the person(s) who made the nomination and any other people who are appropriate to the award presentation ceremony.

Awards shall be provided in the following manner:

Medal Of Valor

1. The designated medal, described as: a gold star-leaf with "Medal of Valor" rocker at the top, the State of California seal centered, and "Mill Valley Police Department" around the seal. The ribbon shall be three equal bands of red, white and blue from left to right.

Departmental Awards

2. A ceramic or enamel ribbon described as: 1 3/8" x 3/8" bar or pin consisting of three equal bands of red, white and blue from left to right.
3. A plaque memorializing the receipt of the award.

Medal Of Merit

1. The designated medal, described as: a silver star-leaf with "Medal of Merit" rocker at the top, the State of California seal centered, and "Mill Valley Police Department" around the seal. The ribbon shall be three equal bands of blue, white and blue from left to right.
2. A ceramic or enamel ribbon described as: 1 3/8" x 3/8" bar or pin consisting of three equal bands of blue, white and blue from left to right.
3. A plaque memorializing the receipt of the award.

Blue Star Citation

- a. A ceramic or enamel ribbon described as: 1 3/8" x 3/8" bar or pin consisting of solid blue with a gold star centered.
- b. A certificate memorializing the receipt of the award.

Life Saving Citation

1. A ceramic or enamel ribbon described as: 1 3/8" x 3/8" bar or pin consisting of three equal bands of green, white and green from left to right.
2. A certificate memorializing the receipt of the award.

Exceptional Conduct Citation

1. A ceramic or enamel ribbon described as: 1 3/8" x 3/8" bar or pin consisting of three equal bands of red, white, red from left to right.
2. A certificate memorializing the receipt of the award.

The department shall display a list of names whom have received each award at a location deemed appropriate by the Chief of Police.

1029.6 MULTIPLE AWARDS

No limit shall be placed on the number of medals, certificates or letters an individual may be awarded. Only one kind of award shall be made for the same act, achievement, or period of service, which may be awarded by itself or together with another medal or certificate.

1029.7 POSTHUMOUS AWARDS

The appropriate next of kin shall be entitled to receive a service award earned by a deceased member or professional staff.

Departmental Awards

1029.8 MAINTAINING RECORD FILE

It shall be the duty of the Administrative Lieutenant and Records Supervisor to maintain a record file of all Medal and Commendations awarded to members, and professional staff of this Department.

Once an employee is recognized by the Chief of Police for a departmental award, it shall be the duty of the Administrative Lieutenant, or designee, to prepare a press release for local news agencies. The press release shall contain the name of the employee receiving the award, the type of award presented and a brief description of the event leading to the award.

Anti-Retaliation

1030.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1030.2 POLICY

The Mill Valley Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1030.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

1030.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

Anti-Retaliation

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1030.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Personnel Manager.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1030.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- a. Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- b. Receiving all complaints in a fair and impartial manner.
- c. Documenting the complaint and any steps taken to resolve the problem.
- d. Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- e. Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- f. Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

Anti-Retaliation

- g. Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- h. Not interfering with or denying the right of a member to make any complaint.
- i. Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1030.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- a. Communicating to all members the prohibition against retaliation.
- b. The timely review of complaint investigations.
- c. Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- d. The timely communication of the outcome to the complainant.

1030.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

- a. Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- b. Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- c. Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- d. File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.
- e. Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Bureau for investigation pursuant to the Personnel Complaints Policy.

Anti-Retaliation

1030.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1030.8 RECORDS RETENTION AND RELEASE

The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1030.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Line-of-Duty Deaths

1031.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Mill Valley Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1031.2 POLICY

It is the policy of the Mill Valley Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1031.3 INITIAL ACTIONS BY COMMAND STAFF

1. Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
2. The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

Line-of-Duty Deaths

3. If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
4. The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1031.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

- a. Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- b. Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).
- c. Plan for concerns such as known health concerns of survivors or language barriers.
- d. Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.
- e. When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- f. If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- g. Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.
- h. Assist the survivors with meeting child care or other immediate needs.

Line-of-Duty Deaths

- i. Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- j. Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- k. Provide their contact information to the survivors before departing.
- l. Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- m. Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Mill Valley Police Department members may be apprised that survivor notifications are complete.

1031.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- a. The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- b. The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1031.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1031.6 LIAISONS AND COORDINATORS

Line-of-Duty Deaths

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

- a. Department Liaison.
- b. Hospital Liaison.
- c. Survivor Support Liaison.
- d. Wellness Support Liaison.
- e. Funeral Liaison.
- f. Mutual aid coordinator.
- g. Benefits Liaison.
- h. Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

1031.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

- a. Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.
- b. Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- c. Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- d. Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- e. Coordinating all official law enforcement notifications and arrangements.
- f. Making necessary contacts for authorization to display flags at half-staff.
- g. Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.
- h. Coordinating security checks of the member's residence as necessary and reasonable.
- i. Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1031.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

Line-of-Duty Deaths

1. Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).
2. Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Department members and friends of the deceased member.
 3. Media personnel.
3. Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Mill Valley Police Department members (except for members who may be guarding a suspect).
4. Arrange for survivors to receive timely updates regarding the member before information is released to others.
5. Arrange for survivors to have private time with the member, if requested.
 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 2. The Hospital Liaison should accompany the survivors into the room, if requested.
6. Stay with survivors and provide them with other assistance as needed at the hospital.
7. If applicable, explain to the survivors why an autopsy may be needed.
8. Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

1031.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and /or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.

Line-of-Duty Deaths

- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

1. Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
2. Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
3. If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
4. Providing assistance with travel and lodging arrangements for out-of-town survivors.
5. Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
6. Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
7. Working with the Wellness Support Liaison for survivors to have access to available counseling services.
8. Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
9. Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
10. Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
11. Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
12. Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
13. Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Line-of-Duty Deaths

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1031.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

1. Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.
 3. Members who worked closely with the deceased member but were not involved in the incident.
2. Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.
3. Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.
4. Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.
5. Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1031.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

1. Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
2. Completing funeral notification to other law enforcement agencies.
3. Coordinating the funeral activities of the Department, including but not limited to the following:
 1. Honor Guard
 1. Casket watch

Line-of-Duty Deaths

2. Color guard
 3. Pallbearers
 4. Bell/rifle salute
2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
4. Briefing the Chief of Police and command staff concerning funeral arrangements.
5. Assigning an officer to remain at the family home during the viewing and funeral.
6. Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.
7. Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

1031.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- a. Traffic control during the deceased member's funeral.
- b. Area coverage so that as many Mill Valley Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

1031.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

1. Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
2. Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:
 1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
 2. Social Security Administration.
 3. Department of Veterans Affairs.
3. Researching and assisting survivors with application for state and local government survivor benefits, such as:
 1. Education benefits (Education Code § 68120).

Line-of-Duty Deaths

2. Health benefits (Labor Code § 4856).
3. Workers' compensation death benefit (Labor Code § 4702).
4. Researching and assisting survivors with application for other survivor benefits such as:
 1. Private foundation survivor benefits programs.
 2. Survivor scholarship programs.
5. Researching and informing survivors of support programs sponsored by police associations and other organizations.
6. Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
7. Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
8. Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1031.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

1. Establishing methods for purchasing and monitoring costs related to the incident.
2. Providing information on finance-related issues, such as:
 1. Paying survivors' travel costs if authorized.
 2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
3. Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
4. Providing accounting and cost information as needed.

1031.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

1. Collect and maintain the most current incident information and determine what information should be released.
2. Instruct department members to direct any media inquiries to the PIO.
3. Prepare necessary press releases.
 1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

Line-of-Duty Deaths

2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.
4. Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
5. Respond, or coordinate the response, to media inquiries.
6. If requested, assist the member's survivors with media inquiries.
 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
7. Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
8. If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

1031.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1031.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

Line-of-Duty Deaths

1031.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1031.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

1032.2 POLICY

It is the policy of the Mill Valley Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1032.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Personnel Department, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

Wellness Program

- a. Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 - 2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- b. Developing management and operational procedures for department peer support members, such as:
 - 1. Peer support member selection and retention.
 - 2. Training and applicable certification requirements.
 - 3. Deployment.
 - 4. Managing potential conflicts between peer support members and those seeking service.
 - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- c. Verifying members have reasonable access to peer support or licensed psychotherapist support.
- d. Establishing procedures for CISDs, including:
 - 1. Defining the types of incidents that may initiate debriefings.
 - 2. Steps for organizing debriefings.
- e. Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- f. Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 - 1. Obtaining a written description of the program services.
 - 2. Providing for the methods to obtain program services.
 - 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 - 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 - 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
 - 6. Maintain content of the department's Cordico Wellness application.
- g. Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
 - 1. The coordinator should work with appropriate department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

1032.4 DEPARTMENT PEER SUPPORT

Wellness Program

1032.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Nomination by two or more department members.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1032.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- a. Providing pre- and post-critical incident support.
- b. Presenting department members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- c. Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

1032.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

1032.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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

Attendance at the debriefing should only include peer support members and those directly involved in the incident.

Wellness Program

1032.6 PEER SUPPORT COMMUNICATIONS

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program).

1032.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including the following:

- a. Voluntary participation by members
- b. Acceptable use of department-provided physical fitness facilities and equipment
- c. Individual health screening and fitness assessment
- d. Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- e. Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory
- f. Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- g. Ongoing support and evaluation

1032.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

1032.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Manager to provide all members with regular training on topics related to member wellness, including but not limited to:

- The availability and range of department wellness support systems.

Wellness Program

- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Manager as appropriate for inclusion in training records.

Facial Coverings

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all sworn personnel regarding the restriction of facial coverings when performing their duties except in limited specific circumstances (Government Code § 7289).

This policy also serves as a declaration that the Mill Valley Police Department is committed to transparency, accountability, and public trust. Facial coverings are restricted as set forth in this policy.

1033.1.1 DEFINITIONS

Definitions related to this policy include:

Facial covering - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item.

Facial covering does not include:

- A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with this policy.
- A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
- A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, necessary for underwater use.
- A motorcycle helmet when worn by an officer utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.
- Eyewear necessary to protect from the use of retinal weapons, including but not limited to lasers.

1033.2 POLICY

It is the policy of the Mill Valley Police Department that facial coverings shall not be worn by officers in the performance of their duties except as set forth in this policy.

Generalized and undifferentiated fear and apprehension about officer safety shall not be sufficient to justify the use of facial coverings.

1033.3 FACIAL COVERINGS

Facial Coverings

Facial coverings shall not be worn by officers when performing their duties except under the following conditions:

- a. Active undercover operations or assignments authorized by a supervisor or court order
- b. Tactical operations where protective gear is required for physical safety
- c. Applicable law governing occupational health and safety authorizes such use (e.g., N95 masks against transmission of disease or infection, self-contained breathing apparatus against exposure to hazardous conditions)
- d. Protection of identity during a prosecution proceeding
- e. Applicable law governing reasonable accommodations authorizes such use

Facial coverings shall only be used when no other reasonable alternative exists, and with the approval of a supervisor. The supervisor shall document the necessity of facial coverings in the appropriate report.

A supervisor shall not knowingly allow an officer to violate state law or department policy limiting the use of a facial covering.

1033.4 POSTING OF POLICY

The Chief of Police or the authorized designee shall make this policy publicly available on the department website.

A written challenge regarding this policy shall be forwarded to the Chief of Police or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

Visible Display of Identification

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all officers to be readily identifiable to the public by the visible display of the department name and individual identifying information when performing enforcement duties, except in described limited specific circumstances (Government Code § 7288).

This policy also serves as a declaration that the Mill Valley Police Department is committed to transparency, accountability, and public trust.

1034.1.1 DEFINITIONS

Definitions related to this policy include:

Enforcement duties - Active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes.

Visibly display identification - To wear externally on the uniform in a size and location such as to be reasonably visible to a member of the public with whom the officer interacts.

1034.2 POLICY

It is the policy of the Mill Valley Police Department that all officers visibly display identification when performing enforcement duties except in circumstances set forth in this policy.

1034.3 VISIBLE DISPLAY OF IDENTIFICATION

Whenever performing enforcement duties, every officer shall visibly display identification, including the name of this department and either the officer's name or badge number, or both name and badge number.

This requirement shall not apply under the following conditions:

- a. When officers are engaged in active undercover operations or investigative activities
- b. When officers are wearing personal protective equipment that prevents display
- c. When exigent circumstances exist involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence, including if the officer is responding to those circumstances while off-duty
- d. When there is a specific, articulable, and particularized reason to believe that identification would pose a significant danger to the physical safety of the officer

1034.4 POSTING OF POLICY

The Chief of Police or the authorized designee shall make this policy publicly available on the department website.

Mill Valley PD Policy Manual

Law Enforcement Policy

Visible Display of Identification

A written challenge regarding this policy shall be forwarded to the Chief of Police or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

Attachments

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<u>Victim Type:</u> ☐ Individual Legal name (Last, First): _____ Other Names used (AKA): _____ ☐ School, business or organization Name: _____ Type: _____ (e.g., non-profit, private, public school) Address: _____ ☐ Faith-based organization Name: _____ Faith: _____ Address: _____	<u>Target of Crime (Check all that apply):</u> ☐ Person ☐ Private property ☐ Public property ☐ Other _____ <u>Nature of Crime (Check all that apply):</u> ☐ Bodily injury ☐ Threat of violence ☐ Property damage ☐ Other crime: _____ Property damage - estimated value _____
BIAS	<u>Type of Bias</u> <u>(Check all characteristics that apply):</u> ☐ Disability ☐ Gender ☐ Gender identity/expression ☐ Sexual orientation ☐ Race ☐ Ethnicity ☐ Nationality ☐ Religion ☐ Significant day of offense (e.g., 9/11, holy days) ☐ Other: _____ Specify disability (be specific): _____ _____	<u>Actual or Perceived Bias – Victim’s Statement:</u> ☐ Actual bias [Victim actually has the indicated characteristic(s)]. ☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i> <u>Reason for Bias:</u> Do you feel you were targeted based on one of these characteristics? ☐ Yes ☐ No <i>Explain in narrative portion of Report.</i> Do you know what motivated the suspect to commit this crime? ☐ Yes ☐ No <i>Explain in narrative portion of Report.</i> Do you feel you were targeted because you associated yourself with an individual or a group? ☐ Yes ☐ No <i>Explain in narrative portion of Report.</i> Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? ☐ Yes ☐ No <i>Describe in narrative portion of Report.</i> Are there Indicators the suspect is affiliated with a criminal street gang? ☐ Yes ☐ No <i>Describe in narrative portion of Report.</i>
	<u>Bias Indicators (Check all that apply):</u> ☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used ☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____ <i>Describe with exact detail in narrative portion of Report.</i>	
HISTORY	<u>Relationship Between Suspect & Victim:</u> Suspect known to victim? ☐ Yes ☐ No Nature of relationship: _____ Length of relationship: _____ <i>If Yes, describe in narrative portion of Report</i>	☐ Prior reported incidents with suspect? Total # _____ ☐ Prior unreported incidents with suspect? Total # _____ Restraining orders? ☐ Yes ☐ No <i>If Yes, describe in narrative portion of Report</i> Type of order: _____ Order/Case# _____
WEAPONS	Weapon(s) used during incident? ☐ Yes ☐ No Type: _____ Weapon(s) booked as evidence? ☐ Yes ☐ No Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No	

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? ☐ Yes ☐ No		Statements taken? ☐ Yes ☐ No	
	Evidence collected? ☐ Yes ☐ No Photos taken? ☐ Yes ☐ No Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____		Recordings: ☐ Video ☐ Audio ☐ Booked Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim	

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	☐ Tattoos ☐ Shaking ☐ Unresponsive ☐ Crying ☐ Scared ☐ Angry ☐ Fearful ☐ Calm ☐ Agitated ☐ Nervous ☐ Threatening ☐ Apologetic ☐ Other observations: _____	☐ Tattoos ☐ Shaking ☐ Unresponsive ☐ Crying ☐ Scared ☐ Angry ☐ Fearful ☐ Calm ☐ Agitated ☐ Nervous ☐ Threatening ☐ Apologetic ☐ Other observations: _____
	<u>ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):</u>	
	Has suspect ever threatened you? ☐ Yes ☐ No Has suspect ever harmed you? ☐ Yes ☐ No Does suspect possess or have access to a firearm? ☐ Yes ☐ No Are you afraid for your safety? ☐ Yes ☐ No Do you have any other information that may be helpful? ☐ Yes ☐ No	
<u>Resources offered at scene:</u> ☐ Yes ☐ No Type: _____		

MEDICAL	<table style="width: 100%;"> <tr> <th style="width: 15%;"><u>Victim</u></th> <th style="width: 15%;"><u>Suspect</u></th> <th></th> </tr> <tr> <td>☐</td> <td>☐</td> <td>Declined medical treatment</td> </tr> <tr> <td>☐</td> <td>☐</td> <td>Will seek own medical treatment</td> </tr> <tr> <td>☐</td> <td>☐</td> <td>Received medical treatment</td> </tr> </table> Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No	<u>Victim</u>	<u>Suspect</u>		☐	☐	Declined medical treatment	☐	☐	Will seek own medical treatment	☐	☐	Received medical treatment	Paramedics at scene? ☐ Yes ☐ No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<u>Victim</u>	<u>Suspect</u>												
☐	☐	Declined medical treatment												
☐	☐	Will seek own medical treatment												
☐	☐	Received medical treatment												

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Military Equipment Inventory List 24-25 AB481.pdf

MILL VALLEY POLICE DEPARTMENT

Ignacio R. Navarro
Chief of Police
www.cityofmillvalley.gov



1 Hamilton Dr.
Mill Valley, CA 94941
(415) 389-4100
(415) 389-4148 (Fax)

MILITARY EQUIPMENT INVENTORY

AB 481

July 2025

TYPE	Defense Technology 40mm eXact iMPact kinetic energy sponge projectiles
DESCRIPTION	40mm, foam-tipped kinetic energy projectile fired from an agency-authorized 40mm launcher.
QUANTITY	238
CAPABILITIES	Operational range 10-75 ft.
EXPECTED LIFESPAN	5 years
PURPOSE AND AUTHORIZED USES	Used in a 40mm launcher, which are utilized by department personnel as a less lethal tool to launch impact rounds. The purpose of the round is to limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal round may include, but are not limited to self-destructive, dangerous and/or combative individuals, riot/crowd control and civil unrest incidents, circumstances where a tactical advantage can be obtained, vicious animals, training exercises or approved demonstrations. A verbal warning of the intended use of the device should precede its application.
ON-GOING FISCAL IMPACT	\$0.00
LEGAL AND PROCEDURAL RULING	Refer to policies: Use of Force 300, 308 Control Devices & Techniques 308.9, 308.9.1, 308.9.2, 308.9.3 First Amendment Assemblies 467.12, 467.13.1
REQUIRED TRAINING	Initial orientation course including qualification; annual recertification including qualification.
COMPLIANCE METHODS	Use is subject to the applicable policies: Use of Force 300.5, 300.5.1, 300.5.2, 300.10, 300.11

MILL VALLEY POLICE AB 481

TYPE	Defense Technology 37mm Tactical Single Launcher (De-commissioned)
DESCRIPTION	37mm single shot launcher, which fires less lethal ammunition and chemical agents
QUANTITY	2
CAPABILITIES	Operational range up to 120 feet
EXPECTED LIFESPAN	10 year minimum with regular maintenance
PURPOSE AND AUTHORIZED USES	The 37mm launcher is a less lethal launcher which can fire a variety of projectiles. When properly used, the 37mm launcher can assist officers in controlling a violent or potentially violent individual with less likelihood of serious injury to both the subject and the involved officers.
ON-GOING FISCAL IMPACT	\$0.00
LEGAL AND PROCEDURAL RULING	Refer to policies: Use of Force 300 Control Devices & Techniques 308, 308.9, 308.9.1, 308.9.2, 308.9.3 First Amendment Assemblies 467.12, 467.13.1
REQUIRED TRAINING	Initial orientation course including qualification; annual recertification including qualification
COMPLIANCE METHODS	Use is subject to the applicable policies: Use of Force 300.5, 300.5.1, 300.5.2, 300.10, 300.11 Rapid Response and Deployment 424

TYPE	Defense Technology 40mm LMTS Tactical Single Launcher
DESCRIPTION	40mm single shot launcher, which fires less lethal ammunition
QUANTITY	2
CAPABILITIES	Operational range up to 120 feet
EXPECTED LIFESPAN	5- 10 years
PURPOSE AND AUTHORIZED USES	The 40mm launcher is a less lethal launcher which fires a foam projectile. When properly used, the 40mm launcher can assist officers in controlling a violent or potentially violent individual with less likelihood of serious injury to both the subject and the involved officers.
ON-GOING FISCAL IMPACT	\$0.00
LEGAL AND PROCEDURAL RULING	Refer to policies: Use of Force 300 Control Devices & Techniques 308, 308.9, 308.9.1, 308.9.2 308.9.3 First Amendment Assemblies 467.12, 467.13.1
REQUIRED TRAINING	Initial orientation course including qualification; annual recertification including qualification.
COMPLIANCE METHODS	Use is subject to the applicable policies: Use of Force 300.5, 300.5.1, 300.5.2, 300.10, 300.11 Rapid Response and Deployment 424

MILL VALLEY POLICE AB 481

TYPE	Remington model 870 shotgun
DESCRIPTION	12-gauge nickel plated shotgun with orange stock and foregrip which fires less lethal bean bag rounds
QUANTITY	6
CAPABILITIES	Operational range is 21 - 75 feet
EXPECTED LIFESPAN	Minimum of 10 years with regular maintenance
PURPOSE AND AUTHORIZED USES	The 12 ga less lethal shotgun is equipped with bean bag rounds which are intended to assist officers in controlling a violent or potentially violent individual with less likelihood of serious injury to both the subject and the involved officers.
ON-GOING FISCAL IMPACT	\$0.00
LEGAL AND PROCEDURAL RULES	Refer to policies: Use of Force 300 Control Devices & Techniques 308, 308.9.3 Firearms 312.4.2, 312.6, 312.6.1
REQUIRED TRAINING	Initial orientation course including qualification; annual recertification including qualification.
COMPLIANCE MECHANISMS	Use is subject to the applicable policies: Use of Force 300.5, 300.5.2, 300.10, 300.11 Rapid Response and Deployment 424

TYPE	Combined Systems 12ga Super-sock Bean Bag
DESCRIPTION	Less lethal 12ga Super-Sock Bean Bag round
QUANTITY	118
CAPABILITIES	Operational range is 21 - 75 feet
EXPECTED LIFESPAN	1-3 years
PURPOSE AND AUTHORIZED USES	The 12 ga less lethal bean bag round is the munition used in the 12 ga less lethal shotgun which are intended to assist officers in controlling a violent or potentially violent individual with less likelihood of serious injury to both the subject and the involved officers.
ON-GOING FISCAL IMPACT	\$0.00
LEGAL AND PROCEDURAL RULES	Refer to policies: Use of Force 300 Control Devices & Techniques 308, 308.9, 308.9.1, 308.9.2, 308.9.3 First Amendment Assemblies 467.12, 467.13.1
REQUIRED TRAINING	Initial orientation course including qualification; annual recertification including qualification.
COMPLIANCE MECHANISMS	Use is subject to the applicable policies: Use of Force 300.5, 300.5.1, 300.5.2, 300.10, 300.11

MILL VALLEY POLICE AB 481

TYPE	Colt M4 Carbine .223/556 Rifle
DESCRIPTION	Gas operated semi-auto action with full-auto capability rifle used for Special Response Team members
QUANTITY	2
CAPABILITIES	Effective Range 550 yards
EXPECTED LIFESPAN	Minimum of 10 years with regular maintenance
PURPOSE AND AUTHORIZED USES	Provides Special Response Team members an effective primary weapon platform that can deliver lethal force to violent individuals from distance and defeat common small arms body armor.
ON-GOING FISCAL IMPACT	\$0.00
LEGAL AND PROCEDURAL RULING	Refer to policies: Use of Force 300, 300.3, 300.4, 300.4.2 Firearms 312
REQUIRED TRAINING	Initial 16 hour Patrol Rifle Course, additional 80 hour Basic SWAT Course, and quarterly Special Response Team Qualification
COMPLIANCE METHODS	Use is subject to the applicable policies: Use of Force 300.5, 300.5.1, 300.5.2, 300.10, 300.11

TYPE	Long Range Acoustical Device (L.R.A.D.)
QUANTITY	6
CAPABILITIES	Broadcasts up to max of 70 dB out to an unobstructed half mile radius.
EXPECTED LIFESPAN	Minimum of 10 years (with regular maintenance)
DESCRIPTION	Maximum Continuous Output (RMS): 139 dB SPL at 3 KHz; Frequency Response: 350Hz – 7.0kHz; Beam Width: 60 degrees at 1kHz (-3dB); Operational Range: 900 meters
PURPOSE AND AUTHORIZED USES	To provide for the emergency notification of residents during large scale disasters, including but not limited to fire, earthquake, or tsunami.
ON-GOING FISCAL IMPACT	\$12,500
LEGAL AND PROCEDURAL RULES	Monthly testing conducted on the first Sat. of every month at 12 noon.
REQUIRED TRAINING	Agency-authored orientation course; annual refresher.
COMPLIANCE MECHANISMS	Operational use under the review of the County Office of Emergency Services (OES) and/or the appropriate Authority Having Jurisdiction (AHJ) oversight.

Supplemental Hate Crime Report-Agency.pdf

SUPPLEMENTAL HATE CRIME REPORT

Page 1 of 2

☐ Hate incident (No Crime Committed)

☐ Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)

VICTIM

VICTIM TYPE

☐ Individual

Legal name (Last, First): _____

Date of Birth

Age

Sex

Race

☐ School, business or organization

Name: _____

Type: _____
(e.g., non-profit, private, public school)

☐ Faith-based organization

Name: _____

Faith: _____

☐ Other

Name: _____

Type: _____

Address: _____

Date and time of incident: _____

Location of incident: _____

Date and time of report: _____

Location of report: _____

Agency Case #: _____

NATURE OF CALL FOR SERVICE (check all that apply)

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

BIAS

TYPE OF BIAS

(Check all characteristics that apply)

☐ Disability

☐ Gender

☐ Gender identity/expression

☐ Sexual orientation

☐ Race

☐ Ethnicity

☐ Nationality

☐ Religion

☐ Significant day of offense
(e.g., 9/11, holy days)

☐ Association with a person or group with
one or more of these characteristics
(actual or perceived)

☐ Other: _____

ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated
characteristic(s)].

REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?

☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?

☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an
individual or a group?

☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group
(i.e., literature/tattoos)?

☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?

☐ Yes ☐ No

BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech

☐ Acts/gestures

☐ Property damage

☐ Symbol used

☐ Written/electronic communication

☐ Graffiti/spray paint

☐ Other: _____

SUPPLEMENTAL HATE CRIME REPORT

Page 2 of 2

HISTORY

SUSPECT INFORMATION				RELATIONSHIP BETWEEN SUSPECT & VICTIM	
Legal name (Last, First): _____				Suspect known to victim: ☐ Yes ☐ No	
Other Names used (AKA): _____				Nature of relationship: _____	
Date of Birth	Age	Sex	Race	Length of relationship: _____	
				☐ Prior reported incidents with suspect: <i>Total #</i> _____	
Relationship to Victim: _____				Prior unreported incidents with suspect: ☐ Yes ☐ No ☐ Unknown	

WEAPONS/FORCE

Weapon(s) used during incident?	☐ Yes	☐ No	Type: _____
Force used during incident?	☐ Yes	☐ No	Type: _____

EVIDENCE

Witnesses present during incident?		☐ Yes	☐ No	Statements taken?		☐ Yes	☐ No
Evidence collected?	☐ Yes	☐ No	Recordings:	☐ Video	☐ Audio	☐ Booked	
Photos taken?	☐ Yes	☐ No	Suspect identified:	☐ Field ID	☐ By photo/video	☐ Known	

RESOURCES

Resources offered at scene: ☐ Yes ☐ No		
☐ Marsy's Law Handout	☐ Hate Crimes Brochure	☐ Other: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment
☐	☐	Injuries observed

Completed by	Date
Name/Title/ID number	

Policy 402 Training Electives.pdf

BIAS-FREE POLICING POLICY #402

ELECTIVES COURSE LIST



Safe & Equitable Policing Electives

POST COURSES-POST CATALOG	Web or Location
Community Tension to Trust	1-hour webinar
Connecting Youth & Communities to LE II and III trauma informed, de-escalation, ++	1-hour webinar ea
Crisis Intervention (mental illness)	1-hour webinar
Crisis Intervention with Mentally Ill	2-hour webinar
De-escalation Awareness & Com	2/4-hour webinar
Duty to Intercede	1-hour webinar
Emotional Intelligence in Public Safety	8-hour webinar
Implicit Bias & Community Policing	2/6-hour webinar
LE Response to the Homeless	2-hour webinar
Legal Update: Positional Asphyxia	1-hour webinar
LGBTQ Community Awareness for LE	4-hour webinar
Mental Health Decision Making	4-hour webinar
Policing the Teen Brain (SRO)	14-hour Pittsburg
Procedural Justice (ok for strategic coms perishable skill)	8-hour San Jose +
Public Free Speech	1-hour webinar
School Resource Officer	8-hour San Francisco
Sexual Harassment	1-hour webinar
Social Media Impact on LE (First Amend)	2-hour webinar
Tactical Emergency First Aid/Trauma Care	8-hour Folsom
Use of Force/De-escalation	1/2-hour webinar
POST LEARNING PORTAL	
Beyond Bias Supervisor Support	1-Hour
Autism Recognition and Response	2-Hours
Callers in Crisis: Suicidal Callers	4-Hours
De-escalation: Enhancing Strategies for Everyday Encounters	2-Hours
Domestic Violence and Sexual Assault in Tribal Communities	2-Hours
Ethical Decision Making	2-Hours
Hate Crimes: Identification & Investigation	2-Hours
Homelessness and Policing: A Collaborative Approach	2-Hours
Mental Health: Responding to Individuals In Crisis	2-Hours
PTSD and Traumatic Brain Injury	2-Hours

MUSEUM OF TOLERANCE—TOOLS FOR TOLERANCE FOR LE	(All POST certified)
Cultural Diversity	8-hour
Tools for Tolerance-Supervisory and Command Staff	16-hour
Hate Crimes	8-hour
Racial Profiling Update	4-hour
Racial Profiling Train the Trainer	24-hour

Officer Wellness Electives

POST COURSES—POST CATALOG	Web or Location
Critical Incidents Stress Management	2-hour webinar
Emotional Survival	2-hour webinar
Family & Support Systems	3-hour webinar
Helping the Helpers/Emotional Support	1-hour webinar
Managing Anger, Frustration and Annoyance	1-hour webinar
Managing Hypervigilance	1-hour webinar
Normalizing Common Mental Health Challenges	2-hour webinar
Organization Wellness	6-hour webinar
Peer Counseling	2-hour webinar
Stress Management	3-hour webinar
POST LEARNING PORTAL	
Preventing Law Enforcement Suicide	2-Hours
Officer Wellness	2-Hours
Everyday Leadership	2-Hours

Index/Topics