

# BURBANK POLICE DEPARTMENT

# POLICY MANUAL



2022

Michael Albanese

Chief of Police

**NOTE:** The BPD Policy Manual is a living document, which is subject to regular revisions and updates based on legislative changes, case law, and identified best practices. The online version of this manual posted on the BPD website will be reviewed annually to ensure any revisions/updates from the previous year are contained in the online version.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
100**

Approved: *Scott LaChasse*

Effective Date: January 1, 2013

## CHAPTER 1 – LAW ENFORCEMENT ROLE AND AUTHORITY

# Law Enforcement Authority

### 100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. The Burbank Police Department does not tolerate abuse of law enforcement authority.

### 100.2 POLICY

It is the policy of the Burbank 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.

### 100.3 PEACE OFFICER POWERS

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

#### 100.3.1 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 is 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).

### 100.4 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE BURBANK POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Burbank 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.



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- (b) When the officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed.
- (c) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.
- (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 in the presence of the officer such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

### **100.4.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE BURBANK POLICE DEPARTMENT**

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

- (a) When the officer has probable cause to believe the person committed a felony, whether or not committed in the presence of the officer.
- (b) When an officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed.
- (c) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer.
- (d) 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.
- (e) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest was made.
- (f) 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.



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### 100.4.2 TIME OF MISDEMEANOR ARRESTS

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

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 or § 837 which includes:
  - 1. A misdemeanor committed in the presence of the officer
  - 2. Misdemeanor domestic violence offenses (See Domestic Violence Policy)
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.
- (e) Accepting a private persons arrest.

### 100.5 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.
- (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.

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

Whenever practicable, officers should seek permission from a 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.



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### 100.6 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).

### 100.7 AUTHORITY TO CARRY AND USE WEAPONS

Regular and Reserve Police Officers are authorized to carry and use weapons in the performance of their official duties pursuant to Penal Code §830.1 and §830.6, respectively.

### 100.8 CONSTITUTIONAL REQUIREMENTS

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



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**Policy  
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Approved: *Scott LaChasse*

Effective Date: January 1, 2013

## CHAPTER 1 – LAW ENFORCEMENT ROLE AND AUTHORITY

# Chief Executive Officer

### 102.1 PURPOSE AND SCOPE

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).



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**Policy  
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CALEA

Approved: *Scott LaChasse*

Effective Date: January 1, 2013

## CHAPTER 1 – LAW ENFORCEMENT ROLE AND AUTHORITY

# Code of Ethics

### 103.1 PURPOSE AND SCOPE [1.1.2]

All sworn employees of this Department are to abide by the [Law Enforcement Code of Ethics](#) adopted by the California Peace Officers' Association and the Code of Ethics for City Employees.

### 103.2 ETHICS TRAINING [1.1.2]

The Training Coordinator shall ensure that all personnel receive ethics training at least biennially. Ethics training may be in the form of classroom training, shift briefing training, computer-based training, electronic bulletins, or any combination of methods as determined by the Department (see the [Training Policy](#)). The Training Coordinator shall be responsible for documentation of the employee training records.

The objective of ethics training is to help employees strengthen their characters and develop the knowledge, abilities, and skills to help make ethical decisions.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
104**

CALEA

Approved: *Scott LaChasse*

Effective Date: January 1, 2013

## CHAPTER 1 – LAW ENFORCEMENT ROLE AND AUTHORITY

# Oath of Office

### 104.1 PURPOSE AND SCOPE

Officers of this Department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### 104.1.1 OATH OF OFFICE [1.1.1]

Upon employment, all sworn employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (California Constitution, Article 20, §3 and 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.*





# Burbank Police Department

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**Policy  
105**

CALEA

Approved:

*Scott LaChasse*

Effective Date: January 1, 2013

## CHAPTER 1 – LAW ENFORCEMENT ROLE AND AUTHORITY

# Jurisdictional and Geographical Boundaries

### 105.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the jurisdictional boundaries of the Burbank Police Department and to establish the responsibilities of agencies that may have concurrent jurisdiction in the City of Burbank. It is the policy of the Burbank Police Department to respond to any incident that is the responsibility of the Department.

### 105.2 JURISDICTIONAL BOUNDARIES [2.1.1]

The jurisdiction of the Burbank Police Department is within the geographical boundaries of the corporate limits of the City of Burbank.

The geographical and jurisdictional boundaries of the City of Burbank are identifiable on the map produced by the City of Burbank Information Technology Department. Additionally, all addresses and locations that are within the City of Burbank are geocoded into the Department's Computer Assisted Dispatch (CAD) System. This information allows Communications personnel to verify whether an address or location is to be served by the Burbank Police Department.

The geocoded information in the CAD system is updated as necessary when new addresses are established or boundary changes are made.

[Burbank Geographical Boundary Map](#)

### 105.3 CONCURRENT JURISDICTIONS [2.1.2]

The Burbank Police Department recognizes that in circumstances not amounting to mutual aid requests, other law enforcement agencies (local, State, or Federal) may have concurrent jurisdiction, by law, to conduct operations within the City of Burbank. Additionally, other agencies may occasionally enter the City of Burbank to carry out specific operations in the performance of their duties. The Department's policy is to provide assistance and cooperation to other law enforcement agencies operating lawfully within the City of Burbank in accordance with policies of the Burbank Police Department.



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### 105.3.1 CALIFORNIA HIGHWAY PATROL [2.1.2]

The California Highway Patrol has concurrent jurisdiction for traffic related incidents on freeways, on ramps, and off ramps that are located within the City of Burbank. The Burbank Police Department is responsible for all criminal activity that may occur on the freeways within the boundaries of the City Burbank. In all cases, the Department will assist the Highway Patrol as needed.

### 105.4 JURISDICTIONAL DISPUTES

When an incident is reported to have occurred in Burbank and there is a disagreement with an employee of another jurisdiction as to the proper responsibility because of geographical boundaries, the Burbank Police Officer shall take the report. In no case shall an investigation that may be the responsibility of this Department be left to anyone outside the Department to complete (see the Outside Agency Assistance Policy).

### 105.5 INTERAGENCY JURISDICTIONAL AGREEMENTS [2.1.2]

With the approval of the Burbank City Council, the Chief of Police may enter into formal agreements with other law enforcement agencies to establish service levels in areas of concurrent jurisdictions. The Burbank Police Department currently has jurisdiction agreements with the following agencies:

1. **Burbank Airport Authority Police Department** – To accept prisoner bookings, to store evidence or other property, and to provide investigative services.
2. **Los Angeles Sheriff's Department (LASD)** – To provide law enforcement services involving the Metrolink Commuter Rail System within the City of Burbank boundaries.
3. **Glendale Police Department** – To provide air support and K-9 services.
4. **Los Angeles County Mutual Aid Area C** – To provide mutual aid law enforcement services to other agencies in or out of the County of Los Angeles.



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CALEA

Approved: *Scott LaChasse*

Effective Date: January 1, 2013

## CHAPTER 1 – LAW ENFORCEMENT ROLE AND AUTHORITY

# Policy Manual

### 106.1 PURPOSE AND SCOPE [12.2.1(f)(h)]

The Burbank Police Department Policy Manual is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this Department. It is the responsibility of each employee to know and conform to the provisions of this manual. The Policy Manual consists of individual policies and any reference to the "Policy Manual" shall mean to refer to the collection of all policies published in the PowerDMS System.

All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of the General Orders, Department Directives, existing manuals, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. Police work is not always predictable and the Department recognizes that 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.

See the Written Directive System Policy for a complete description of the Written Directive System.

#### 106.1.1 DISCLAIMER

The provisions contained in this 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 Burbank 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 employees. Violations of any provision of any policy contained within this manual shall only form the basis for departmental administrative action, training or discipline. The Burbank Police Department reserves the right to revise any policy content, in whole or in part.

Nothing in the Policy Manual is intended to abrogate or conflict with the terms of any operative Memorandum of Understanding (MOU) or collective bargaining agreement. Should there be any conflicts between the Policy Manual and the terms of any operative MOU, the MOU shall be controlling.



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## **106.2 ACCEPTANCE OF REVISIONS TO POLICIES**

All employees are responsible for keeping abreast of all Policy revisions. Notification of Policy revisions will be made via the Daily Bulletin. Upon the publication of a new or revised policy, each employee shall promptly review the policy in the PowerDMS System and acknowledge receipt. Employees shall seek clarification on policies as needed. Unless otherwise stated in the Daily Bulletin notice, employees are expected to accept and review policy revisions within two workdays from the date of notice issued via the Daily Bulletin.

Unit commanders/managers shall ensure that employees assigned to their units are aware of any Policy revisions and that they have acknowledged their receipt in the PowerDMS System as required.

### **106.2.1 SUGGESTING REVISIONS TO POLICIES [12.2.1(i)]**

Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander who will consider the recommendation and forward it to the Chief of Police and the CALEA Accreditation Manager.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 200

CALEA

Approved: *Scott LaChasse*

Effective Date: January 25, 2013

### CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE [11.1.1]

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 ORGANIZATION AND AUTHORITY [12.1.1]

The Chief of Police has the authority and responsibility for the administration, management, and accountability of the Burbank Police Department (California Government Code 38630(a)). The Deputy Chief is responsible for the day to day oversight of the Department.

The Police Department consists of five divisions, as follows:

1. Administrative Division.
2. Patrol Division.
3. Investigation Division.
4. Support Services Division.
5. Budget and Finance.

#### 200.2.1 ADMINISTRATIVE DIVISION

The Administrative Division is commanded by a Deputy Chief whose primary responsibility is to provide general management, direction, and control for the Division. The Administrative Division consists of:

1. The Community Outreach and Personnel Services Bureau.
  - 1) Recruitment and Backgrounds.
  - 2) Community Outreach.
  - 3) Media Relations
  - 4) Training and Range.



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- 5) Reserves.
- 6) Cadets.
- 7) Volunteers.
- 8) Chaplains.
2. The Professional Standards Bureau.
  - 1) Manuals and Orders Unit.
  - 2) Audits and Inspections Unit.
3. The Internal Affairs Bureau.

### **200.2.2 SUPPORT SERVICES DIVISION**

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

1. The Support Services Bureau.
  - 1) Jail.
  - 2) Communications Center.
  - 3) Property and Evidence.
  - 4) Building Maintenance.
2. Animal Shelter.
3. Records Bureau.
  - 1) Citation Management
  - 2) Alarm Permits
4. Citation Management.

### **200.2.3 INVESTIGATION DIVISION**

The Investigation Division is commanded by a Captain whose primary responsibility is to provide general management, direction, and control for that Division. The Investigation Division consists of:

1. The Crimes v. Persons Bureau.
  - 1) Persons Detail.
  - 2) Juvenile Detail.
  - 3) The Intelligence Officer.
2. Crimes v. Property Bureau.
  - 1) Property Detail.



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- 2) Vice/Narcotics Detail.
- 3) Gang Enforcement.
3. Forensics Unit.
4. Crime Analysis.
5. Computer Forensics.

### **200.2.4 PATROL DIVISION**

The Patrol Division is commanded by a Captain whose primary responsibility is to provide general management, direction, and control for the Division. The Patrol Division consists of:

1. Patrol Bureau.
2. Traffic Bureau.
  - 1) Motor Unit.
  - 2) Parking Control Unit.
  - 3) Film Permits.
3. Neighborhood Policing Team.
4. Mental Health Evaluation Team.
5. K-9 Unit.
6. Special Weapons and Tactics Team.
7. Joint Air Support Unit.

### **200.2.5 BUDGET AND FINANCE DIVISION**

The Budget and Finance Division is commanded by a Police Administrator whose primary responsibility is to oversee and manage the financial operations of the Department in four key areas:

1. Budget and Grant Management.
2. Payroll.
3. Purchasing.

### **200.3 COMMAND PROTOCOL [12.1.2]**

#### **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 the Deputy Chief or a Division Commander to serve as the acting Chief of Police.



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

1. Deputy Chief
2. Patrol Division Commander
3. Investigation Division Commander
4. Support Services Division Commander
5. Watch Commander

In exceptional situations, the highest ranking member on scene or on-duty may assume command authority until relieved by a ranking commanding officer, when appropriate.

In situations involving personnel of different functions engaged in a single operation, the Commander or on-scene supervisor of the component with responsibility for the operation shall be in command until command of the operation is transferred to another component, if necessary.

### **200.3.2 UNITY OF COMMAND** [11.2.1; 11.2.2; 12.1.2(c)(d)]

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 and specific positions shall be responsible for each Department component. Except where specifically delegated, authority may exist by policy or special assignment (e.g., K-9, SWAT) to allow any supervisor to temporarily direct any subordinate if an operational necessity exists (such as, situations involving personnel of different functions engaged in a single operation). Additionally, all supervisors have the authority and duty to intervene, stop, and correct improper conduct occurring in their presence by any subordinate, regardless if the subordinate is under their chain of command. The supervisor should inform the supervisor of the employee whose conduct was corrected for appropriate follow up action.

### **200.3.3 ORDERS** [12.1.3]

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, including any order relayed from a superior officer by an employee of the same or lesser rank.

#### Conflicting or Unlawful Orders

Employees who are given an otherwise lawful order which is in conflict with a previous order, rule, regulation, or directive shall respectfully inform the supervisor or superior officer issuing the order of the conflict. If the superior officer or supervisor issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior officer or supervisor. Employees shall obey the conflicting order and shall not be held responsible for disobedience of the order, rule, regulation, or directive previously issued.





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Employees shall not obey any order which they know or should know would require them to commit any unlawful act. If in doubt as to the lawfulness of an order, employees shall respectfully request the issuing supervisor to clarify the order or to confer with higher authority.

### **200.4 RESPONSIBILITY AND AUTHORITY** [11.3.1; 11.3.2]

Employees shall have the authority to make decisions to effectively execute their responsibilities. All supervisory personnel shall be accountable for the conduct and performance of employees under their immediate control. When delegating authority, each employee is fully accountable for the delegate authority and each employee is accountable for the use of delegated authority.

During spontaneous or emergency situations, the highest ranking officer shall be responsible for the management and deployment of Department personnel at the scene until relieved by an equal or higher ranking officer.

During training or other Department sanctioned events, the highest ranking officer shall be responsible for the conduct of Department personnel.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 201

*Scott LaChasse*

CALEA

Effective Date: November 12, 2013

### CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

## Administrative Reporting System

### 201.1 PURPOSE AND SCOPE

To purpose of this policy is to establish an Administrative Reporting System that provides timely and continuous information regarding agency activities.

Administrative reports form the basis for evaluating Department policies and procedures. They may also help with assessing workloads and assessing staffing needs, allocating resources, and fiscal management.

### 201.2 RESPONSIBILITIES

All personal responsible for completing administrative reports shall ensure the accuracy of the reported information.

Division Commanders and their designees are responsible for ensuring that required administrative reports are submitted in a timely manner.

### 201.3 ACCREDITATION ACTIVITY AND MAINTENANCE

The Accreditation Manager is responsible for ensuring that periodic reports, reviews, and other activities mandated by CALEA accreditation standards are completed. The Accreditation Manager may use electronic or other acceptable means to document all required accreditation activities.

The annual accreditation cycle for this Department begins on August 1 of each year.

### 201.4 ADMINISTRATIVE REPORTING SYSTEM

The following tables list the various administrative reports by Division of responsibility. The tables also state the purpose of the report, the position responsible for the completion, the frequency, and the distribution:



# Burbank Police Department

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## Policy 201

Description	Frequency	Person Assigned	Distribution	CALEA Standard
Bias Based Profiling Review	Annual	IAB Lieutenant	Chief of Police	1.2.9(d)
Weapons Proficiency Training	Annual	COPS Bureau	Chief of Police	1.3.11(a)
UOF Policy Training	Annual	COPS Bureau	Chief of Police	1.3.11(b)
Use of Force Analysis	Annual	Professional Standards Bureau Lieutenant	Chief of Police	1.3.13
Use of Force	Per Incident	Incident Commander	Chief of Police	1.3.6
Department Goals and Objectives	Annual	Police Administrator	Chief of Police	15.2.1
UCR Crime Information	Monthly	Crime Analysis Unit	Command Staff, Managers	15.3.1(b)(c)
Position Management System	Annual	Police Administrator	Chief of Police	16.1.1
Workload Assessment	Triennial	Division Commanders	Chief of Police	16.1.2
Review of Specialized Assignments	Annual	Support Services Division Commander	Chief of Police	16.2.1
Budget Recommendations	Annual	Division Commanders	Police Administrator	17.2.2
Fiscal Account Summary Report	Monthly	Police Administrator	Command Staff, Managers	17.4.1
Cash Fund Accounting	Quarterly	Assigned Personnel	Chief of Police	17.4.2.(f)
Independent Fiscal Audit	Annual	Police Administrator	Chief of Police	17.4.3
Analysis of Grievances	Annual	IAB Lieutenant	Chief of Police	25.1.3
Recruitment Plan Analysis	Annual	COPS Bureau Lieutenant	Chief of Police	31.2.2(c)
Legal Update Training	Annual	COPS Bureau	Division Commanders	33.5.1
Performance History Audit	Annual	Professional Standards Bureau	Chief of Police	35.1.9(c)



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Scott LaChasse, Chief of Police

## Policy 201

Description	Frequency	Person Assigned	Distribution	CALEA Standard
Pursuits	Per Incident	Watch Commander	Patrol Division Commander	41.2.2(i)
Pursuit Analysis	Annual	Professional Standards Bureau Lieutenant	Chief of Police	41.2.2(j)
Forcible Stops	Per Incident	Watch Commander	Deputy Chief	41.2.3(e)
Mental Illness Training	Triennial	COPS Bureau	Chief of Police	41.2.7(e)
Juvenile Enforcement and Prevention Program Review	Annual	Investigation Division Commander	Chief of Police	44.1.3
Effectiveness of Crime Prevention Programs	Triennial	Patrol Division Commander	Chief of Police	45.1.1(c)
Community Involvement	Quarterly	NPT Supervisor	Chief of Police	45.2.2
Citizen Survey	Triennial	Support Services Division Commander	Chief of Police	45.2.4
Critical Incident After Action Report	Per Incident	Incident Commander	Deputy Chief	46.1.3(h)
Critical Incident Equipment Readiness	Quarterly	SWAT Commander	Chief of Police	46.1.8
ICS Training	Annual	COPS Bureau	Division Commanders	46.1.9
IA Investigations Summary	Annual	IAB Lieutenant	Chief of Police	52.1.5
Staff Inspection	Triennial	Professional Standards Bureau or External	Chief of Police	53.2.1(e)
School Crossing Guard Location Review	Annual	Crossing Guard Supervisor	Support Services Division Commander	61.3.4(e)
Prisoner Escape	Per Incident	Watch Commander	Chief of Police	70.1.7(b)
Temporary Detention Administrative Review	Triennial	Juvenile Bureau Supervisor	Chief of Police	71.4.3
Threat to the Facility	Per Incident	Patrol Division Commander	Chief of Police	72.4.11
Computer System Access Audit	Annual	IAB Lieutenant	Chief of Police	82.1.6(d)



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Description	Frequency	Person Assigned	Distribution	CALEA Standard
Change of Property Room Custodian	Per Incident	Professional Standards Bureau	Chief of Police	84.1.6(a)
Property and Evidence Audit	Annual	Assigned by Chief of Police	Chief of Police	84.1.6(c)
Property Room Inspection	Annual	Assigned by Chief of Police	Chief of Police	84.1.6(d)



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 203

CALEA

Approved: *Scott LaChasse*

Effective Date: November 12, 2013

### CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

## Planning and Research

### 203.1 PURPOSE AND SCOPE [15.1.1]

The purpose of this policy is to establish guidelines for the planning and research activities of the Burbank Police Department. Those activities may include any of the following and others not listed here:

- (a) Development or analysis of Department policies and procedures.
- (b) Development and tracking of Department goals and objectives.
- (c) Development and tracking of Department performance measures.
- (d) Workload analysis.
- (e) Succession planning.
- (f) Fiscal analysis and budget development.
- (g) Development of long-term plans based on anticipated future demands for service.
- (h) Strategic planning and the establishment of strategic plan priorities.

### 203.2 RESPONSIBILITIES [15.1.2]

The Deputy Chief will be responsible for planning and research. The Professional Standards Bureau and various members of the Department will assist with the planning and research activities of the Department as directed. The Division Commanders and the Police Administrator, however, will have primary responsibility to assist the Chief of Police with research and analysis to provide a clear, comprehensive, and up-to-date framework to plan police operations.

### 203.3 STRATEGIC PLANNING [15.1.3]

The Department shall maintain a current, multi-year strategic plan. Strategic planning is an effort to define a desired future for the Department that adds value to the Department's mission. A strategic plan should broadly define the goals and objectives, the required sequences of steps to achieve them and the desired transformation. The strategic plan should have the following elements:

- (a) Long-term goals and operational objectives.
- (b) Anticipated workload based on environmental growth or changes.



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- (c) Anticipated personnel needs.
- (d) Anticipated capital projects and equipment needs.

The Department will continuously monitor the progress and relevance of long-term strategic plans and will revise them as necessary.

### **203.4 GOALS AND OBJECTIVES** [15.2.1; 15.2.2]

The Burbank City Council adopts an annual Work Program as part of its effort to implement its 10-year Strategic Plan. The Annual Work Program is a management tool adopted by the City to identify, prioritize, and monitor the goals and objectives of the City's Strategic Plan. Goals may be identified by each City department or they may be defined by the City Council.

The formulation of the goals and objectives of the Police Department and of each of its Divisions is a part of the annual budget process and part of the development of the Department's multi-year strategic planning process.

The Police Administrator is responsible for updating and tracking the Department's work program goals and objectives semi-annually and for preparing the annual reports to the City Council. Each Division Commander is responsible for the review and revision of the goals and objectives of their respective commands. The Chief of Police will continuously monitor the Department's overall performance and its progress toward achieving its long term goals and objectives.

Additionally and as part of the annual budget process, the Police Administrator is responsible for preparing the Performance Indicators report. The performance indicators are used by the City to assess the efficiency and effectiveness of Department activities.

The Department's strategic plan and its goals and objectives will be made available to all Department personnel.

### **203.5 COMMUNITY SATISFACTION SURVEY** [45.2.4; 45.2.5]

The Professional Standards Bureau will assist the Chief of Police in conducting a documented community satisfaction survey. The citizen survey shall be conducted at least once every two years and it may be conducted as part of an overall City of Burbank satisfaction survey or one that is specific to the Police Department. The survey should gather feedback on issues such as:

- (a) Overall Department performance.
- (b) Overall service delivery by Department employees.
- (c) Citizen's perception of attitudes and behaviors of the employees.
- (d) Community safety and security concerns.
- (e) Community suggestions and recommendations for improvements.

The survey shall include a written summary to be provided to the Chief of Police. The results of the survey should be made available to Department personnel and members of the public.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
204**

CALEA

Approved: *Scott LaChasse*

Effective Date: January 1, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Written Directive System

### 204.1 PURPOSE AND SCOPE [12.2.1]

This policy establishes the Burbank Police Department's Written Directive System, including the development, review, revision, distribution, and maintenance of the written directives.

### 204.2 AUTHORITY OF THE CHIEF OF POLICE [12.2.1(b)]

The Chief of Police shall be the ultimate authority for the provisions of the Written Directives System. Only the Chief of Police or designee may issue, modify, or approve Department policies.

#### 204.2.1 AUTHORITY AND RESPONSIBILITIES OF ADMINISTRATIVE STAFF [12.2.1(c)]

Division Commanders may approve Unit and Instructional Manuals and may issue Division Orders, Memorandums, or Instructional Bulletins within their respective Divisions. Written directives issued by Division Commanders shall not contradict a directive issued by the Chief of Police.

Under the direction of the Chief of Police, the CALEA Accreditation Manager shall prepare, edit, and format written directives and shall be responsible for administering the PowerDMS Document Management System.

### 204.3 WRITTEN DIRECTIVE SYSTEM AND TYPES OF DIRECTIVES

The Burbank Police Department's Written Directive System shall consist of Policies, Department Directives, Division Orders, Duty Manual, Unit Manuals, Memorandums, Instructional Manuals or Bulletins, Administrative Procedures of the City of Burbank, and employee organization memorandums of understanding. Written Directives are effective on the date issued unless otherwise stated.

#### 204.3.1 DEPARTMENT POLICIES

The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this Department. The Burbank Police Department's Policy Manual is established by Policy Manual Policy.





# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 204

### 204.3.2 DEPARTMENT DIRECTIVES

A Department Directive is a written directive to all Department personnel for the purpose of announcing the adoption, purging, or revision of a Department Policy. Department Directives will be numbered sequentially, starting with the year of issuance (e.g., 13-001). Department Directives should be incorporated into the Policy Manual annually and rescinded thereafter.

### 204.3.3 DIVISION ORDERS

A Division Order is a written directive to personnel assigned to a specific division for the purpose of announcing the adoption, purging, or revision a written directive only to that division. Division orders will be numbered sequentially, starting with the year of issuance (e.g., 13-001). Division orders should be temporary and should be incorporated into the Policy Manual at the discretion of the Division Commander.

### 204.3.4 DUTY MANUAL [12.2.1(g)]

The Duty Manual prescribes the rules and regulations pertaining to the conduct of all members of the Burbank Police Department. The Duty Manual will be updated as necessary.

### 204.3.5 UNIT MANUALS

Unit manuals will be issued by the Division Commanders under the authority of the Chief of Police. Unit manuals should be reviewed and updated annually. A consistent format shall be used by all units of this Department.

### 204.3.6 MEMORANDUMS

Memorandums may be issued on the authority of the signing Commander and will have the same authority as a direct order from the signing commander. Memorandums shall not be used to establish Department policies.

### 204.3.7 INSTRUCTIONAL MANUALS OR BULLETINS

Instructional Manuals or Bulletins may be issued by either the COPS Bureau or any other formal training unit after review and approval by the Division Commander.

### 204.3.8 CITY ADMINISTRATIVE POLICIES

The City of Burbank Administrative Procedures are issued under the authority of the City Manager and include regulations, procedures, and policy statements that affect more than one City department. The [Administrative Procedures](#) may be access electronically via the City's [Ben](#) Portal.



# Burbank Police Department

Scott LaChasse, Chief of Police

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### 204.3.9 EMPLOYEE ORGANIZATION MOUS

Memorandums of Understandings (MOUs) are written agreements between collective bargaining entities and the City of Burbank. Members of the Police Department are represented by the Burbank Police Officers Association (BPOA), Burbank City Employees Association (BCEA), and Burbank Management Association (BMA). MOUs are renegotiated on a regular basis.

### 204.4 FORMATTING CONVENTIONS FOR THE POLICY MANUAL [12.2.1(d)]

The Department's Policy Manual will consist of the below listed sections, whether published as a single volume and as individual sections or policies in hard-copy and electronic format:

- (a) Table of Contents
- (b) Chief's Preface
- (c) Law Enforcement Code of Ethics
- (d) Mission Statement and Core Values
- (e) Organization Chart
- (f) Department Policies Organized Into Ten Chapters

To provide for consistency in formatting, Department policies should be developed using an approved template consisting of at least the following headings:

- (a) Purpose and Scope
- (b) Sections
- (c) Subsections

Accreditation Standard references may be included in applicable sections next to the section heading in square brackets.

#### 204.4.1 ACCEPTABLE ABBREVIATIONS

Abbreviations are acceptable substitutions in the Manual as long as they are used consistently and they are not ambiguous. Uncommon abbreviations should be linked on the first use in the document.

#### 204.4.2 DEFINITIONS

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

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

**CHP** – The California Highway Patrol.

**CFR** – Code of Federal Regulations.



# Burbank Police Department

Scott LaChasse, Chief of Police

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**City** – The City of Burbank.

**Department/BPD** – The Burbank Police Department.

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

**Employee, Personnel, or Member** – Any person employed by the Department; or when applicable, a Department volunteer.

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

**Manual** – The Burbank Police Department Policy Manual.

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

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

**Officer/Sworn** – All sworn employees and Reserve Police Officers of the Burbank Police Department.

**On-Duty** – Employee status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** – A written or verbal directive issued by a supervisor or a higher ranking officer.

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

**Policy** – A written directive that is a broad statement of agency principles. Policy statements may be described as procedures, rules, and guidelines of this Department and should provide the framework for the development of rules and procedures.

**Rank** – The job classification title held by an officer.

**Rules and Regulations** – A set of specific guidelines to which all employees must adhere.

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

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

**USC** – United States Code.

**Volunteer** – Unpaid civilian Department member.

**Written Directive** – Any written document used to guide or affect the performance or conduct of agency employees. The term includes policies, procedures, rules and regulations, general orders, special orders, memorandums, and instructional material.

Unless otherwise specified, these definitions are also applicable to the various other manuals of the Department.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 204

### **204.5 DISTRIBUTION OF WRITTEN DIRECTIVES [12.2.2(a)(b)]**

All Written Directives of the Burbank Police Department will be published using the PowerDMS Document Management System. The System will be used to author, publish, archive, and collect employee signatures. The System may also be used to test employees on Department Policies.

Paper copies of the Policy Manual shall be distributed annually to the Deputy Chief, the Investigation Division, the Watch Commander's Office, and the Lower Report Writing Room.

#### **204.5.1 WRITTEN DIRECTIVE INDEXING, REVISING, AND RESCINDING PROCEDURES [12.2.1(e)]**

Department policies are numbered using the Lexipol Policy numbering system. Policy numbers will consist of three digits with the first digit corresponding to the chapter in the Policy Manual and the subsequent 2 digits to the number of the policy within the chapter. The numbers may not be sequential and unused numbers are reserved for future use (as necessary). Policy sections and subsections will be identified using the following format: §204.5 for sections; and §204.5.1 for subsections.

Department Directives and Division Orders will be numbered sequentially by year, as described in §204.3.2 and §204.3.3, respectively.

Policies shall remain in effect unless rescinded by a Department Directive or by the publication of a new version. Department Directives shall be rescinded once incorporated into the Policy Manual or by another directive. Division Orders will be rescinded once incorporated into the Policy Manual or automatically three years after the date of issuance, unless renewed.

#### Publication of a New Version of a Policy

Examples of updates that would require the publication of a new version and require a signature are:

- Changes to policy or procedures
- Extensive edits to the content
- Addition of information likely to affect operations

Examples of updates that would not require the publication of a new version or a signature are:

- Simple formatting edits
- Correction of typographical errors
- Updates to contact information or hyperlinks

Updates to the policies will be announced in the Daily Bulletin as necessary.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 204

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### **204.6 WRITTEN DIRECTIVE ACCEPTANCE [12.2.2(c)]**

As a condition of employment, all employees are required to read and obtain necessary clarification of Department written directives. All employees are required to electronically sign written directives in the PowerDMS system to promptly acknowledge receipt and review of all written directives. Unless otherwise stated in the Daily Bulletin notice, employees are expected to accept and review policy revisions within two workdays from the date of notice issued via the Daily Bulletin.

If receipt is not acknowledged in a timely manner, PowerDMS will send automatic overdue alerts to the affected employees (within two or four weeks of publication, depending on priority level). Receipt acknowledgements will also be included in audit reports. Unit Commanders/Managers shall ensure that employees assigned to their units are aware of any Policy revisions and that they have acknowledged their receipt in the PowerDMS System as required.

### **204.7 ANNUAL REVIEW OF WRITTEN DIRECTIVES [12.2.1(e)(i)]**

Written directives should be reviewed annually to ensure adherence to best practices or applicable laws and to ensure compliance with CALEA standards. Revisions of written directives may be published at any time as necessary. The effective or publication date of a written directive shall determine its review cycle.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 206

CALEA

Approved: *Scott LaChasse*

Effective Date: January 25, 2013

### CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

## Emergency Operations Plan

### 206.1 PURPOSE AND SCOPE [46.1.2]

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

### 206.2 ACTIVATING THE EMERGENCY PLAN [46.1.3(a)]

The EOP can be activated in a number of ways. For the Police Department, the Chief of Police or the highest ranking official on duty may activate the EOP in response to a major emergency.

#### 206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Burbank 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 authorized designee.

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

### 206.3 LOCATION OF THE PLAN

A current hardcopy of the EOP shall be maintained in the Watch Commander's Office. All supervisors should familiarize themselves with the EOP. The Training Coordinator should ensure that Department personnel are familiar with the roles police personnel will play when the plan is implemented.

### 206.4 TRAINING AND MANUAL UPDATES [46.1.9]

The COPS Bureau Lieutenant or designee shall work with the City's Emergency Management Coordinator to review the manual at least every two years to ensure that it conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS). The Training Coordinator shall ensure that affected personnel receive documented annual training on the City's EOP. The training may consist of classroom instruction or participation in local or regional exercises.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
207**

*Scott LaChasse*

CALEA

Effective Date: December 5, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Incident Command System (ICS)

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the field operations of the Burbank Police Department conform to the standards of the Standardized Emergency Management System (SEMS) and the use of the Incident Command System (ICS).

### 207.2 STANDARDIZED EMERGENCY MANAGEMENT SYSTEMS (SEMS)

The Standardized Emergency Management System (SEMS) was established by the California Governor's Office of Emergency Services (OES) and is required by the California Emergency Services Act (ESA) for managing multi-agency and multijurisdictional responses to emergencies in California. The system unifies all elements of California's emergency management community into a single integrated system and standardizes key elements. SEMS incorporates the use of the Incident Command System (ICS), California Disaster and Civil Defense Master Mutual Aid Agreement (MMAA), the Operational (OA) Area concept, and multiagency or inter-agency coordination.

### 207.3 INCIDENT COMMAND SYSTEM (ICS)

The Incident Command System (ICS) is a standardized approach to incident management that:

- Enables a coordinated response among various jurisdictions and agencies.
- Establishes common processes for planning and managing resources.
- Allows for the integration of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure.

The use of ICS is applicable to all hazards, including:

- **Natural Hazards** – Disasters, such as fires, floods, earthquakes, or epidemics.
- **Technological Hazards** – Dam breaks, radiological or hazmat releases, or power failures.
- **Human-Caused Hazards** – Criminal or terrorist acts, school violence, or other civil disturbances.





# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 207

### 207.4 ICS FEATURES AND PRINCIPLES

- (a) Use of common terminology.
- (b) Establishment of Chain of Command and Unity of Command and requirement for formal transfer of command.
- (c) Modular and flexible organization.
- (d) Requirement for manageable span of control.
- (e) Resource management.
- (f) Integrated communication.
- (g) Information management.
- (h) Enhanced accountability.

### 207.5 USE OF INCIDENT COMMAND SYSTEM

The principles of ICS may be applied to any field incident, regardless of its size. The first on-scene officer or the Incident Commander will have incident command responsibilities, including:

- (a) Evaluating the need for activating the Incident Command System.
- (b) Establishing objectives for the incident.
- (c) Having an incident action plan whether formal or verbally communicated.
- (d) Evaluating span of control to ensure effectiveness.
- (e) Providing for a safe environment.
- (f) Ensuring effective communications.

Whenever possible, supervisors should utilize ICS features or principles for managing routinely occurring incidents to help personnel prepare for the competent use of ICS for larger incidents.

#### 207.5.1 INITIAL RESPONSE TO EMERGING SITUATIONS

Initial response to an emerging situation may involve assigned patrol officers. The most qualified officer or the first officer on scene should assume the role of the Incident Commander until relieved. As the Incident Commander, this officer is responsible for making a reasonable effort to accomplish the primary functions of ICS.

In small-scale incidents, the Incident Commander may gather information (Intelligence) formulate a plan (Planning), request additional units (Logistics), deploy the officers and resolve the problem (Operations), release the requested units (demobilize), assign responsibilities for the completion of reports or other documentation (Finance and Administration), and process overtime (Finance and Administration). In large-scale incidents, the above responsibilities may be delegated as necessary.





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The ICS elements activated for any particular incident should be limited to those necessary to mitigate the emergency. The ICS structure should follow function and any necessary but unstaffed ICS elements should be the functional responsibility of the next higher commander.

### **207.5.2 ICS ORGANIZATIONAL ELEMENTS**

Common ICS organizational elements are listed below but an ICS organization may be expanded or contracted based on the incident.

- (a) Command
- (b) Sections
- (c) Branches
- (d) Divisions or Groups
- (e) Units
- (f) Teams or Task Forces

ICS may require the establishment of primary facilities, such as:

- (a) Incident Command Post – Location where the primary command activities are conducted.
- (b) Staging Area – Location near the incident where resources may be temporarily located while awaiting assignments.
- (c) Base – The location where primary logistics functions for an incident are coordinated and administered.
- (d) Camp – A location within the general incident area equipped and staffed to provide resting, food, water, and sanitary services to incident personnel.

### **207.5.3 EXAMPLES WHEN ICS IS USED**

The Incident Command System should be utilized for below listed incident requiring law enforcement response:

#### **UNPLANNED INCIDENTS:**

- (a) Major Traffic Collision.
- (b) Hostage Situation.
- (c) Bomb Incident.
- (d) Aircraft Crash.
- (e) Hazardous Materials Spill.
- (f) Officer Involved Shooting.
- (g) Civil Disorder or Riot.



# Burbank Police Department

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- (h) Fire or Explosion.
- (i) Earthquake.
- (j) Flood.
- (k) Other Natural Disasters.

### PLANNED INCIDENTS:

- (a) Dignitary Visit.
- (b) Large Sporting or Concert Event.
- (c) Parades or Marches.
- (d) Demonstrations.

### **207.5.4 PRIMARY LAW ENFORCEMENT RESPONSIBILITIES**

Below are the primary law enforcement responsibilities at the scene of any major incident:

- (a) Containment – Containment of the incident to prevent escalation.
- (b) Traffic Control – Traffic control includes controlling vehicular traffic to provide ingress and egress for emergency vehicles.
- (c) Crowd Control – Crowd control may involve crowd management, such as for large planned events, or it may involve crowd control, such as for dynamic situations where order must be reestablished.
- (d) Evacuation – Evacuation consists of moving potential victims to an area of safety.
- (e) Criminal Investigation – Criminal investigation involves the traditional function of law enforcement such as identifying victims and suspects for crimes committed that are related to the incident.

### **207.6 MANAGEMENT FUNCTIONS OF ICS**

ICS consists of five management functions:

- (a) **Command:** Sets incident objectives and priorities and has overall responsibility at the incident or event.
- (b) **Operations:** Conducts tactical operations to carry out the plan. Develops the tactical assignments and organization, and directs all tactical resources.
- (c) **Planning:** Prepares and documents the Incident Action Plan to accomplish the incident objectives, collects and evaluates information, maintains resource status, and maintains documentation for incident records.
- (d) **Logistics:** Provides support, resources, and all other services needed to meet the incident objectives.



# Burbank Police Department

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## Policy 207

- (e) **Finance and Administration:** Monitors costs related to the incident. Provides accounting, procurement, time recording, and cost analyses.

### 207.6.1 COMMAND

The Incident Commander has overall responsibility for managing the incident by establishing objectives, planning strategies, and implementing tactics. The Incident Commander is the only position that is always staffed in ICS applications. On small incidents and events, one person—the Incident Commander—may accomplish all management functions. The Incident Commander is responsible for all ICS management functions until he or she delegates a function.

Incident commander responsibilities include (as applicable or necessary):

- (a) Activating the incident command system.
- (b) Establishing a command post.
- (c) Initiating the notification and mobilization of additional agency personnel.
- (d) Obtaining support from other agencies.
- (e) Establishing a staging area.
- (f) Providing public information and maintaining media relations.
- (g) Maintaining the safety of all affected personnel.
- (h) Preparing a documented after action report.

The most qualified person on scene, regardless of rank, should be responsible for leading the incident response.

### 207.6.2 OPERATIONS

The operations function is responsible for managing the tactical activities in support of the objectives of the Incident Action Plan. On small incidents, the Incident Commander may perform the operational functions if a manageable span of control can be maintained. The recommended span of control for all managers or supervisors is 1:5 but it may be as high as 1:10.

When the recommended span of control is exceeded, the Incident Commander or Operations Section Chief should establish branches, and allocate divisions and groups as necessary. The divisions may be functional (e.g., evacuation team, arrest team) or geographic (for large scale incidents).

### 207.6.3 PLANNING AND INTELLIGENCE

The Planning and Intelligence function is responsible for collecting, evaluating, and dissemination operational information pertaining to the incident. It is also responsible for documentation of information involving the incident.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 207

If the Planning function is not activated, all planning functions will be the responsibility of the Incident Commander, which may include:

- (a) Ensuring that all personnel and resources have checked in.
- (b) Maintaining a system for tracking the location and status of assigned resources. The resources should have one of three status conditions: Assigned, Available, or Out of Service.
- (c) Collection and processing ongoing situational information and developing projecting future events related to the incident.
- (d) Maintaining complete and accurate records of major steps to resolve incident.
- (e) Developing a demobilization plan.
- (f) Establishing a technical unit or requesting technical specialists if technical expertise is necessary to resolve the incident. Technical specials may be assigned to any function or section of ICS.

### 207.6.4 LOGISTICS

The Logistics function provides for all the support needs for the incident, such as ordering resources and providing facilities, transportation, supplies, equipment, maintenance and fuel, food service, communications, and medical services for incident personnel.

If a Logistics Section is not activated, all logistics functions will be the responsibility of the Incident Commander.

### 207.6.8 FINANCE AND ADMINISTRATION

The Finance and Administration function is responsible for all financial and expenditure monitoring activities of the incident. The four common units within the Finance and Administration Section are as follows:

- (a) Time Unit – Primarily responsible for ensuring proper daily recording of personnel time.
- (b) Procurement Unit – Responsible for administering financial matters pertaining to vendor contracts.
- (c) Compensation and Claims Unit – Responsible for injury compensation and claims.
- (d) Cost Unit – Responsible for providing cost analysis.

The activation and use of the Finance and Administration function will depend on type and size of the incident and the functions may be performed away from the scene of the incident. On small incidents, the responsibilities may be handled by the Incident Commander or designee.



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### 207.7 UNIFIED COMMAND

Unified Command is a structure that brings together the “Incident Commanders” with different legal, geographic, and functional responsibilities to coordinate an effective response while at the same time carrying out their own jurisdictional responsibilities. A typical Unified Command may involve law enforcement and fire branches.

#### 207.7.1 UNIFIED COMMAND FEATURES

- (a) A single integrated incident organization.
- (b) Collocated (shared) facilities.
- (c) One set of incident objectives, single planning process, and incident action plan.
- (d) Integrated general staff.
- (e) Coordinated process for resource ordering.

#### 207.7.2 UNIFIED COMMAND BENEFITS

- (a) A shared understanding of priorities and restrictions.
- (b) A single set of incident objectives.
- (c) Collaborative strategies.
- (d) Improved internal and external information flow.
- (e) Less duplication of efforts
- (f) Better resource utilization.

### 207.8 LAW ENFORCEMENT GUIDE FOR EMERGENCY OPERATIONS (RED BOOK)

The California Office of Emergency Services Law Enforcement Guide for Emergency Operations (Red Book) was developed in recognition of a need for standardization and uniformity of organization and response on the part of law enforcement agencies involved in major multi-jurisdictional and multi-agency incidents such as a civil disorder, technological disasters, or natural disaster. The manual incorporates the concept and statutory requirement of the Standardized Emergency Management System (SEMS).

The Law Enforcement Guide for Emergency Operations is designed to be a practical field guide in assisting law enforcement personnel throughout the State of California with implementation of the Field Level Incident Command System. The intended primary users of this guide are Watch Commanders and patrol supervisors. However, the guide can also be an excellent emergency response tool for law enforcement managers and patrol officers.

The Law Enforcement Guide for Emergency Operations is organized in a user-friendly format consisting of overview text, diagrams, organization charts, checklists, forms and a glossary. The electronic version of the [Red Book](#) may be accessed on the California Office of Emergency Services website. A hard copy of the guide shall be maintained in the Watch Commander's Office and updated as necessary.



# Burbank Police Department

Michael Albanese, Chief of Police

## Policy 208

Approved: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Michael Albanese".

CALEA

Effective Date: March 29, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Training

### 208.1 PURPOSE AND SCOPE

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

### 208.2 POLICY

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

### 208.3 PHILOSOPHY

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

### 208.4 OBJECTIVES

The objectives of the training program are to:

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



# Burbank Police Department

Michael Albanese, Chief of Police

## Policy 208

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### 208.5 TRAINING PLAN

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

- (a) State mandated training
- (b) Critical issues training
- (c) Perishable skills training
- (d) Legal and legislative changes training

### 208.6 TRAINING NEEDS ASSESSMENT

The Community Outreach and Personnel Services (COPS) 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 calendar year.

#### 208.6.1 TRAINING COMMITTEE

The COPS Bureau Lieutenant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department. The Training Committee will have no authority over the Department's training function and will only act in an advisory capacity.

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

The Training Committee should consider recommendations from the Critical Incident Review Board to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the critical incidents. The Training Committee may review the following specific incidents:

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

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





# Burbank Police Department

Michael Albanese, Chief of Police

## Policy 208

The Training Committee will report to the COPS Bureau Lieutenant who will consider the recommendations of the committee and will determine what training should be addressed taking into consideration the mission of the Department and available resources.

### **208.7 TRAINING REQUESTS**

Any employee interested in attending a training course should contact the COPS Bureau. A listing of POST certified courses is available in the bureau's training office or on-line on the POST website.

Employees are encouraged to select courses that enhance their current abilities and that develop additional expertise for future contributions to the organization. Upon selecting a course to attend, the employee is required to submit a Training Request Form (C320-267 05/09) to their supervisor. Supervisors will review all training requests and forward them expeditiously through the chain of command. If the Division Commander is unavailable (on vacation, etc.), the approval of a Commander from another Division is required. Training that is anticipated to cost over \$500 also requires the approval of the Chief of Police or designee. A minimum of 30 days' notice is required to process any request for advancement of funds. If an employee's training or travel request does not reach Budget and Finance prior to 30 days of the event, there may not be funds available to the employee, and the employee may have to request reimbursement. All references to advances within this policy and procedure assume that a 30-day notice was given.

After a request for training has been approved, all reservations and preparations for attendance at the course will be coordinated by the Police Finance Office. Employees will be provided with all of the necessary information prior to their attendance at the course.

#### **208.7.1 CERTIFICATION**

The employee is required to submit certification of completed training to the COPS Bureau to update the employee's training record.

Training records are for Department use only but may be released to other agencies with the appropriate waiver or court order.

#### **208.7.2 REIMBURSEMENT**

Employees attending Department-approved training will be reimbursed for expenses incurred in accordance with POST, City, and the Training Expense Advancement and Administration Policy. Employees requesting reimbursement must submit the required paperwork to COPS by the end of the next working day upon completion of the course. Reimbursement will not be issued without the employee's submitted request.

#### **208.7.3 TRAINING EVALUATION**

Employees who attend outside training are responsible for completing a course evaluation form. Employees also agree to make a presentation of the information received from the training to the appropriate audiences with the Department.





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### 208.8 TRAINING ATTENDANCE PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
  - 1. Court appearances.
  - 2. Scheduled 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 Coordinator to attend the required training on an alternate date.

### 208.9 IN-SERVICE TRAINING

The Training Coordinator is responsible for scheduling, coordinating, and implementing in-service training to include at least annual training on legal updates and new or revised agency policies. All sworn members shall complete training in areas required by POST to maintain peace officer certification and in any other areas based upon the needs of the Department. Attendance to in-service training should be during the employee's normally scheduled work hours, except with prior approval of the employee's supervisor, or if there are no training sessions available, during the employee's shift.

The Training Coordinator is responsible for ensuring that all instructors develop lesson plans for the job-related training courses that include at least the following elements:

- (a) A clear statement of the course goals and objectives.
- (b) The content of the training and specification of the appropriate instructional techniques.
- (c) If applicable, a basis for the evaluation of participant performance.
- (d) A list of resources used in the development of the curriculum and required for the delivery of the program.

When the Department provides a training course for its employees, the curriculum (lesson plan) shall be approved by the Training Coordinator, the COPS Bureau Lieutenant, and when appropriate, the Chief of Police or designee.

Unless excused for good cause by a Bureau Commander, attendance to in-service training is mandatory as designated by the COPS Bureau.



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### 208.9.1 REMEDIAL TRAINING

Remedial training is personalized training to correct a specific deficiency identified by testing or through an evaluation process. If an employee fails to pass a required in-service training course due to a deficiency that can be corrected with remedial training, the employee shall be given the opportunity to complete the remedial training and to retest if applicable or required. The instructor or Training Coordinator should determine if the remedial training can be given immediately or if it may need to be scheduled.

In all other cases, including when a Department employee fails to pass an in-service training course after remedial training, the instructor shall submit a memorandum to the COPS Bureau Lieutenant as soon as practicable to document the deficiency and to make a recommendation.

Failure to complete remedial training or to meet minimum requirements may result in disciplinary or other administrative action.

### 208.9.2 TRAINING RECORDS

The COPS Bureau Lieutenant is responsible for maintaining and updating the training records of each employee. These records are maintained within the Department's Training Management Systems (TMS) and other hard copy files. The COPS Bureau Lieutenant shall be responsible for creating a Training Course File for each training course designed by the Department. Each course file shall be assigned a Training Course Number (see §208.8.3 for numbering). The Training Course File shall contain the following:

- (a) Signed roster of attendees.
- (b) Course curriculum.
- (c) Instructor name.
- (d) A copy of all training materials (i.e., handouts, PowerPoint presentations, videos, etc.).
- (e) When applicable, performance or test results of all attendees.

### 208.9.3 TRAINING COURSE NUMBERING

Each Department provided training course shall be issued a Training Control Number consecutively starting with the last two digits of the year, followed by the number "001", for example: 12-001 signifies the first training course for the year 2012.

From the date of the adoption of this Policy and forward, all employee training record entries shall reference the course number for each course attended.

### 208.10 TRAINING BULLETINS AND EMPLOYEE TESTING

The Department may issue training bulletins, tests, or both using the PowerDMS System to ensure employees retain crucial policy or other relevant information.



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Employees should review training bulletins or complete tests as assigned at the beginning of their shifts or as otherwise directed by their supervisors. Employees should not allow training bulletins or tests to unnecessarily accumulate over time. Employees may be required to complete missed items during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the PowerDMS System can be accessed from any Internet active computer, employees are only required to review training bulletins or complete tests as part of their on-duty assignment, unless directed otherwise by a supervisor.

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

### **208.11 ADVANCED OFFICER TRAINING**

All sworn personnel are required to complete mandated advanced training programs, including firearms qualification, as required by CA POST or as assigned by the office of the Chief of Police.

### **208.12 ROLL CALL TRAINING**

Roll call training will include legislative changes, case law, policies, procedures, and techniques used by the Department and other law enforcement agencies, and any other information that enhances the Department's operations. Roll call training shall be documented in the Watch Commander's log.

Roll call training will be conducted by supervisors or other qualified personnel.

### **208.13 SPECIALIZED TRAINING**

Specialized assignment training may be required in a variety of assignments. The objectives of specialized training include:

- The development and/or enhancement of skills, knowledge, and abilities particular to the specialization or assignment.
- The management, administration, supervision, and personnel policies of the assignment.
- Necessary certification.

Supervisors of specialized assignments shall ensure that any employee requiring specialized training, whether provided by the Department or mandated by governmental authority, receives the required training for proficiency or certification. The training may consist of supervised on the job training commensurate with the employee's duties and responsibilities or it may involve completion of certified training. Specialized training will be provided for the below listed assignments or for any assignment deemed necessary by a Division Commander:

- (a) Field Training Officer
- (b) Supervisor
- (c) Investigator



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- (d) Forensic Specialist
- (e) Breathalyzer Operator
- (f) Firearms Instructor
- (g) Canine Handler
- (h) SWAT Team Member
- (i) Crisis Negotiator
- (j) Bicycle Officer
- (k) Pilot
- (l) Mobile Command Vehicle Operator

In addition to the initial training or certification, the Training Coordinator or supervisors of specialized assignments, as appropriate, shall ensure that any retraining requirements are completed.

### 208.14 RECRUIT TRAINING

Police recruit trainees are required by law and CA POST regulations to attend a CA POST certified basic academy. Police recruit trainees will not be assigned general law enforcement duties until completion of academy training. During the academy training, police recruits will be under the supervision of the academy staff and the COPS Bureau. The COPS Bureau will serve as the liaison between the Department and the Academy staff. Any injuries sustained by a recruit trainee at the training academy shall be reported to the COPS Bureau immediately and shall be handled per the On-Duty Injuries Policy.

A police officer recruit is a non-sworn position. Upon completion of the basic academy, and with the approval of the Chief of Police, the police officer recruit will be placed into the classification of police officer.

Following completion of the academy training, police officer trainees will be assigned to the COPS Bureau for Department-specific training prior to the beginning of their field training assignment.

### 208.15 RECRUIT FIELD TRAINING PROGRAM

All sworn personnel must complete an extensive field training program on tasks most frequently performed and must be evaluated to measure competency in the required skills, knowledge, and abilities.

The field training program consists of varied training with different Field Training Officers and a final evaluation period. Police officer trainees will be evaluated using standardized POST evaluation guidelines. The Field Training Officer will document daily observations to include field activities encountered and topics covered. The daily observations should be the basis for trainee evaluations.

During the training period, the trainee will be required to complete a training book. All Field Training Officers are responsible for accurately documenting all training in a timely manner. The Field Training



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Officer Coordinator and Patrol Division Commander are responsible for monitoring recruit training progress and to ensure that all required training is received and documented.

Once the field training program is completed, the officer may be recommended for independent patrol responsibilities.

### **208.16 TRAINING FOR CIVILIAN PERSONNEL**

Upon employment with the Police Department, all civilian personnel will receive training provided by the City of Burbank to familiarize them with their rights, responsibilities, and the benefits that come with being a Burbank City employee.

In addition to the City orientation training, employees will receive training regarding the Police Department's goals, policies, and procedures and training specific for their duties.

All civilian employees will receive additional or annual training as directed by legal mandates or by Department policy. Civilian positions that should receive on-going training commensurate with their responsibilities include:

- (a) Animal Control Officers.
- (b) Communications Supervisors and Operators.
- (c) Forensic Specialists.
- (d) Jailers.
- (e) Management Personnel.
- (f) Police Technicians assigned to Property and Evidence.
- (g) Records Bureau Personnel

### **208.17 INSTRUCTOR TRAINING**

Personnel assigned to the training function in a full-time capacity as instructors shall be trained in the following areas:

- (a) Lesson plan development.
- (b) Performance objective development.
- (c) Instructional techniques.
- (d) Testing and evaluation techniques.
- (e) Resource availability and use.

The training may be accomplished through POST approved (e.g., POST FTO Program) or Department instructor development programs or through mentoring programs with tenured instructors.



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### 208.18 ACCREDITATION TRAINING

The CALEA Accreditation Manager will ensure that all personnel are familiar with the CALEA Law Enforcement Accreditation Program. The purpose of this training is to familiarize Department members in all areas of accreditation including the accreditation process, the goals and objectives of accreditation, and the advantages of accreditation and its impact on the agency. The training shall be as follows:

- (a) New employees will receive training regarding the accreditation process within thirty days after their employment begins or after completing the recruit academy.
- (b) All employees will receive the training during the self-assessment phase of the initial accreditation.
- (c) All employees will receive the training prior to an on-site assessment.

The Department Accreditation Manager shall receive specialized accreditation manager training within one year of appointment, on an annual basis as needed, and shall be responsible for providing training to other agency personnel assigned to the accreditation process.

### 208.19 SKILL AND CAREER DEVELOPMENT

The Burbank Police Department strives to provide members with opportunities for individual growth and professional development. The Department encourages all employees to continue their formal education to achieve a minimum of a bachelor's degree from an accredited college or university. The Department also encourages employees to attend schools and seminars to enhance their skills, knowledge, and abilities. The Burbank Police Department will assist employees with their professional development and career goals.

To assist employees with their career development goals, supervisory personnel should receive periodic training in the following areas:

- General counseling techniques
- Skills, knowledge and abilities assessment techniques
- Salary, benefits, and training opportunities within the agency
- Educational opportunities and incentive programs
- Record keeping techniques
- Availability of outside resources

All newly promoted personnel, including civilian supervisors, shall receive skill development and other job-related training within one year following the promotion. The training should be commensurate with their new duties intended to enhance their skills, knowledge, and abilities. The training may be formal, informal through a mentoring program, or both.



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### 208.20 TRAINING MANAGER

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

### 208.21 TRAINING RESTRICTION

The Training Coordinator 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 Section 7286(b) / CA AB 26).





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Scott LaChasse, Chief of Police

## Policy 209

CALEA

Approved: *Scott LaChasse*

Effective Date: January 25, 2013

### CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

## Training Expense Procedures

### 209.1 PURPOSE AND SCOPE

Departmental procedures regarding training expense reimbursements shall be in accordance with City of Burbank [Administrative Procedure \(AP\) VI-5](#). These procedures are designed to effectively facilitate attendance to official meetings, seminars, conferences, and training events.

#### 209.1.1 DEFINITIONS

Definitions related to this policy include:

**Reasonable Hours** – “Reasonable Hours” for the purpose of this policy are defined as a 12-hour period between 7:00 AM and 7:00 PM.

**Non-Local Travel** – Non-local travel is travel performed outside of a 40-mile distance (as determined by [www.mapquest.com](http://www.mapquest.com)) of the City or the employees residence (whichever is less); and the employee’s duties require that they be away beyond the reasonable hours as defined above; and an overnight stay is required to get sleep or rest to meet the demands of their work while away.

**Local Travel** – All other travel not meeting the conditions listed in Non-Local Travel will be considered “local” travel.

**Travel Days** – Travel days are not to exceed one day before or one day after the business event and only if time and/or schedules prohibit travel during reasonable hours.

### 209.2 DOCUMENTATION PROCEDURES

Reimbursements for expenses related to training, meetings, or conferences require prior approval by the employee's Division Commander. Training requests shall be submitted and approved in accordance with the [Training Policy §208.6](#).

Original receipts should be submitted when required. If an employee is unable to obtain an original receipt, a duplicate copy should be obtained. In the absence of a receipt, a memo indicating the date, event, location, and expense amount, along with the reason a receipt was not obtained will need to be submitted. Approval by the employee's Division Commander is required prior to submittal to the Finance Office.





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All expense documentation and paperwork for training and travel reimbursements shall be submitted to the Budget and Finance Office on the first day the employee returns to work. Budget and Finance will then submit for the documentation for reconciliation and/or reimbursement to the City's Accounts Payable Department in accordance with [Administrative Procedure \(AP\) VI-5](#).

All non-training expense documentation and requests for reimbursements shall be received by Budget and Finance on the first day the employee returns to work in order for reimbursements to be completed in a timely manner.

### 209.3 LODGING

The Department allows lodging for events located outside Los Angeles County. Lodging will be obtained either at or near the event site. The employee will need to provide an original itemized receipt for the hotel stay with a zero balance. When the receipt is submitted, the employee will need to cross off any personal charges (meals, phone calls, movies, etc.).

Lodging is for single-occupancy; however, if two individuals of the same gender and rank are going to the same event, they may be lodged in the same room. When employees of the same gender and rank share lodging, the reservation will be made in one of the employee's name and they will be responsible for providing and itemized hotel receipt with a zero balance.

Travel days are not to exceed one day before and one day after the business event and only if time and/or schedules prohibit travel during reasonable hours as defined in section 209.1.1.

### 209.4 PER DIEM

Any employee who is required or authorized to travel overnight in the discharge of his/her duties shall receive, in addition to transportation and hotel accommodation expenses, meals and incidental expenses (M&IE) per diem allowance for each day or fraction thereof while engaged on the trip. Per diem shall not be allowed for single day trips.

M&IE reimbursement allowance will be equal to the standard federal per diem rate. These amounts can be located on the U.S. General Services Administration (GSA) website ([www.gsa.gov](http://www.gsa.gov)). If an employee requests per diem at the standard federal rate, no additional documentation is required. For all greater amounts, an itemized printout of the locality's federal per diem rate shall be included with the employee's training request for approval by the Division Commander.

Per diem shall be for days actually spent on City business, for programmed days of a business event or meetings, and for time spent in travel.

Travel days are reimbursed at 75% of the daily per diem rate or based on actual itemized receipts up to the total daily per diem rate.

Per diem shall not be allowed or reimbursed for meals included as part of the registration fee for a conference or seminar. However, when only a continental breakfast is offered at a conference or seminar, the employee may elect to purchase another breakfast and be reimbursed for the cost up to



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the per diem amount. No pre-approval is required; however, an itemized receipt documenting the expense must be submitted to qualify for this exception

### **209.4.1 GUIDELINES FOR USING PER DIEM**

Receipts are not required for substantiation of the GSA defined per diem allowance. Per diem shall be used for meals, snacks, and incidental expenses. Incidental expenses include fees and tips given to porters, baggage carriers, and hotel staff.

Tips for taxi or shuttle drivers are not included in incidental expenses but are included in Section 209.6.3.

### **209.5 PARKING**

Parking fees will be reimbursed provided a receipt is submitted and the host site does not validate parking. The employee will only be reimbursed for one parking receipt per day unless there is no facility for meals on site. In that case, a separate receipt for the morning and afternoon must be submitted for reimbursement. If more than one employee attends the training or meeting, only one employee will be reimbursed for parking fees per authorized vehicle.

#### **209.5.1 AIRPORT PARKING**

If an employee drives a personal vehicle to the airport, they must choose the most economical parking available (long-term, standard, or economical).

- (a) Burbank Bob Hope Airport – Lots A & C
- (b) Los Angeles International Airport – City Lot C
- (c) Ontario International Airport – Lot 5

If an employee elects to park in an alternative lot, they will only receive the amount for the above approved lots, or the actual cost, whichever is less.

#### **209.5.2 HOTEL PARKING**

When parking at a hotel, employees must choose the most economical parking available. Valet parking at the hotel will only be reimbursed if it is the only hotel provided parking available. If an employee elects to use the Valet parking instead of available standard lots, the employee may receive reimbursement for the standard lot rate if substantiation is provided with the Expense Statement.



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### 209.6 TRANSPORTATION

The COPS Bureau will determine the most economical mode of transportation in accordance with [Administrative Procedure \(AP\) VI-5](#). The most economical mode may be a City vehicle, personal vehicle, airplane, shuttle, taxi, rental car, or a combination of any of these.

#### 209.6.1 CITY VEHICLE

When a City-owned vehicle is used, actual gasoline charges and other reasonable and necessary expenses incurred in operating the vehicle shall be reimbursed. All original receipts, including those originating from the use of a City credit card, must be turned in upon return.

Employees who have a City-owned vehicle assigned to them should utilize that vehicle when traveling by car. Exceptions to using their City-owned vehicle shall be pre-approved by the Department Head or Designee prior to travel on the employee's Travel and Training Pre-Approval Form (TTP).

#### 209.6.2 PERSONAL VEHICLE

If an employee's personal vehicle is used, mileage will be reimbursed. Employees required to use their personal vehicles for City business traveling from their residence will be reimbursed for mileage in excess of their normal daily commute to their work location. Any claim for mileage reimbursement needs to be submitted on a mileage claim form. If more than one employee attends the event, only one employee will be reimbursed for mileage, unless additional vehicles have been authorized.

If the employee is attending an event where traveling by air would be less expensive but a personal vehicle is driven instead, the employee will only be reimbursed to the maximum of airfare.

Mileage claim forms shall be approved by the employee's Division Commander before being forwarded to the Finance Office.

##### 209.6.2.1 MILEAGE REIMBURSEMENT

Employees will be reimbursed for use of a personal vehicle in accordance with Administrative Procedure, Section I.21 – *Use of Personal Vehicle for City Business*.

The standard IRS mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile, including depreciation, insurance, repairs, tires, maintenance, gas, and oil (IR-2014-114).

The number of miles for reimbursement will be determined based on the most direct route calculated by [www.mapquest.com](http://www.mapquest.com). A printout from MapQuest must be included with the employee's Expense Statement.



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### 209.6.2.2 DRIVING TO AND FROM THE BUSINESS EVENT

If an employee wishes to use a personal vehicle within 250 driving miles from the City or the employee's residence, whichever is less, they may do so without additional pre-approvals.

An employee may request to use a personal vehicle outside of 250 driving miles if it is pre-approved and justified on their training request for one of the following reasons:

- (a) The employee has a business reason why the use of a private vehicle would be justified under the circumstances.
- (b) The employee has a medical necessity why the use of a private vehicle would be justified (please do not include any personal medical details).

If the request to use a personal vehicle outside of the 250-mile driving distance is pre-approved by the Division Commander for one of the above reasons, the mileage charges will be reimbursed at the standard IRS mileage rate.

If an employee wishes to use a personal vehicle outside of 250 driving miles for personal reasons, the employee will only be reimbursed for the **lesser** of:

- (a) The IRS mileage rate times the applicable business miles traveled to and from the destination only, or
- (b) The lowest cost available travel that reasonably meets business travel needs which otherwise would have been paid or incurred.

Documentation must be provided for both (a) **and** (b) in order to be eligible for reimbursement.

### 209.6.3 TAXIS AND SHUTTLES

Employees will be reimbursed the cost of taxi services, Uber X, Lyft, (or basic level equivalent), or airport shuttle when traveling to and from the local and destination airports. If an employee chooses to use the services of a limo, town car service, or other higher cost vehicle (including Uber Black or equivalent) the City will only reimburse based on miles traveled at the standard IRS mileage reimbursement rate.

Tips for taxi or shuttle drivers are a reimbursable expense and shall not exceed 20% of the fare.

### 209.6.4 RENTAL CAR

When the employee is authorized to use a rental car, it shall be limited to a compact or economy (if possible). The employee shall not purchase additional insurance as the City's self-insurance covers car rentals on business trips. The employee will need to submit receipts for the vehicle rental as well as additional expenses. If the vehicle is for personal use before or after the event dates, those additional dates will not be reimbursed. If the daily or weekly rate is reduced due to the extended rental, the employee will be reimbursed for the City's share of the expense on a pro-rated basis.



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### 209.6.5 AIR TRAVEL

The Budget and Finance Office will coordinate and provide all airline travel. The employee does not need to submit any additional paperwork other than baggage receipts unless additional authorized expenditures or changes have occurred due to emergency or unforeseen circumstances. If possible, employees shall contact the COPS Bureau prior to incurring additional expenditures. If the COPS Bureau is not available, authorization from the Watch Commander is required. Charges for changing scheduled flight times for the convenience of the employee will not be reimbursed. No air travel shall be booked in business or first class.

Any elective airline convenience fees (such as additional fees for an aisle seat or priority check-in) must be included in the training request for approval by Division Commander.

Flight changes resulting in an additional cost to the City and incurred prior to travel must be approved by the Department Head or Designee through an amended TTP. Discretionary change fees for air travel subsequent to departure will not be reimbursed unless a valid business purpose is documented on a separate memorandum signed by the Deputy Chief.

The cost of checked luggage will be reimbursed for one piece of luggage per employee, each way. If an employee is required to take more than one piece of checked luggage, the business purpose for additional luggage must be disclosed and pre-approved by the Division Commander with the training request.

### 209.6.6 TRAIN TRAVEL

Traveling by train at the lowest cost providing a reserved seat will be reimbursed.



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Scott LaChasse, Chief of Police

## Policy 212

Approved: *Scott LaChasse*

CALEA

Effective Date: January 25, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Electronic Mail

### 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic mail (email) system. Email is a communication tool available to members to enhance efficiency in the performance of their official 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 should only be those that involve official business activities or contain information essential to members for the accomplishment of business-related tasks and/or communication directly related to the business, administration, or practices of the Department.

#### 212.1.1 ADMINISTRATIVE PROCEDURE

In addition to this policy, members shall be responsible to review, understand, and comply with [Administrative Procedure Sections III-13 through III-18](#).

### 212.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over Department networks are considered Department records and therefore are Department property. The Department reserves the right to access, audit, or disclose, for any lawful reason, any message including any attachment that is transmitted over or stored on the City email 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. As a general rule the City email system is not appropriate for non-work related communications. If a communication must be private, an alternative method should be used instead. Members using the Department's email system should have no expectation of privacy. Any incidental personal use of the e-mail system shall be limited in nature, and must not interfere with a member's job duties and responsibilities.

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



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### 212.3 PROHIBITED USE OF EMAIL

Sending derogatory, defamatory, obscene, disrespectful, vulgar, sexually suggestive or harassing or any other inappropriate messages on the email system is prohibited and may result in discipline. The email system is provided for official police business purposes only.

Email messages addressed to the entire Department are only to be used for official business of particular interest to all employees (see §212.6). Sending personal advertisements is prohibited.

It is a violation of this policy to transmit a message under another user's name. Users should log off the network when their computer is unattended. This added security measure will minimize the misuse of an individual's account by others.

### 212.4 EMAIL RECORDS MANAGEMENT

The email system is not designed for long-term retention of messages. Any email that the member desires to save or which becomes part of an official record should be printed and/or archived in another database. Users of email are solely responsible for the management of their mailboxes. Messages should be deleted frequently by the users. All messages stored beyond the storage limits of the system settings may be deleted from the server by the Administrator at regular intervals.

Email, may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with 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 Release and Security Policy.

#### 212.4.1 EMAIL AUDITS

A random sample of Police Department member email accounts shall be audited annually by a designee of the Chief of Police. The random sample shall include both sworn and civilian member email accounts. Volunteer and contract employees with City email accounts may be included in the audit process.

All Command Staff (Captain and above) shall be subject to an annual email audit.

Any member who was identified as having inappropriate emails in any previous audits shall be automatically subject to the next two subsequent audits.

The final email audit report should contain information regarding any after action remediation and/or counseling sessions to members who performed below Departmental expectations.

A Department-wide daily bulletin will be issued at the conclusion of any email audit informing Department members of the audit and whether or not any questionable emails were discovered.





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Suspension or delay of the annual email audit requires written approval of the Chief of Police and notification to the City Manager by the Chief's Office.

### **212.5 MEMBER RESPONSIBILITY**

All members who have a Department email account are required to log on and read all of their new messages each working day. Members should utilize the Outlook "Out of Office" feature during scheduled absences of more than one work week.

### **212.6 DEPARTMENT-WIDE EMAILS**

Except for messages sent on behalf of a Division Commander (for example: press releases, training notifications, etc.), members shall not send email messages to the entire Department ([PoliceEmployees@burbankca.gov](mailto:PoliceEmployees@burbankca.gov)) unless approved in advance by their Division Commander. The Daily Bulletin should be used via the chain of command to disseminate messages by individual members to the entire Department (see the Administrative Communications Policy).





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
214**

CALEA

Approved: *Scott LaChasse*

Effective Date: January 25, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Administrative Communications

### 214.1 PURPOSE AND SCOPE [12.1.4]

This policy is to establish procedures for the effective communication, coordination, and cooperation among all Department functions and personnel.

### 214.2 POLICY [12.1.4]

All members of the Department should engage in and support the exchange of information to effectively coordinate Department activities. Department members should use the below listed methods and any other effective methods to share information:

- (a) Command Staff Meetings
- (b) Monthly Management Team Meetings
- (c) Weekly Crime Control Meetings
- (d) Daily Patrol and Investigation Bureau Briefings
- (e) Daily Bulletins
- (f) Crime Analysis Reports

### 214.3 DAILY BULLETIN

The Burbank Police Department will produce and distribute via the Department's e-mail system a Daily Bulletin to communicate information such as promotions, transfers, hiring of new personnel, separations, personnel and group commendations, events, and other useful or important information to the Department's employees. All employees shall be responsible for reading each Daily Bulletin promptly and, in any event, by the employee's next work day following the date of publication. A library record of all Daily Bulletins will be maintained on the Department's Network System that will be accessible to all employees.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 214

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### 214.3.1 DAILY BULLETIN GUIDELINES

A Daily Bulletin shall be published Monday through Friday of each work week, except holidays. Drafts of Daily Bulletin entries must be forwarded to the Support Services Secretary before noon on the day of publication, in the exact form in which the writer desires it to appear. Items will not be published in the Daily Bulletin without a Captain's specific authorization.

Drafts of Daily Bulletin entries for inclusion in the Daily Bulletin may be submitted electronically. The content of the entry may be revised at the discretion of the approving Division Commander. Printed copies of the most recent six months of Daily Bulletins shall be kept in the Support Services Division Office.

### 214.4 CORRESPONDENCE

All official external correspondence shall be on Department letterhead. Department letterheads shall bear the signature of the Chief of Police or appropriate Division Commander. Use of Department letterhead is for official business only.

Employees below the rank of Captain are not authorized to sign letters or other official external Departmental correspondence unless specifically authorized (e.g., Traffic Bureau Lieutenant for Traffic Citation Correction Letters, the Records Bureau for Public Records Requests, etc.).

### 214.5 SURVEYS

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



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 215

Approved: *Scott LaChasse*

Effective Date: January 25, 2013

### CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

## Flag Display

### 215.1 PURPOSE AND SCOPE

It is the policy of the City of Burbank to display the National flag of the United States of America and the State flag of the State of California when appropriate and legally required and to care for and maintain them in a manner showing the proper respect and honor. It is also the City's policy to display the National and State flags and to recite the Pledge of Allegiance as part of the opening ceremonies at all official City functions open to the public.

#### 215.1.1 POLICY

The National Flag of the United States of America shall be displayed according to United States Code Title 36 Chapter 10, known as the "Flag Code."

#### 215.1.2 DISPLAY AT HALF-STAFF

The National Flag of the United States of America and the State Flag of the State of California may be flown at half-staff according to the provisions of [Administrative Procedure I-26](#). As set forth in the Administrative Procedure, the authority of ordering flags flown at half-staff rests with the President of the United States, the Governor of the State of California, and the Burbank City Council. On behalf of the City Council, the Mayor may authorize flags to be lowered to half-staff. In the Mayor's absence, the City Manager or designee may authorize the lowering.

Accordingly, the Chief of Police or designee may authorize the lowering of the flags at Police/Fire Headquarters to half-staff when a peace officer of the State of California is killed in the line of duty. The flag will remain at half-staff until 1800 hours of the day of internment or until otherwise determined by the Chief of Police.

The National Flag of the United States of America and the State Flag of the State of California shall also be flown at half-staff as provided:

- (a) Upon the death of a government official or employee, past or present, in accordance with recognized customs or practices consistent with all applicable laws, regulations, and employee contracts. The flags, when flown at half-staff, will be flown from the time of death or the ordering to fly flags at half-staff until the time of interment, unless otherwise authorized by law or Presidential direction or order.



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Scott LaChasse, Chief of Police

## Policy 215

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- (b) On Memorial Day, the flags should be displayed at half-staff until noon, then raised to the peak for the remainder of the day.

The flags should first be hoisted quickly to the peak for an instant and then lowered to the half-staff position. The flags should be again raised to the peak before it is lowered for the day.

### 215.1.3 NOTIFICATION

When the National Flag of the United States of America and the State Flag of the State of California are lowered to half-staff in accordance to this policy, the following notifications shall be made:

- All Police employees via the e-mail system.
- All Police Commission Members via the e-mail System.
- The Office of the Fire Chief.
- The City Manager's Office, via the Chief's Office.

### 215.1.4 MOURNING BANDS

Mourning bands will be worn in accordance with the Mourning Bands Policy (§1046.4.1).



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
216**

CALEA

Approved: *Scott LaChasse*

Effective Date: April 18, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Allocation of Personnel and Staffing Levels

### 216.1 PURPOSE AND SCOPE

The purpose of this policy is to strive for the equalization of individual workloads among and within all organizational components and to ensure that proper supervision is available for all sections. The Department shall attempt to balance the employee's needs against the need for flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount objective is to meet operational requirements of the Department.

### 216.2 POLICY

To determine the appropriate deployment of personnel and to prevent over or understaffing, the Burbank Police Department will conduct and document workload assessments at least once every four years. The position responsible for assessments and the methods used for the various organizational components may vary and shall be determined by the Chief of Police or designee. The assessment study should include:

- (a) A review of calls for service including the number, nature and priority of the calls.
- (b) A review of response times to identify potential changes in hourly and geographic distribution of personnel.
- (c) A review of workload and case management of ongoing investigations to ensure completion or closure within a timely manner.
- (d) A review of traffic, gang, special enforcement, narcotic, and vice related trends to ensure the proper numbers of personnel are assigned to specialty units.
- (e) A review of the Department's impact on community issues.

The study should include a review of any previous studies or recommendations, conclusions and recommendations for distribution of personnel and any major economic developments that may impact the workload of the Department.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 216

### 216.3 PATROL AND TRAFFIC BUREAU MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the scheduling of at least two regular sworn supervisors on duty whenever possible. Watch Commanders will ensure that at least one field supervisor is deployed during each watch, in addition to the Watch Commander. The Patrol Division Commander may establish Patrol shift minimum staffing levels. Call volumes, crime patterns, operational and other needs may be considered in establishing shift minimums.

The Traffic Bureau Commander may establish Motor Officer shift minimum staffing levels. Call volumes, collision patterns, DUI arrests patterns, operational and other needs may be considered in establishing shift minimums.

#### 216.3.1 SUPERVISION

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

#### 216.3.2 PATROL SHIFTS

Patrol shift assignments will be made annually in accordance with the operative Memorandum of Understanding (MOU) utilizing a selection process based either on Department seniority or seniority in rank, as applicable. Each year shall be divided into three deployment periods, with shift rotations generally occurring in January, April, and August. The selection of particular shifts will determine the officer's or supervisor's days off.

Supervisors will be responsible for service area (beat) assignments for each deployment period to ensure effective coverage, accountability, and the achievement of Department goals and objectives. To ensure accountability within service areas, officers should generally be assigned to the same service area for the duration of a deployment period.

### 216.4 POSITION MANAGEMENT SYSTEM

The Police Administrator will be responsible for the Department Position Management System. The purpose of the Position Management System is to maintain controls on the number, type, and location of all authorized positions in the Department. The Police Administrator shall maintain a Department staffing report to include all sworn and civilian vacancies.

The Police Administrator shall prepare quarterly reports with the following information:

- (a) The number and type of each position authorized in the Department's budget.
- (b) Location of each authorized position.
- (c) Position status information (whether filled or vacant) for each authorized position in the Department.

The reports shall be directed to the Chief of Police and copies provided to the Division Commanders.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 218

CALEA

Approved: *Scott LaChasse*

Effective Date: January 25, 2013

### CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

## License to Carry a Firearm

### 218.1 PURPOSE AND SCOPE

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

#### 218.1.1 POLICY

The Burbank Police Department will fairly and impartially consider all applicants to carry firearms in accordance with applicable laws and this policy. Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Los Angeles County Sheriff to process all applications and license renewals for the carrying of firearms (Penal Code §26150; Penal Code §26155(c)).

### 218.2 QUALIFIED APPLICANTS

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

- (a) Be a resident of the City of Burbank (Penal Code §26150 and §26155).
- (b) Be at least 21 years of age (Penal Code §29610).
- (c) Fully complete an application that includes substantial personal information (Much of the information in the application may be subject to public access under the Public Records Act.)
- (d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm.
- (e) Be of good moral character (Penal Code §26150 and §6155). The applicant shall provide at least three letters of character reference.
- (f) Show good cause for the issuance of the license (Penal Code §26150 and §6155).
- (g) Provide proof of ownership or registration of any firearm to be licensed.
- (h) Be free from any psychological conditions that might disqualify the applicant (Penal Code §26190).
- (i) Complete required training (Penal Code §26165).



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### 218.3 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. The first phase consists of a complete review of the CCW application to make a determination if good cause exists to issue a license. Upon successful completion of Phase One, the applicant will advance to Phase Two, the administrative phase of issuing a CCW.

The application fees are set by statute and may not be refunded if the application is denied. No applicant shall be required to pay for training prior to making a "good cause" determination (Penal Code § 26165(d)).

#### 218.3.1 PHASE ONE

All applicants must complete this phase. Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice Standard Application to Carry a Firearm (including sections 6, 7, & 8) to be signed under penalty of perjury. Any applicant who provides false information or statement on the application will be removed from further consideration and may be prosecuted for criminal offense (Penal Code § 26180). No person determined to fall within a prohibited class described in Penal Code § 29800, § 29815, § 29825 or Welfare and Institutions Code § 8100 or 8103 may be issued a license to carry a firearm.

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

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

- (a) Require the applicant to complete the package before any further processing.
- (b) Advance the incomplete package for conditional processing pending completion.
- (c) Issue a denial if the materials submitted demonstrate the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, applicant is not of good moral character, absence of good cause).

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

If the application is denied, the applicant shall be notified in writing with specific reasons why the request was denied (Penal Code § 26205). The written notification shall be sent within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.

Within 60 days after a denial, the applicant may file a separate application with the Los Angeles County Sheriff's Department, attaching a copy of the letter of denial by the Chief of Police. The Sheriff will exercise independent discretion in granting or denying licenses to these applicants. Refer





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to Los Angeles County Sheriff's Department Manual of Policy and Procedures 5-09/380.05 for additional details.

If good cause exists and the application is moved to Phase Two, the applicant shall be informed in writing and shall be instructed to complete the training requirements pursuant to Penal Code §26165(a), (b), & (c).

### 218.3.2 PHASE TWO

Successful completion of Phase One is a prerequisite for this phase. During this phase, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee for further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

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

Additionally:

- (a) A second set of fingerprints may be required for retention in Department files.
- (b) The applicant shall submit two recent passport size photos (two inches by two inches) for Department use.
- (c) The Chief of Police, based upon criteria established by the Chief of Police, may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed \$150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code §26190).
- (d) The applicant shall submit proof of ownership or registration of each firearm to be licensed.
- (e) The applicant shall complete a 16-hour course of training approved by the Department to minimally including firearms safety and the laws regarding the permissible use of a firearm. The course shall comply with Penal Code §26165. The applicant will not be required to complete and pay for any training course prior to any determination of good cause (Penal Code §26165 and §26205).
- (f) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other Department authorized gunsmith for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm from an unrecognized manufacturer or any firearm that has been altered from the manufacturer's specifications.



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

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

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing with specific reasons why the request was denied (Penal Code §26205). The written notification shall be sent within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later.

### 218.3.3 FEES

The applicant shall pay a non-refundable fee (made payable to the California Department of Justice) at the start of Phase Two for California DOJ to process the applicant's fingerprints as part of a criminal background investigation. (This does not include the fees associated with the actual LiveScan process).

The applicant may be required to also pay by separate check any applicable fees to the City of Burbank (the Burbank Police Department may charge an application processing fee per Penal Code §26190(b)(1), not to exceed \$100). Payment of related fees may be waived by the Chief of Police (Penal Code §26170(b)).

Payment of 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 §26270).

### 218.4 LIMITED BUSINESS LICENSE TO CARRY A FIREARM

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

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

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Burbank (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).



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- (d) Any application for renewal or re-issuance 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).

### 218.5 ISSUED FIREARMS PERMITS

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

- (a) The license will not be valid outside the State of California.
- (b) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.
  - 1. All such restrictions or conditions shall be clearly noted on any license issued (Penal Code §26200).
  - 2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.
- (c) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.
  - 1. Each license shall be numbered and clearly identify the licensee.
  - 2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.
- (d) 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.
- (e) If the licensee's place of residence was the basis for the issuance of a license and the licensee moves out of the jurisdiction of issuance, the license shall expire 90 days after the licensee has moved (Penal Code §26210).
- (f) The licensee shall notify this Department in writing within 10 days of any change of place of residency.

#### 218.5.1 LICENSE RESTRICTIONS

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



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2. Falsely representing him/herself as a peace officer
  3. Unjustified or unreasonable displaying of a firearm.
  4. Committing any crime.
  5. Being under the influence of any medication or drug while armed.
  6. Interfering with any law enforcement officer's duties.
  7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
  8. Loading the licensed firearm with illegal ammunition.
- (b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.
- (c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

### 218.5.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the valid period by completing and submitting a written Application for License Amendment to the Department (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(s). 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.

### 218.5.3 REVOCATION OF LICENSES

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

- (a) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (c) The licensee is determined to be within a prohibited class described in Penal Code §29800, §29900, Welfare and Institutions Code §8100, §8103, or any State or Federal law.
- (d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.



# Burbank Police Department

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- (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 jurisdiction (Penal Code §26210).

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

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

### 218.5.4 LICENSE RENEWAL

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

- (a) Verifying all information submitted in the original application under penalty of perjury.
- (b) Completing a Department approved training course pursuant to Penal Code §26165. The applicant shall not be required to pay for a training course prior to determination of good cause (Penal Code §26165).
- (c) Submitting any firearm to be considered for a license renewal to the Department's 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 of a non-refundable renewal application fee (per fee schedule).

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

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the written notification shall specifically state which requirement was not satisfied (Penal Code §26205).

### 218.6 DEPARTMENT REPORTING AND RECORDS

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

- (a) The denial of a license
- (b) The denial of an amendment to a license
- (c) The issuance of a license
- (d) The amendment of a license



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### (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.

### **218.7 CONFIDENTIAL RECORDS**

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

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



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
220**

Approved: *Scott LaChasse*

Effective Date: January 25, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Burbank Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law (18 USC §926C; Penal Code §26300).

### 220.2 POLICY

It is the policy of the Burbank Police Department to provide identification cards to qualified former or retired officers with a Carrying Concealed Weapon endorsement, "CCW Approved," as provided in this policy.

A copy of this policy shall be issued to all retirees upon issuance or renewal of a Department issued identification card. Retirees must provide a written acknowledgement of receipt of the copy of the policy.

### 220.3 LAW ENFORCEMENT OFFICER SAFETY ACT (LEOSA) [1.3.10]

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 or 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.





# Burbank Police Department

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### 220.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card will 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.

### 220.3.2 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 or she is:

- (a) In possession of photographic identification that identifies him or her as having been employed as a law enforcement officer, and one of the following:
  - 1. An indication from the person's former law enforcement agency that he or 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.
- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by state law or by a private person or entity on his or her property if such prohibition is permitted by state law.

### 220.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn officer of this Department who was authorized to carry a concealed firearm during the course and scope of his or 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 only includes 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 nor shall it include any officer who left the Department for other employment whether or not the continued employment was with another law enforcement agency.
- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code §26305).





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Scott LaChasse, Chief of Police

## Policy 220

### 220.4.1 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 or when the officer does not request a CCW authorization, the identification card shall be stamped "Not Authorized To Carry A Concealed Weapon."

### 220.4.2 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).

### 220.5 FORMER OFFICER RESPONSIBILITIES

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

Retired officers with a CCW endorsement shall carry weapons completely concealed upon his or her person in a holster of a type and style approved by the Rangemaster.

#### 220.5.1 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 or 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 or she is not prohibited by law from receiving or possessing a firearm.



# Burbank Police Department

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220**

## **220.5.2 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.

## **220.6 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 this 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.

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

A CCW endorsement for any officer retired from this Department may be permanently revoked or denied only upon a showing of good cause. Good cause shall be determined at a hearing, as specified in Penal Code §26320. The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety (Penal Code §25470) .

- (a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
- (b) Prior to permanent revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing to determine if the temporary revocation should become permanent by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code §26315).

The retiree shall have 15 days from the date of service to respond to the notification. A retiree who fails to respond to the notice of the hearing shall forfeit the right to a hearing and the authority of the retiree to carry a firearm shall be permanently revoked.

The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).

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



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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 to the Department. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."
- (d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him or 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 memorandum should be forwarded to the Chief of Police.
  3. The personal and written notification should be as follows:
    - a. The retiree's CCW endorsement is immediately and temporarily suspended.
    - b. The retiree has 15 days from the date the retiree signs for the notice or upon the date the notice is served personally on the retiree, to request a hearing to determine whether the temporary suspension should become a permanent revocation.
    - c. The retiree will forfeit his or 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.

### 220.7 FIREARM QUALIFICATION

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.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
221**

Approved: *Scott LaChasse*

Effective Date: March 29, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Station Security and Visitors

### 221.1 PURPOSE AND SCOPE

The safety of Police Department personnel as well as the security of the station and its contents is paramount. Department members play a critical role by maintaining vigilance and awareness. Adherence to security procedures ensures that only authorized persons are allowed station access and that all persons entering the employee areas of the building are properly identified.

#### 221.1.1 RESPONSIBILITY OF ALL PERSONNEL

Station security is the responsibility of all personnel. Department personnel should challenge any person in the police facility that is not recognized as an employee and is not wearing a visitor's badge. The Watch Commander may be contacted to help resolve conflicts or to remove any unauthorized persons.

Employees expecting visitors shall notify the Records Bureau Manager, or his/her designee, who will ensure that the visitor is properly processed and directed to the host employee.

### 221.2 VISITOR BADGES

Except as provided within this policy, a "Burbank Police Department Visitor" badge shall be issued to all guests. The visitor badge is a laminated numbered card with an attached clip. The current color of the badge is white and will rotate periodically to other colors to increase security. When the color of visitor badges is changed, the Records Bureau Manager is responsible to disseminate the information to all police employees via the Daily Bulletin. Visitor badges are maintained in the Record Bureau in a rack on the wall adjacent to the Warrants Office.

The Records Bureau Manager or designee shall inventory the visitor badges daily to ensure that they are all accounted for. The results of the inventory shall be documented in the visitor log.

If a visitor badge cannot be accounted for, the Records Bureau Manager shall notify the Support Services Division Captain. The Records Bureau Manager shall be responsible for entering a card in the visitor badge rack for the missing badge. The card shall contain the date the badge was discovered missing and the visitor badge number. Visitor badges will be replaced by the Public Safety Facility Technician as needed or when their color is changed.



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### 221.2.1 VISITOR BADGE ISSUANCE

Except as provided within this policy, a valid government ID is generally required of all visitors. If another form of legitimate ID is presented, front desk personnel should consult with the Watch Commander for direction. Refer to §221.3 for visitor badge issuance to contract vendors.

Front desk personnel shall follow the below procedure for issuing visitor badges:

- (a) Provide the visitor's ID to the Records Bureau and request a want/warrant check. If there are any Supervised Release File (SRF) hits, the Watch Commander should be immediately notified to determine whether the visitor will be allowed access to the building. Convicted felons, parolees, registrants (sex, gang, narcotic, arson, etc.), persons known to be gang members, and persons with a violent criminal history, shall not be allowed access as a visitor (Note: DOJ rules prohibit running RAPS on visitors).
- (b) Notify the Watch Commander if the person is wanted. The Watch Commander will determine whether the person is to be arrested or advised to clear the warrant. The Watch Commander has the authority to allow a person with an outstanding warrant for minor nuisance violations admittance to the building without being arrested. This shall be limited to those violations that would not jeopardize the safety of personnel or the integrity of the facility and its contents.
- (c) If the person is not wanted and has no SRF hits, a visitor badge may be issued.
- (d) Retain the identification of the visitor and complete the visitor log as required by §221.2.4.
- (e) Place the visitor's ID in the corresponding location for the issued visitor badge (example: If badge #6 is issued, place the ID in space #6).
- (f) Instruct the visitor to display the badge visibly at all times while in the station.

The Watch Commander may be consulted to determine the appropriateness of allowing access to the building to a visitor not otherwise addressed by this policy.

### 221.2.2 ESCORTS

Unless a visitor is approved by a supervisor for unescorted access to the station, front desk personnel are to contact the employee sought by the visitor once a visitor's badge has been issued. The employee receiving the visitor shall personally contact the visitor at the front desk and escort the person to his/her office or meeting place. Once the visit has been concluded, the employee shall personally escort the visitor to the front lobby and direct the visitor to return the visitor badge to Records Bureau personnel.

### 221.2.3 EXEMPTIONS TO VISITOR BADGE ISSUANCE

The following persons are exempt from being required to display a visitor badge:

- (a) City Council Members.



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- (b) Police Commissioners with City ID displayed.
- (c) City Hall employees with City ID displayed.
- (d) Visitors of the Chief of Police. When a visitor for the Chief arrives at the front desk, the Chief's Office shall be promptly notified for instructions. If approved, the visitor should be directed to the Detective/Administrative Reception area where the Chief's Executive Assistant will meet the visitor.
- (e) Escorted family members of Department personnel.
- (f) Members of a group on a station tour guided by a Department employee.
- (g) Persons filing citizen complaints escorted by the Watch Commander.
- (h) Arrestees, detainees, and other persons while in custody, either confined in a secure detention area or under continuous escort by an officer.
- (i) Janitorial personnel in uniform (City ID should be displayed).
- (j) Any other group, with the approval of bureau commander or higher which by its size would make formal check –in procedures unfeasible.

### 221.2.4 TEMPORARY VISITOR BADGES

Temporary disposable adhesive visitor badges may be issued for large invited groups (promotional ceremonies, retirement celebrations, Citizen Academy graduations, training sessions with outside law enforcement attendees). Temporary visitor badges should also be issued to persons arriving at the station for an employment interview or for an interview with a background investigator. The person should then be escorted through the station by the employee expecting the visitor.

Employees who invite groups for meetings, training, or other events are responsible for notifying the Records Manager and for providing a list of expected attendees. The Records Bureau Manager is responsible for providing the front desk personnel with a list of events and attendees that will require temporary visitor badges. Retention of the visitor's ID and documentation in the visitor log is not required when issuing temporary visitor badges to invited groups. The employee issuing the temporary visitor badge shall write the date on the badge in large numbers.

Employees are prohibited from issuing temporary visitor badges except as authorized by this policy.

### 221.2.5 VISITOR LOG

Except as provided for invited guests under §221.2.3 and §221.2.4, a visitor log entry shall be maintained for all visitors. This also applies to individuals who are issued access cards. The visitor log shall be kept in the Records Bureau. Record Bureau personnel shall obtain government ID from visitors and complete the visitor log by entering the date of the visit, the time of visitor's arrival and departure, the visiting person's name and ID number, the name of the Department personnel associated (if applicable) with the visitor's meeting, visitor badge number, and the name of the front desk personnel completing the log.





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### Confidential Informants

The names of confidential informants shall not be entered in the visitor's log if such entry would compromise the investigation or safety of the informant, and if withholding the name is specifically requested by an investigator. These persons shall be in the continuous company of an employee while in the facility. An entry shall be made in the visitor log with "Refer to Investigator" written in place of the visitor's name.

### **221.3 CONTRACT SERVICE PROVIDERS**

All contract service providers working in the Police Department are required to obtain a visitor's badge. Except as provided below, Records Bureau personnel should follow the same procedures as set forth under §221.2.1 for visitor badge issuance.

In some cases, contract service providers (e.g., AT&T) refuse to provide their government identification according to their policies. In such cases, retain the employee ID card and issue a visitor badge per §221.2.1. If insufficient information is available, a want/warrant check may not be possible. The Department employee who summoned the contract service should then be contacted to meet and escort the contract employee. The Department employee will be responsible for providing reasonable oversight of all activities while in the facility.

### **221.4 OUTSIDE LAW ENFORCEMENT PERSONNEL**

Visiting law enforcement personnel must display a badge or ID card in plain view in lieu of a visitor's badge. No recordation is necessary in the visitor's log. If visiting law enforcement personnel are unable to display an ID card or a badge, a visitor's badge should be issued.

### **221.5 BUILDING ACCESS CODE**

The Police/Fire Headquarters utilizes scramble keypads to allow access at various points of the facility. The Public Safety Facility Technician is responsible for:

- (a) Changing the access code at least once annually.
- (b) Changing the access code immediately if there is a security breach.
- (c) Changing the access code as otherwise directed by the Command Staff.
- (d) Announcing the new access code via City email to all police and fire employees (This notice does not include Police Commissioners).

Police personnel are prohibited from giving the access code to any unauthorized person. All members of the Department are required to immediately notify their supervisor if they become aware that unauthorized persons have the building access code.

Police employees should use their body or hands to shield the view of others while inputting the access code.



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## **221.6 BUILDING ACCESS CARDS**

All employees are issued access cards to facilitate movement through the facility. Employees should only use their access card to gain entry and shall not loan their access cards to anyone. Lost or stolen access cards should be immediately reported to the employee's supervisor and the Public Safety Facility Technician. The Public Safety Facility Technician is required to immediately deactivate lost access cards.

The Chief of Police or designee will determine:

- (a) Which City employees, other than Department members, may be issued access cards for long-term use.
- (b) Which contracted vendors may be temporarily issued access cards for individual visits:
  - 1. The Records Bureau Manager shall maintain a list of the contracted vendors authorized for temporary issuance of an access card. If a vendor representative is on the list, Records Bureau personnel may issue an access card for their visit without conducting a want/warrant check as only those who have passed a LiveScan fingerprint background check will be placed on the list.
  - 2. Records Bureau Personnel shall make the appropriate entry in the visitor log per §221.2.5

City employees who have passed a LiveScan fingerprint background check and are authorized by the Chief of Police may be issued an access card for long-term use.

## **221.7 BUILDING KEYS**

The Public Safety Facility Technician is responsible for issuing keys to authorized employees to allow access as required by their assignments. The Public Safety Facility Technician is responsible for documenting the issuance of keys and for conducting an annual key audit. The results of the key audit, including keys unaccounted for, shall be documented in a memo to the Deputy Chief via the chain of command. The Deputy Chief shall determine appropriate action to address station security and personnel issues related to the missing key(s).

Employees who lose their assigned keys are required to immediately notify the Support Services Division Commander via the chain of command.

To maintain proper accountability, key issuance shall follow these procedures:

- (a) Employees assigned to a new work area that requires a key shall contact the Public Safety Facility Technician for issuance of a key. Keys may be issued in advance to accommodate varying schedules.
- (b) Employees who will no longer need an assigned key due to transfers shall turn in their keys to the Public Safety Facility Technician as soon as practicable after the effective date of the transfer.





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Employees are prohibited from exchanging keys with other employees without the direct involvement of the Public Safety Facility Technician.

### **221.8 BUILDING DOOR SECURITY**

Employees should not leave fire doors or facility perimeter doors propped open. If propping open a door is necessary for maintenance or other temporary needs, the door shall be attended at all times.

Any employee who finds a fire door or facility perimeter door propped open and unattended is required to close the door and ensure that it is secure. Prompt notification to the Public Safety Facility Technician or the Watch Commander is also required if an employee finds a facility door that is not properly closing or locking.

#### **221.8.1 POLICE/FIRE BUILDING LOBBY HOURS**

The Police/Fire lobby will be open to the public from 0700-2100 hours. The public entrance doors shall be locked nightly from 2100-0700 hours. Services provided via the front counter and Communications Center will remain the same during the hours when the public entrance doors are locked. Requests for lobby access for the sole purpose of using the ATM shall be granted.

Custodians will secure the doors at 2100 hours using a key and a 5/32" hex wrench located in the custodial closet. Custodians will unlock the doors at 0700 hours every day of the week except Saturday, Sunday and holidays. The Watch Commander or designee will unlock the doors on days when there are no custodians available. Keys are located in the KeyWatcher cabinet. A call-box has been installed at both public entrances; calls from the boxes will be routed to the Communications Center. If the Communications Center determines the caller has a legitimate need to access the lobby/front counter, the door will be unlocked by a remote switch located in the Communications Center. The Communications Center will then dispatch an officer or notify the Watch Commander or Records Bureau as appropriate. Remote entry switches have also been installed in the Watch Commander's Office and Records Bureau.

### **221.9 REMOTE GATE OPENERS**

The Police/Fire Headquarters maintains two security gates to the parking garage. The following employees are authorized to have remote openers for the gates:

- (a) Command Staff members.
- (b) Parking Control Officers.
- (c) Motor Officers.
- (d) Any other employee as authorized by the Chief.

The loss of a remote opener must be immediately reported to the appropriate Division Commander and to the Public Safety Facility Technician.



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### 221.10 STATION INSPECTIONS

Watch Commanders, including Sergeants acting as the Watch Commander, shall perform and document a basic inspection of the station at least once during their shift. The inspection shall be documented in the Watch Commander's Log. The inspection should include the report writing rooms, locker rooms, Jail, and Communications Center. Watch Commanders are also encouraged to inspect and document the facility's outer perimeter and parking areas during their shifts. The focus of the inspection should be risk management and facility security issues including:

- (a) Hazards.
- (b) Security.
- (c) Display of offensive materials.
- (d) Overall appearance and cleanliness.
- (e) Doors and gates secured.
- (f) Suspicious packages or persons.
- (g) Security of vehicles.

Employees should also be alert to above risk management issues and shall report any concerns to a supervisor or the Watch Commander.

#### 221.10.1 SURVEILLANCE CAMERA SYSTEM

The Department maintains a closed circuit surveillance camera system to enhance the safety and security of the facility and its occupants. Permanent monitors for the system are located in the Communications Center, Watch Commander's Office, Jail, and Records Bureau. Personnel assigned to these work areas should regularly view the monitors for suspicious or unusual activity, and proper operation of the system. Maintenance issues shall be promptly reported to the Public Safety Facility Technician who will make arrangements for service repairs. The Public Safety Facility Technician will maintain service records for the system according to the City's Records Retention Schedule.

Recordings from this system shall be retained according to statutory requirements and City policy.

Requests for security camera video recordings should be forwarded to the Support Services Bureau Commander for processing. The City Attorney shall be consulted for discovery requests or other outside legal demands for recordings prior to their release.

### 221.11 DELIVERIES AT THE FRONT DESK

During weekday business hours, front desk personnel should refer package deliveries to Property and Evidence Section. Front desk personnel are responsible for receiving all deliveries at the front desk after business hours. In such cases, front desk personnel are responsible to notify the Property and Evidence Section to retrieve the delivery and arrange for its distribution. The Watch Commander shall be notified prior to accepting any item that appears suspicious or dangerous. Upon notification by



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front desk personnel or the Property and Evidence Section, employees shall promptly claim packages.

All mail and newspapers received at the front desk during business hours shall be promptly forwarded to the office of the Chief of Police.

### **221.12 PERSONAL DELIVERIES**

Unless approved by a Division Commander, personal deliveries of packages or mail to the Department are prohibited.



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CALEA

Approved: *Scott LaChasse*

Effective Date: January 25, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Station Tours

### 223.1 PURPOSE AND SCOPE

The Burbank Police Department recognizes the value and importance of conducting tours of Police Headquarters to acquaint members of the community with the functions and operation of the Department.

### 221.2 RECEIVING REQUESTS FOR STATION TOURS

The COPS Bureau shall coordinate tours of the police facility. An employee shall be assigned to provide the tour and is responsible for ensuring adequate supervision of the group to avoid accidental injuries or visitors wandering from the group.

### 221.3 PERMISSIBLE AREAS FOR THE TOUR

The following areas may be entered by tour groups:

- Jail (with Jail Manager or Watch Commander approval).
- Communications Center (with Communications Supervisor approval).
- Gymnasium (when not in use). Visitors shall not be permitted to operate or handle any equipment.
- Parking facility.
- Detective Bureau.
- Traffic Bureau.
- Roll Call Room (when not in use).

The description of Communications Center operations should occur from the exterior hallway. With the approval of Communications Center or Jail personnel, small groups may enter these areas for brief periods. The employee leading the tour should instruct groups to keep noise to a minimum in these areas.

A patrol car demonstration of the emergency lights, siren, and equipment may be provided. The shotgun shall not be removed from the locking mechanism.



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The size of tours groups may be limited or divided to prevent unreasonable disruption of normal business.

## **221.4 RESTRICTED AREAS**

Tour groups shall not enter any secure portion of the facility, such as:

- The Record Bureau.
- Locker Rooms.
- Interview Rooms.
- Any area of the Jail other than the Jailer's work station.
- Assigned offices.
- Patrol or SWAT armories.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 230

CALEA

Approved: *Scott LaChasse*

Effective Date: September 5, 2013

## CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

# Audits and Inspections

### 230.1 PURPOSE AND SCOPE

The purpose of this policy is to establish requirements for regular Department audits and inspections be conducted, to provide general guidelines for the frequency of the audits and inspections, and to establish the general procedures for conducting audits or inspections.

### 230.2 INTERNAL AUDITOR'S CODE OF ETHICS

Internal auditors are expected to apply and uphold the following principles (The Institute of Internal Auditors):

1. **Integrity** – The integrity of internal auditors establishes trust and thus provides the basis for reliance on their judgment.
2. **Objectivity** – Internal auditors exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the activity or process being examined. Internal auditors make a balanced assessment of all the relevant circumstances and are not unduly influenced by their own interests or by others in forming judgments.
3. **Confidentiality** – Internal auditors respect the value and ownership of information they receive and do not disclose information without appropriate authority unless there is a legal or professional obligation to do so.
4. **Competency** – Internal auditors apply the knowledge, skills, and experience needed in the performance of internal audit services.

### 230.3 POLICY

Audits and inspections are a vital part of the Department's assessment of its performance and capabilities and shall be carried out with the full cooperation of all Department personnel.

Departmental audits and inspections shall be conducted regularly to help ensure that the Department is achieving its objectives and operating efficiently. They must also ensure that the Department is in compliance with State and Federal laws, regulations, policies, and established professional best practices.



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A key element of the success of a formal audit and inspection system is the commitment to remedy deficiencies. Follow-up inspections will be conducted whenever a deficiency is identified and will continue until the deficiency is corrected or mitigated. If written documentation is required for an inspection, each follow-up inspection shall also be documented and attached to the original documentation.

Every organizational component of the Department will be the subject of a staff inspection at a minimum of once every three years.

### 230.4 DEFINITIONS

**Audit** – A systematic and formal examination of an organization's effectiveness in accomplishing its goals and managing risk. An audit may be broad (entire organization) or focused (a particular component or activity). Type of audits may include, financial, performance, or investigative (fraud or misappropriation).

**Inspection** – The examination of an item to determine if it meets an established standard. Inspections may be formal (generally documented and may include recommendations), or informal (ongoing and conducted in the course of normal activities).

**Internal Auditing** – *"Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes."* - IIA

**Line Inspection** – An inspection conducted by supervisory or command personnel who have direct command or responsibility of the resources (people and things) to be inspected.

**Performance Audit** – Concerned with the audit of the economy (minimizing cost of resources), efficiency (maximizing services for any set of resources), and effectiveness (the extent to which objectives are achieved) of an organization.

**Staff Inspection** – An inspection conducted by persons who do not have control of the persons, facilities, or procedures being inspected. The terms "Audit" and "Staff Inspection" may be used interchangeably by this Department.

### 230.5 LINE INSPECTIONS [53.1.1]

#### Informal Line Inspections

Supervisors and managers should conduct regular and frequent line inspections. The inspections may be scheduled or unplanned and should focus on individual or unit state of mission readiness or compliance with policies and procedures. Line inspections may be of uniforms, personal appearance, required equipment, weapons, or vehicles.

Supervisors should note the date, location, and subject of each informal inspection on the Sergeant's log. Supervisors should address minor deficiencies discovered during the course of informal line inspections through follow up inspections. Major deficiencies or violations of policy shall be



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documented in a memorandum and forwarded to the Division Captain who will determine the appropriate corrective action.

### Formal Line Inspections

Formal line inspections should be conducted at least twice a year by each unit of the Department. The scope of formal line inspections should be the same as informal line inspection but should include firearm inspections for sworn members. In addition to the firearm inspections conducted by the Rangemaster for proper operation, supervisors shall inspect the following during a formal line inspection:

- (a) Serial number of duty firearm and Taser.
- (b) Ammunition, to verify quantity and type.
- (c) Secondary or back-up firearm, to verify compliance to policy relative to make, model, and caliber and to verify appropriate concealment from public view.
- (d) Utility knives, to verify compliance with policies and applicable laws.
- (e) Restraint devices, to verify compliance with policies and applicable laws.
- (f) Any other issued or employee owned equipment to verify compliance with policies and applicable laws.
- (g) Baton and OC spray, to verify possession on duty belt.
- (h) Ballistic helmet and face shield.
- (i) Field chemical suit.
- (j) Gas masks (the COPS Bureau will inspect for fit but supervisors shall inspect for possession and condition).

Supervisors shall document a formal line inspection in a memorandum and forward it to the Deputy Chief via the chain of command. The documentation should include:

- (a) Date and time of the inspection.
- (b) Supervisor conducting the inspection.
- (c) Names and titles of persons observing the inspection (as applicable).
- (d) Names and employee numbers of members being inspected.
- (e) List of noted discrepancies, actions taken to remedy the discrepancies, and need for follow-up inspections (as applicable).
- (f) Any recommendations.

Unit commanders may attach cover memorandums to document their actions or add recommendations. The results of each follow-up inspection shall be documented and forwarded in the same manner. All documentation related to formal line inspections shall be maintained by the Professional Standards Bureau.





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Employees of all ranks may be the subject of a line inspection, except the rank of Chief of Police.

## **230.6 AUDITS AND STAFF INSPECTIONS [53.2.1(a)(b)(e)]**

- (a) All audits and staff inspections shall be conducted or coordinated through the Professional Standards Bureau under the authority and direction of the Chief of Police or designee. Members of the Professional Standards Bureau may delegate tasks to others as necessary (such as when specific expertise is required to complete the task).
- (b) The Chief of Police may direct the Lieutenant of the Professional Standards Bureau to conduct audits or staff inspections of any organizational unit, program, process, or activity. These orders shall be binding to both the Professional Standards Bureau and to the organizational unit to be audited. Audits or staff inspections, whether internal or external, shall be conducted within each organizational component (bureau) at least once every three years.
- (c) Division Captains who determine an audit or a staff inspection should be conducted within their command should submit a memorandum to the Deputy Chief detailing the objectives or questions that they wish to have addressed. The Deputy Chief will forward approved requests to the Professional Standards Bureau Lieutenant for scheduling.
- (d) With the exception of most recurring audits or inspections or those required by policy, the Professional Standards Bureau Lieutenant may, when necessary and appropriate, submit a memorandum to the Chief of Police or designee requesting approval for an audit or inspection. The memorandum should include the reason for the audit, the scope, and general objectives. The Chief of Police or designee may approve, disapprove, modify, or postpone a proposed audit or inspection. Any action taken by the Chief or designee shall be in writing and filed and maintained by the Professional Standards Bureau as part of the Department's audit records.

### **230.6.1 ACCESS TO RECORDS AND PROPERTY**

In order to thoroughly and effectively conduct official Department audits and staff inspections, Department members will assist the Professional Standards Bureau with access to necessary files, records, property, and personnel, except those specifically exempted by statutes, regulations, or other directive.

The Chief of Police may direct any employee to provide any and all Department related information, records, and data within their control to the Professional Standards Bureau for auditing and inspection purposes.

### **230.6.2 GENERAL PROCEDURES [53.2.1(b)(c)(d)]**

In consultation with the Chief of Police and consistent with the Department's goals, the Lieutenant of the Professional Standards Bureau shall recommend a schedule and priorities for the internal audit process. The Lieutenant shall report directly to the Chief or Deputy Chief.

Members of the Professional Standards Bureau will not correct deficiencies during the course of a staff inspection but may contact the appropriate Division Captain if immediate corrective action is



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deemed necessary. If misconduct is discovered during the course of an audit, the appropriate Division Captain will be notified and the audit will proceed as planned, unless otherwise directed by the Chief of Police or designee. A personnel investigation may be initiated but shall not be noted in the audit report.

At the conclusion of each audit or staff inspection, the Lieutenant of the Professional Standards Bureau shall prepare a report outlining any discovered risks or deficiencies or commendable work as a result of the audit. The Lieutenant shall make recommendations to mitigate risks and correct deficiencies. When risks or deficiencies cannot be corrected immediately, follow-up inspections shall be scheduled to examine the progress of any initiated efforts. If the mitigation of risks or the correction of deficiencies requires resources not available to the Department, then such limitations shall be documented and attached to the audit report.

When conducting audits and staff inspections, members of the Professional Standards Bureau should follow, where applicable, the standards established by the Institute of Internal Auditors.

### **230.6.2 AUDIT REPORTS**

Audit reports shall be retained for a minimum of ten years. If available, past reports should be reviewed when conducting audits or staff inspections to be informed of any past deficiencies that may indicate trends.

All audit and inspection reports will be filed and maintained by the Professional Standards Bureau. As such, copies of all external audit report shall be forwarded to the Professional Standards Bureau.

The Professional Standards Bureau Lieutenant will prepare audit and inspection executive summaries, which may be released to the public via press release and posting on the Department's website, or to any oversight committee upon request and with the concurrence of the City Attorney's Office.

### **230.6.3 EXTERNAL AUDIT REPORTS**

Audit reports generated by external agencies concerning the Burbank Police Department shall be reviewed by the appropriate Division Commander to evaluate and address any deficiencies. The Division Commander shall submit a memorandum to the Chief of Police documenting the actions taken relative to the findings in the external audit report.

External audit reports and reconciliation memorandums by Division Commanders shall be archived by the Professional Standards Bureau.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 240

CALEA

Approved: *Scott LaChasse*

Effective Date: November 12, 2013

### CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

## Fiscal Management

### 240.1 PURPOSE AND SCOPE

The purpose of this policy is to establish fiscal management guidelines relative to budget, purchasing, accounting and inventory management.

### 240.2 POLICY [17.1.1; 17.4.3]

It is the policy of the Burbank Police Department to manage its fiscal resources in accordance with the procedures established by the City's Finance Department.

The Chief of Police has the overall responsibility for the fiscal management of the Police Department. Specific budget areas are delegated to the Division Commanders who shall be responsible for the effective management of the Division's budget. Fiscal resources include monies appropriated in the agency budget, awarded by grants, state and federal forfeiture funds, and other sources of revenue.

The City's Finance Department maintains all original financial records, which are subject to annual audits in accordance with City, State, and Federal laws, rules, and regulations. These audits are generally conducted by independent outside auditors.

Copies of the Burbank Police Department's financial records are maintained by the Department and are intended for internal management of its fiscal resources and not to supersede the official financial records maintained by the City's Finance Department.

### 240.3 BUDGET [17.2.1; 17.2.2]

The City Financial Services Department is responsible for developing the forms, schedules and deadlines, and managing the computerized programs for the management and tracking of the budgets of various City Departments. The Burbank Police Department prepares its annual budget in a line-item format in accordance with the guidelines that are provided by the City's Finance Department.

Each year, on a schedule determined by the City Manager and the Director of Finance, the Chief of Police directs Division Captains to prepare written budget recommendations, based on the functional goals and objectives of their respective units. The budget preparation and the Department's budget proposal are coordinated by the Police Administrator.



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The Police Administrator will prepare and provide budget worksheets to the Division Commanders. The worksheets will contain the total of the prior and current year expenditures to date for each account. The Division Captain will have the responsibility to submit the next year's budget request by line item for his or her Division. The Police Administrator will update the budget worksheets which will become the preliminary budget document for the Department. Deadlines will vary from year-to-year based on the Finance Department's Budget calendar. Updates from the Finance Department may be received throughout the budget development process and will be provided to the Command staff as needed by the Police Administrator. Supplemental requests, which include new projects or one time procurement needs, will be submitted to the Police Administrator and prioritized by Command staff based on funding availability.

After each Division's completed worksheets and supplemental requests have been submitted, the Police Administrator will produce a preliminary Department budget document for review by the Chief or designee. The completed preliminary budget document will then be presented to the Chief and Division Captains for final approval. It will be the responsibility of the Police Administrator to submit the Department budget to the Finance Department in compliance with the City-wide budget schedule.

Once the final budget has been approved by the City Council, the Division Commanders will be responsible for the maintenance of the portion of the budget that impacts their Division, programs, or projects.

### **240.4 ACCOUNTING SYSTEM [17.4.1]**

The Police Administrator is responsible for tracking the status of all accounts assigned to the Police Department. This shall include monthly reports which reflect at a minimum the following:

- (a) The initial appropriation of each account.
- (b) The account balances at the commencement of each month.
- (c) Expenditures and encumbrances made during the period.
- (d) The unencumbered balance of each account.
- (e) The percent of budget year remaining versus the percent of funds available for each account.

The Department's fiscal year budget allocation is maintained electronically and overseen by the City Financial Services Department. Revenues and expenditures are processed through Police Finance and recorded in the City's electronic accounting system. Monthly status reports are available from the Police Finance Office for review.

The Police Finance Office has access to the City Financial Services Department's on-line fiscal information program. Department reports are prepared monthly on personnel service expenditures and other operating accounts. The monthly reports provided by the City Financial Services Department include all expenditures. These reports do not provide details of the actual items or services paid during any reporting period. The Police Department Finance Office, under the direction of the Police Administrator, maintains more detailed information of all transactions generated at the Department level. This information is available to the Chief of Police and to the Division Commanders.



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Other reports can be prepared for Division Commanders or Project Managers for their information and review upon request.

### 240.4.1 FINANCIAL TRANSACTION REQUIREMENTS

- (a) Employees shall not initiate financial transactions without the knowledge and approval of their Division Commander.
- (b) Every financial transaction shall have a Division Commander's signature.
- (c) An employee shall not be the authorizing or reviewing authority for any financial transaction directly providing goods, services, or products to only that employee.

### 240.5 REQUISITION AND PURCHASING OF SUPPLIES [17.3.1]

The Purchasing Division of the City Finance Department oversees the central purchasing system under the supervision of the Director of Finance. The City of Burbank maintains several blanket purchase orders with local vendors that may be used for supplies, emergency purchases, or rental of equipment. In addition to the general City procedures, the Police Department has established minimum internal processing guidelines.

#### Standardized Purchases

The Police Department requires written approval with supporting documentation for materials, services, and equipment requiring procurement action. The written documentation shall include the vendor's name, street address, telephone, and fax numbers, a description of the item or services requested, the quantity, and the cost of the item or services (including applicable freight and tax). If the item is to be purchased to a specification, the requestor shall attach a copy of the specifications.

The Chief of Police, Deputy Chief, Division Commanders, and Police Administrator are the only employees authorized to approve purchases. A signature is required for any expenditure.

Once appropriate approvals have been obtained, Department purchases shall be made by the Police Finance Office by one of the following methods:

- (a) Information from the Department's purchasing documents is entered into the computerized Finance accounting system (Finance Central Purchasing System – Oracle). A Department Purchase Order is generated from that information. All requests for equipment, supplies, or new contracted services exceeding \$5,000 are to be handled by the City Financial Services Department, Purchasing Division.
- (b) The City of Burbank provides procurement cards for the purchase of goods and services that do not exceed \$5,000. Police Finance personnel are assigned procurement cards to make regular Department purchases. Other Department employees who have been issued City issued procurement cards to allow them to make purchases in emergency situations shall do so in accordance with established City rules. If procurement card purchases are made for supplies or equipment, a memorandum approving the purchase and the receipts shall be submitted to Police Finance.



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This requirement does not apply to credit cards issued to the Vice Narcotics Unit for investigative purposes. The Investigation Division Commander shall be responsible for approving purchases and submitting proper documentation to Police Finance.

- (c) Office Supplies can be obtained by completing a Police Internal Office Supply Order form and submitting it for approval. The City of Burbank contracts for office supplies and, unless an emergency exists, employees should use the contracted vendor for such purchases. Each bureau shall maintain an inventory of routine office supplies and reorder as necessary.
- (d) Check payment requests should be limited to use for memberships, subscriptions, travel, and conference arrangements. They shall not be used as a replacement for a Purchase Order to purchase miscellaneous supplies, materials, and services. Invoices billed directly to the Department, including charges for various publications, services, and subscriptions shall be submitted to the Police Administrator or Division Commander for review and verification of the continued need for the service or publication. Once authorization for payment has been received, Police Finance will complete the process.
- (e) If emergency procurement is necessary during non-business hours a Division Commander may authorize the direct purchase of supplies, equipment, or contractual services.

## Competitive Bidding and Selection of Vendors

The City's competitive procedures and the selection of vendors are governed by Burbank Municipal Code Title 2, Chapter 2, Division 2.

## Emergency Purchases

If an emergency exists, purchases may be made with a verbal approval from the Chief, Deputy Chief, Division Commanders, or Police Administrator. The appropriate required written documentation and approvals shall be submitted as soon as possible after verbal approval is granted.

No employee below the rank of Division Commander is authorized to approve a Request for Purchase or other financial transactions without the knowledge and approval of a Division Commander or the Chief of Police.

## **240.6 FUND TRANSFERS AND EMERGENCY APPROPRIATIONS [17.3.1(e)]**

Fund transfers or emergency appropriations may be accomplished by completing a Budget Transfer Form. The form shall indicate the amount of expenditures and revenues requested to be transferred from one line item account to another or to set up new expenditure and revenue budget items. The form shall be signed by the Chief of Police or designee and forwarded to the Finance Department for City Finance approval. The actual transfer from one line item to another will be accomplished for the budgetary unit in the City's accounting system by the City Financial Services Department, Budget Division.





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### 240.7 PETTY CASH [17.4.2]

Petty cash expenditures may be approved only by the Chief of Police, a Division Commander, or the Police Administrator. A ledger shall be maintained with the Petty Cash file. The ledger shall include the opening balance, any cash discernments or receipts, and the current ending balance.

Petty cash reimbursement forms are processed by the City's accounting system and distributed through the Cashiering Unit of the City Financial Services Department. Petty cash may be used to reimburse employees for Department expenses of \$100 or less. When materials and supplies are needed, employees should avoid the use of petty cash if the items required are available from the City's warehouse or the designated office supply vendor. Petty cash funds shall be available for audit at any time.

The Police Finance Office will maintain \$400 in cash for petty cash reimbursements in a designated safe within the Administrative offices. Employees requesting petty cash reimbursements must obtain written approval from their Division Commander and must complete a Petty Cash Payment and Reimbursement form. The form shall indicate the date, the amount, the reason for reimbursement, and the account to which the reimbursement is to be charged. A receipt indicating what was purchased shall be attached to the reimbursement form.

A representative of the Police Finance Office shall submit the completed reimbursement form to the City of Burbank Treasurer's Office to obtain cash in the amount of the expense indicated on the reimbursement form with cash. The cash will be delivered to the Police Finance Office and placed back into the petty cash fund.

A copy of the petty cash form and invoice shall be retained by the Police Department to record the expense into the budget tracking system.

The Police Administrator or designee shall conduct a documented accounting of the Department's cash activities at least quarterly.

#### 240.7.1 PATROL PETTY CASH [17.4.2]

Officers may encounter special circumstances in which a citizen may be assisted by the purchase of a low cost item, requiring the use of petty cash funds. A petty cash fund is maintained in the Watch Commander's safe for such circumstances. Investigation Division personnel may contact Police Finance directly for any circumstance requiring the use of petty cash funds.

The intent of the petty cash fund is to provide immediate assistance to citizens to acquire food, shelter, clothing, or other items of necessity that would not otherwise be available. An officer should first refer the citizen to an appropriate public agency or resource for such assistance (for example, Burbank Temporary Aid Center – BTAC). The Patrol Petty Cash fund may be used in situations where such agencies or resources are not otherwise appropriate or available (after hours). Examples of the intended use of Patrol Petty Cash funds include:

- A meal is provided to a child or an adult who comes into protective care of the Department.



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- Due to unforeseen circumstances, a family is found without shelter, and, in addition to any voucher for accommodation, other items are purchased that serve an immediate and necessary need.
- Any other similar situation in which a citizen may be assisted by the use of such funds and a supervisor has verified the implicit propriety of such disbursement ([Administrative Procedure VI-6](#)).

### 240.7.2 PROCEDURE

Any officer seeking to purchase any item meeting the above criteria and requiring the use of petty cash funds shall obtain prior approval from the Watch Commander, if possible.

- (a) The Watch Commander shall determine whether the circumstances warrant such approval.
- (b) The officer using petty cash funds shall obtain a vendor's receipt. Petty cash expenditures should not exceed \$100.00 for any one expenditure. While specific, exigent circumstances may justify an expenditure exceeding that amount, any single expenditure exceeding \$100 will require a separate memorandum outlining the specific circumstances, justification, and authorization for the expenditure. The memorandum shall be forwarded to City Finance through the chain of command.
- (c) The officer shall provide the receipt and any unused funds to the Watch Commander for attachment to the *Petty Cash Payment and Reimbursement Form* (C625-5). If a police report is taken, the report number shall be referenced on the form.
- (d) The Watch Commander shall complete the required fields, documenting the reason for the expenditure in the "Description" field. A Watch Commander's Log entry shall also be made.

### 240.7.3 RESPONSIBILITY

- (a) The Patrol Division Commander or designee shall be responsible for all petty cash funds in the Watch Commander's safe, ensuring the security, accountability, and proper documentation. At the beginning of each deployment period (within two weeks), a copy of the *Petty Cash Payment and Reimbursement Form* shall be sent to Finance, resolving any funds dispersed against total account amount.
- (b) Watch Commanders shall maintain all petty cash funds, receipts, and forms in the Watch Commander's safe. Access shall be limited to the Watch Commander only. Should additional funds be required prior to a Police Finance audit of such funds, a memorandum shall be submitted to Police Finance outlining the need for such funds.

### 240.7.4 REIMBURSEMENT AND RECONCILIATION OF PETTY CASH FUNDS

Police Finance shall audit monies in the Patrol Petty Cash Fund at least once each deployment period by collecting vendor receipts, verifying funds, and finalizing the *Petty Cash Payment and Reimbursement Form* (C625-5). Finance shall send the completed form to the City Treasurer for reimbursement of petty cash disbursed. Petty Cash funds shall be subject to audit at any time.





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## **240.8 REVENUES COLLECTED**

The Burbank Police Department receives or collects specified revenues for services provided to the public, such as, copies of police reports or photographs; various licenses or permits; and administrative fees.

- (a) Department employees who are responsible for processing collected monies should process and deposit them with the City Treasurer's Office between 1330 and 1615 hours, no later than the day after they are received. Monies held over must be placed in the designated safe.
- (b) The responsible employee shall prepare a Miscellaneous Transactions Report of Miscellaneous Receipt Batches to accompany the monies prior to depositing with the City Treasurer's Office. This report is generated from the Oracle system and it contains the following information:
  - 1. The batch name of the employee depositing the monies.
  - 2. The date the monies were received by the Department.
  - 3. A list of the revenue sources and the corresponding account numbers.
  - 4. The total monies deposited listed by specific funds.
- (c) If discrepancies involving the accuracy or purpose of monies issued to the City are discovered, copies of checks or documentation of the cash received shall be retained by the Department to help investigate the discrepancy. The original check or cash should be processed and deposited with the City Treasurer's Office as set forth in §240.8(a).

All funds received must be identified within the cashiering system (via cash registers). The individual who pays for a service shall be given a receipt. All Department cash registers or drawers shall be balanced on a daily basis by the clerk assigned to operate specific register. The cash register or Cash Recap Report shall then be verified by a second person. The Report will be stamped and signed by the balancing clerk and the verifying clerk and shall be initialed by a supervisor.

Trust accounts for specific programs or units within the Police Department have been set up for donations. The Police Administrator will maintain a ledger and backup records of funds received and disbursed from these accounts in accordance with City Financial Services Department's financial guidelines.

## **240.9 CONTRIBUTION OF MERCHANDISE OR MONEY**

On occasion, merchandise, equipment, and money are donated for City and/or public use. It is the policy of the City of Burbank to formally accept these gifts and to notify the City Manager and City Council of such contributions amounting to \$5,000 or greater.

### **240.9.1 MERCHANDISE OR EQUIPMENT CONTRIBUTIONS**

When an item is donated to a department, the Chief or Police Administrator shall notify the City Manager, the Purchasing Manager and any department responsible for monitoring the equipment (i.e.



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Information Technology Department for computer equipment). Notification shall be in the form of a memo for a non-equipment item, and in the form of a memo and Fixed Asset Input Document for an equipment item.

If the item is valued less than \$5,000, the Chief or Police Administrator shall send a thank you letter to the donor. A copy of this letter shall also be sent to the City Manager, Financial Services Director, and each City Council Member. If the item is valued at \$5,000 or more, it shall be formally accepted by the City Council at a regularly scheduled meeting.

Where the value of the item is in excess of the minimum fixed asset amount of \$5,000, the Purchasing Manager shall verify the current market value of the item (equipment only) on the memo and Fixed Asset Input Document and forward it to the Financial Services Department Accounting Section.

### **240.9.2 MONETARY CONTRIBUTIONS**

All monetary donations must also be entered into the financial system as a miscellaneous receipt into a revenue account when received. For money donations of \$5,000 or greater, the receiving Department Manager shall immediately initiate an appropriation request to allow for their expenditure. All money donations of \$5,000 or more shall also be formally accepted by the City Council at a regularly scheduled City Council meeting.

For money donations less than \$5,000, the Chief or Police Administrator shall send a thank you letter to the donor. A copy of this letter shall also be sent to the City Manager, Financial Services Director, City Treasurer and each City Council Member. After acceptance of the donation, the Department shall submit a request via a "Request for Interim Budget Appropriation or Transfer" form to the Budget Section to administratively appropriate the funds from the original revenue account into an expense account.

It should be noted that the Department still has the opportunity to make a presentation at a City Council meeting and recognize donors who contribute any monetary amount (including amounts less than \$5,000). All monetary and merchandise contributions are handled by the Police Finance Office.

### **240.10 INVENTORY AND CONTROL [17.5.1]**

All "Capital Items" or those items that have been determined by the City Financial Services Department to be inventoried shall be tagged with a City inventory number and recorded in the City's inventory tracking system.

The Accounting Division of the City Financial Services Department will identify new purchases as paid and forward the City inventory tag to the Police Finance Unit, which will be responsible for maintaining an updated inventory of all property or capital equipment owned by the Police Department.

Property or equipment to be maintained on the City inventory list will include any item listed below or an item with an original purchase price of more than \$5,000:

- (a) Radio equipment and components.



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(b) Computer equipment and components.

(c) Mobile Data Computers (MDC).

The City Financial Services Department shall add items to the official inventory listing as they are acquired and provide an inventory number for accountability. The Police Finance Unit shall amend Department inventory records adding the location, name or description, and inventory number of the new listing.

Any request to transfer or dispose of any Police Department equipment will be coordinated by the Police Finance Unit. The appropriate paperwork will be forwarded to the City Financial Services Department for approval and purging of the item from the official inventory listing.

A physical inventory of all Department equipment on the City of Burbank's official inventory list will be completed by the Police Administrator on an annual basis and at the direction of the City Financial Services Department.

### **240.11 GRANT ADMINISTRATION**

The Police Finance Office will monitor the availability of grants that can be applied for by the Department. Grant applications will be coordinated by the Police Administrator to ensure that all required steps are completed prior to submission. No employee shall apply for a grant on behalf of the Department without the approval of the Chief of Police or designee. All approved grants shall be submitted to the City Council for approval prior to funds being spent by the Department.

If a grant includes discretionary funds for personnel, equipment, or services, all Divisions that might benefit from the grant shall have an opportunity to submit requests for funding. This includes any future modifications to the original grant requests.

The application, acceptance, and accounting of grants awarded to the Department are to be done in accordance with grant guidelines and City of Burbank accounting procedures and practices. The Police Administrator (or grant project manager, if assigned) will monitor grant program deadlines and will complete all program reporting requirements. The City Financial Services Department shall be kept informed regarding any anticipated grant revenues, with tentative schedule of dates and amounts for cash-flow projections. Grant appropriations and revenues will be placed in separate accounts and will not be co-mingled with other City monies.

The Police Administrator will maintain an accounting of all grant purchases or charges including date of purchase, purchase order number, description of the equipment or services, amount of each expenditure, and the current balance of grant funds available.

When acquiring goods and services under Federally-sponsored programs the Department will not contract with a vendor who is currently either debarred or suspended from doing business with the Federal Government. Prior to issuance of Purchase Order, and in accordance with grant requirements, the Department will check the Federal Excluded Parties List on the System for Award Management (SAM) at [www.sam.gov](http://www.sam.gov). The results from the search shall be filed with the Purchase Order. Should a prospective vendor be found to be debarred or suspended by the Federal



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Government, the Police Finance Office will notify the Purchasing Department of this finding and discontinue doing business with the vendor or supplier.

Each responsible Division must safeguard equipment purchased with grant funds as the Police Department is responsible for any losses. Lost, stolen, or damaged equipment must be reported to the Police Finance Office immediately. The Finance Office will notify the granting agency in writing within 14 calendar days of the date of the loss. The loss or damage report must include appropriate explanation of the circumstances involved and the precautions taken to prevent such losses from occurring in the future. The report must also detail how the equipment will be repaired or replaced, timeframe for replacement, and the potential impact on program objectives without replacement of the equipment.

Where applicable, the Police Department will maintain adequate insurance to cover loss or damage of grant-funded equipment. Damaged equipment that will not be repaired must be reported to granting agency within 14 calendar days of the date of damage, with a justification explaining how grant objectives will be achieved without the equipment.

The Police Department must follow the most current grantor's guidelines with regard to the disposal, loss, or damage of grant equipment. For Federal and State grants, the Department shall submit to the agency managing the grant a request for authorization to dispose of grant funded equipment. No grant equipment will be disposed of without written approval from the Police Finance Office.



# Burbank Police Department

Michael Albanese, Chief of Police

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Approved: \_\_\_\_\_

Effective Date: February 12, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any force used by members of the Burbank Police Department is reasonable force and is used in a professional and impartial manner, in accordance with the rights secured or protected by the Constitution and laws of the United States and that any unreasonable force is identified and addressed appropriately (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 – Impact Weapons and Oleoresin Capsicum (Policy 308) and Conducted Electrical Weapon (Policy 309) policies.

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

#### 300.1.1 PHILOSOPHY

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 in numerous and varied human encounters on a daily basis and when warranted, officers may use force to carry out their lawful duties. Officers must have a clear understanding of their legal authority and its limitations.

The Department recognizes and respects the value of all human life and dignity without prejudice. It is also understood that vesting officers with the authority to use reasonable force and protect the public welfare requires a careful balancing of human interests. Officers may only use the 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)).

#### 300.1.2 GENERAL PRINCIPLES

Officers shall evaluate each situation requiring the use of force in light of the circumstances known to the officers. In determining the necessity for force and the appropriate level of force, the evaluation must include the severity of the crime at issue, whether the suspect poses an imminent threat to the safety of the officer or others, and whether the suspect is actively resisting. Officers maintain the right to self-defense and have a duty to protect the lives of others.



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The following general principles are to assist officers in reaching appropriate decisions:

- (a) When appropriate and as safety permits, officers should use de-escalation techniques in order to reduce the need for force and should de-escalate the use of force as resistance decreases, while staying in control.
- (b) The number of officers on scene may increase the available force options, may reduce the overall force used, or may eliminate the need to use force. Officers should be trained that a hard strike to the head with any impact weapon, including a baton, could result in death, and any strikes to the head should be consistent with policy and training.
- (c) Officers should not use force against handcuffed or otherwise restrained subjects unless reasonable under the circumstances to stop an assault, escape, or as reasonable to fulfill other legitimate law enforcement objectives (such as transporting a suspect to the Jail for booking).
- (d) Officers should not use force against individuals who only verbally confront them and do not impede a legitimate law enforcement function.

### 300.1.3 DEFINITIONS

Definitions related to this policy include:

**BlueTeam** – A web-based application that allows supervisors to enter Critical Incident Reports (CIR) into the IA Pro Case Management System.

**CEW** – Conductive Electrical Weapon (i.e., TASER).

**De Minimis Force** – Physical interaction meant to separate, guide, and/or control that does not cause injury, but may cause temporary transient pain (e.g., wristlock). These very brief and inconsequential encounters require notification to a supervisor, documentation in police reports and on the Watch Commander Log. They do not require *BlueTeam* entries.

**Force** – The application of physical force, control techniques or tactics, chemical agents or weapons to overcome the force or resistance of another person. It is not a use of force when a person allows himself or herself to be searched, escorted, handcuffed, or restrained.

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

**Hospitalization** – Admitted to a hospital for treatment beyond that provided in an emergency room (see Medical Treatment below).

**Injury** – Bodily harm resulting in visible injury or complaint of pain.





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**Less Lethal Force** – A level of force such that the outcome is not expected or intended to cause death or Serious Bodily Injury (see the Restraint Devices, Control Devices, and Conducted Energy Device Policies for authorized less lethal devices).

**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(e)(1)).

**Medical Treatment (MT)** – Any on-scene or emergency room treatment or evaluation of an injury by professional medical staff or medical condition that does not require hospitalization (see above). Includes “Okay to Book” evaluations.

**Pain Compliance** – The use of painful, manual stimulus to control a resistive person. The use of pain compliance techniques should not result in bodily harm beyond temporary transient pain or redness.

**Reasonable Force** – Force that is objectively reasonable and necessary in light of the facts and circumstances confronting the officer without regard to the officer’s underlying intent or motivation. Such force that complies with the Fourth Amendment’s requirement of objective reasonableness under *Graham v. Connor*, 490 U.S. 386 (1989). “Reasonableness” of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving when determining the amount of force that is necessary in a particular situation.

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

**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).

**Reportable Use of Force** – Any force used to overcome active resistance that is greater than mere physical interaction or De Minimis Force between an officer and a member of the public.

**Supervisor** – A sworn Burbank Police Department employee at the rank of sergeant or above.

**Subject or Suspect** – Any person who has been subjected to force.

**Type 1 Use of Force** – Classified as a use of force that has the likelihood of causing significant injuries to a subject including: any use of “Deadly Force,” any use of force that results in or could reasonably be expected to result in “Serious Bodily Injury” (see § 300.7.2 – Supervisor’s Responsibilities). Examples of Type 1 force include:

- (a) Any use of a firearm.
- (b) Strikes to the head, neck or throat (if the force results in or is reasonably expected to result in Serious Bodily Injury).
- (c) Force resulting in broken bones.



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(d) Force resulting in loss of consciousness.

(e) Force resulting in hospitalization.

**Type 2 Use of Force** – Classified as a use of force that does not rise to the level of a Type 1 use of force, but results in a complaint of an injury, causes an injury, or could reasonably be expected to cause an injury. Examples of Type 2 force include:

(a) Use of a CEW device.

(b) Use of an impact weapon (e.g., baton and flashlight).

(c) Deployment of Canine that results in injury or complaint of injury (with no hospitalization).

**Type 3 Use of Force** – Classified as a use of force that does not rise to the level of a Type 1 or Type 2 use of force, but results in a complaint of an injury, causes an injury, or could reasonably be expected to cause an injury. Examples of Type 3 force include:

(a) Strike using hands.

(b) Kick.

(c) Take down.

(d) Deployment of OC (Oleoresin Capsicum) (Spray, Aerosol, Pepper Projectiles).

(e) Use of weaponless pain compliance techniques with sufficient force to cause an injury.

(f) Exercising more than De Minimis force when placing a subject in a restraint (e.g., using handcuffs and/or front leg restraints).

**Note:** The force used to apply any restraints shall be the deciding factor, not the application of the restraint itself. Application of restraints is not in itself a reportable use of force, but shall be documented in the officer's report.

### 300.2 POLICY

It is the policy of this Department that 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). No policy can predict every situation an officer may encounter. The Department recognizes that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to sustain physical injury before applying reasonable force.

While officers are trained and authorized to utilize a wide variety of force options, each officer is expected to comply with this policy and use only that degree of force that is objectively reasonable under the circumstances to successfully accomplish the law enforcement mission.





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Penal Code § 830.1 gives peace officers legal authority to carry and use weapons in the performance of their duties. Before being authorized to carry lethal and less lethal weapons, officers shall receive copies of and be instructed on the following policies:

- (a) Use of Force
- (b) Control Devices
- (c) Conducted Electrical Weapon (CEW)

Nothing in this policy is intended to supersede any provisions of the *Peace Officers' Bill of Rights*.

### 300.2.1 DUTY TO INTERCEDE

Any member of this department who is present and observing another law enforcement officer, an employee, or public safety associate using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the totality of the circumstances, **shall**, when in a position to do so, intercede (as defined by Government Code § 7286 / CA AB 26) to stop and/or 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 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.

#### 300.2.2.1 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) / CA AB 26).

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

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)).

These factors include, but are not limited to:

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



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- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).
- (c) Officer or subject factors (age, size, relative strength, skill level, injury/exhaustion, and number of officers vs. subjects and associates).
- (d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).
- (e) The effects of suspected drugs or alcohol.
- (f) The individual's apparent mental state or capacity (Penal Code § 835a).
- (g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).
- (h) Environmental factors, including obstacles, terrain, lighting, weather, etc.
- (i) Mental state of the subject and associates (drugs/alcohol, other mental impairments).
- (j) Proximity of weapons or dangerous improvised devices.
- (k) Time and circumstances permitting, the availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).
- (l) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.
- (m) Training and experience of the officer.
- (n) Potential for injury to officers, suspects, bystanders, and others.
- (o) Risk of escape.
- (p) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officers or others.
- (r) Other potentially relevant circumstances (e.g., known criminal history of the individual).

This policy recognizes that the time available for an officer to evaluate and respond to changing circumstances may impact his or her decision.

### **300.3 USE OF FORCE TO AFFECT AN ARREST OR MENTAL HEALTH DETENTION**

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to affect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest may, but is not required to, retreat or desist from his or 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 objectively reasonable force to safely effect the arrest, prevent escape, or to overcome resistance. It should be noted that the term "retreat" does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).



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Officers also have the right and public safety obligation to detain any person who is mentally impaired and is a danger to themselves or others or who may be violent. Officers may use objectively reasonable force necessary to detain a mentally impaired person.

### 300.3.1 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a passively or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received Department approved training and only when the officer reasonably believes that the use of such a technique appears reasonable to further a legitimate law enforcement purpose.

Officers utilizing any pain compliance technique should consider the totality of the circumstances, including but not limited to:

- (a) The potential for injury to the officers or others if the technique is not used.
- (b) The potential risk of serious injury to the individual being controlled.
- (c) The degree to which the application of the pain compliance technique may be controlled given the level of resistance.
- (d) The seriousness of the offense.
- (e) The level of resistance of the involved individuals.
- (f) The need for prompt resolution of the situation.
- (g) The availability of other reasonable alternatives if time permits (e.g., passive/resistive demonstrators).
- (h) Whether the person has been given sufficient opportunity to comply.
- (i) Whether the person can comply with the direction or orders of the officer.

The application of any pain compliance technique should be discontinued once the officer determines that compliance has been achieved. Officers may continue the use of control holds when reasonable to do so. Pain compliance shall not be used as punishment.

### 300.3.2 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD AND A CHOKE HOLD

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

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).



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### 300.3.2.1 ADDITIONAL RESTRICTIONS

Terms such as “positional asphyxia”, “restrained asphyxia”, and “excited delirium” continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an officer’s use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual’s breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5 / CA AB 490).

### 300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence (e.g., blood draw). However, officers are prohibited from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers shall 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.

### 300.3.4 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)).

### 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. These actions may include the following:

- (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 Department approved tactics, such as the utilization of a Crisis Negotiator Team or Mental Health Evaluation Team member.

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

- (a) Attempts to de-escalate a situation.



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

### 300.3.6 DISPLAYING 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 the 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.

Except as outlined in 300.6, pointing a firearm at any individual shall be reported to a supervisor. The supervisor shall document the incident on the *Taser/Firearm Display Log* and should be documented on the *Watch Commander Log*. It should be noted that the simple removal of a firearm from its holster or from a police vehicle does not need to be reported, unless the weapon is pointed at an individual.

### 300.4 DEADLY FORCE APPLICATIONS

Officers may use deadly force in self-defense or in the defense of others only when the officer has an objectively reasonable belief that death or serious bodily injury is about to be inflicted upon themselves or others. 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. While the use of a firearm is considered deadly force, other force options may also be considered deadly force if the officer reasonably anticipates that the force applied will create a substantial likelihood of death or serious injury. Use of deadly force is justified when the officer reasonably believes it is necessary only in the following circumstances (Penal Code § 835a):

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.
- (b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. The risk of serious bodily injury or death to another person must not be speculative; that is, the mere fact that a suspect is fleeing in a neighborhood or near a school is not by itself sufficient to constitute an imminent risk.



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Where feasible, the officer shall, prior to the use of 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).

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

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

To the extent that is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

While this policy endeavors to cover most circumstances in which deadly force may be authorized, police work is inherently unpredictable; consequently, there are circumstances where it may be necessary for an officer to utilize improvised techniques, tools, or objects in order to prevent death or serious bodily injury. Any use of force shall be evaluated based on its objective reasonableness under the circumstances under *Graham v. Connor* 490 U.S. 386 (1989).

### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Generally, shooting at moving vehicles is prohibited. Any officer threatened by an oncoming vehicle shall not be presumptively justified to use deadly force. When feasible, officers shall first attempt to move out of the path of a moving vehicle before discharging their weapon. When practicable, officers should not position themselves or remain in the path of a moving motor vehicle. Additionally, they should not tactically position themselves directly in front of or behind a driver-occupied, stationary motor vehicle.

Officers shall not discharge a firearm at a motor vehicle or its occupants in response to a threat posed solely by the vehicle unless the officer reasonably believes the moving vehicle is an imminent threat, that deadly force is justified by § 300.4 and the officer has no reasonable alternative course of action to prevent death or serious bodily injury (Government Code § 7286(b)).

In the extraordinary instance that an officer feels compelled to fire at a motor vehicle or its occupants, the conduct of all involved personnel shall be evaluated in accordance with sound tactical principles and critical decision-making.

### 300.5 MEDICAL EVALUATION AND CARE

Employees must evaluate all subjects for injuries as soon as practicable after any use of force action or any law enforcement action in which injuries are sustained to a subject. Once it is reasonably safe





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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)). Additionally, depending on the level of injury, officers shall either immediately request for paramedics to respond to the scene or the subject shall be promptly transported to a medical facility for examination or treatment by qualified medical personnel whenever the subject:

- (a) Strikes his or her head on a hard object or sustains a blow to the head or face because of the application of force by an officer, regardless of how minor any injury to the head or face may appear. The officer transporting the subject shall inform appropriate medical personnel that the subject was struck on the head or face, or struck his head or face.
- (b) The subject becomes unconscious (an unresponsive state) at any point during the contact.
- (c) Is struck by a specialized weapon projectile (40mm projectile, TASER dart, etc.).
- (d) Has a visible injury or injury that appears to require medical treatment.
- (e) Alleges any injury or requests medical treatment, whether or not he or she has any apparent injuries.
- (f) Alleges that force was used against him or her, whether or not he or she has any apparent injuries.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, unusually high tolerance to pain or who engage in a protracted physical encounter with multiple officers may be at an increased risk of sudden death and should not be positioned face down on the ground any longer than is reasonably necessary to apply restraint devices. As soon as practicable after the application of the restraint devices, the subject shall be re-positioned from prone to a seated position. The subject should be examined by qualified medical personnel as soon as practicable. Depending on the circumstances, officers should either request for paramedics to respond to the scene or the subject should be transported to a hospital. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

See the Medical Aid and Response Policy for additional guidelines.

### **300.5.1 REFUSAL OF MEDICAL CARE**

If the person subjected to force refuses medical treatment in any of the cases previously described, he or she shall be transported to a medical facility and required to personally inform the medical staff of his or her refusal to receive medical treatment. The transporting officer shall make an effort to have the medical staff indicate the subject's refusal on a medical admissions report. The officer shall include in the appropriate report or memorandum the name of the medical personnel to whom the suspect indicated his or her refusal and the name of the medical staff member authorizing booking at the Jail. If the medical staff indicates that the subject should be treated despite his or her refusal, arrangements shall be made to transport the suspect to the County-USC Medical Center Jail Ward.

Any doubt regarding the need for medical treatment shall be resolved by transporting the suspect to an appropriate medical facility.





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### 300.5.2 TRANSPORTATION OF SUSPECTS

Whenever practicable, the subject upon whom force was used should be transported by officers other than those who used the force. In the event no other officers are available to transport the subject to a medical facility or the jail, the transporting officers shall notify a supervisor and document the reasons in the crime report.

### 300.6 NOTIFICATION AND REPORTING REQUIREMENTS

It is the policy of this Department to conduct an administrative inquiry on every use of force or alleged use of force by an officer. Generally, a sergeant will be responsible for conducting the inquiry and completing the Use of Force Report under the direction of a lieutenant. The purpose of the inquiry is to evaluate the circumstances confronted by the officers and the reasonableness of the force or level of force used. Policy, training, tactics, and equipment issues shall be considered in the evaluation and included in the Use of Force Report. This administrative inquiry shall be independent of any criminal investigation conducted by the Investigation Division.

Additionally, (1) pointing a firearm at a person during an in-progress or tactical field incident where the circumstances surrounding the incident create a reasonable belief that the use of the firearm may be necessary, or (2) unholstering or displaying a firearm without intentionally pointing it at a person is not a reportable use of force. Nonetheless, pointing a firearm at a person in non-tactical situations shall be reported to a supervisor and documented by the officer in a crime report or supplemental report or by the supervisor in the Watch Commander's Log when a crime was not committed. An example of a situation requiring the reporting of the pointing of a firearm is if the firearm is pointed at a motorist stopped for a traffic violation (not a felony stop) and the motorist is cited or advised and released.

Any use of force by any employee shall be considered reportable use of force and shall be reported immediately to a supervisor (Penal Code § 832.13 / CA SB 16), documented promptly, completely, and accurately in a crime or supplemental report.

Absent a tactical/investigative necessity or medical emergency, officers shall immediately report their involvement or observations to a supervisor without delay prior to clearing the scene involving a use of force. Officers that are required to leave the scene prior to the arrival of a supervisor shall report their involvement or observations involving a use of force to a supervisor as soon as practical and before the end of watch.

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

### 300.7 TYPE 1, 2,3 AND DE MINIMIS USE OF FORCE REPORTING REQUIREMENTS

For Type 1, 2, and 3 Use of Force incidents, all involved officers shall document their actions and observations in a crime or supplemental report. The documentation shall include:

- (a) The reason for the initial police presence.



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- (b) A detailed description of the incident circumstances, including the words, actions, and/or threat posed by the subject and the factors described in § 300.2.2 to determine the reasonableness of the force.
- (c) A detailed description of the force used by the officer completing the report.
- (d) A detailed description of the force used by other officers, if clearly observed.
- (e) A detailed description of force witnessed by each officer on scene.
- (f) A detailed description of any apparent injury to the suspect, any complaint of injury, or the lack of injury, including information regarding any medical aid or medical evaluation provided.
- (g) Ensure body worn camera (BWC) footage, in-car camera (ICC) footage, digital photographs, and audio files are uploaded into the appropriate digital file management system (Evidence.com, Foray, and Puma).

When De Minimis force is used, officers shall notify a supervisor and one of the involved officers shall accurately document the De Minimis force in a police report. Supervisors are responsible to carefully evaluate the De Minimis force to ensure the incident fits within its definition or to otherwise initiate a use of force investigation.

Supervisors shall note De Minimis force incidents on the Watch Commander Log.

### **300.7.1 INTERNAL AFFAIRS BUREAU INVESTIGATION OF TYPE 1 USE OF FORCE INCIDENTS**

The Internal Affairs Bureau (IAB) should investigate all Type 1 Use of Force incidents, force incidents that may potentially involve misconduct or criminal conduct on the part of any involved officer, or those force investigations referred to IAB by a Division Commander, Deputy Chief, or the Chief of Police. As soon as practicable, the IAB Lieutenant shall notify the Deputy Chief of any force incident that may potentially involve misconduct or criminal conduct by involved officers.

The IAB Lieutenant will determine who will administratively interview the suspect regarding the use of force and when, with the concurrence of the Investigation Division Commander. Generally, criminal investigations will take precedence over the internal investigation unless otherwise determined by the Chief or his or her designee.

### **300.7.2 SUPERVISOR'S RESPONSIBILITIES INVOLVING TYPE 1 USE OF FORCE INCIDENTS**

Upon notification of a Type 1 Use of Force incidents, a supervisor shall respond to the scene and initiate an on-scene investigation of the incident (per § 300.7.3) (Government Code § 7286(b)). As soon as practicable, the supervisor shall determine if the use of force should be classified as a Type 1 incident and make the appropriate notifications as soon as possible. If the supervisor is unable to make that determination, the supervisor will consult with his or her direct supervisor to assist in the determination.

Until relieved by IAB, the on-scene supervisor shall request additional resources from the Watch Commander (as necessary) to ensure evidence is preserved and any and all civilian witnesses are contacted and their statements are obtained.



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The supervisor shall be responsible for entering the incident into *BlueTeam* (refer to the [BlueTeam Reports Policy - 303](#)) and uploading any BWC footage, ICC footage, digital photos, and audio files recorded by the supervisor into the appropriate digital file management system (Evidence.com, Foray, and Puma).

### 300.7.3 SUPERVISOR'S INVESTIGATION OF TYPE 2 AND TYPE 3 USE OF FORCE INCIDENTS

Upon notification of a Type 2 and Type 3 Use of Force incident, a supervisor shall respond to the scene and thoroughly investigate all Type 2 and 3 incidents (Government Code § 7286(b)). Whenever possible, a supervisor who participated in or ordered the force should not conduct the force inquiry. In the event an involved supervisor is required to conduct the force inquiry, the reasons shall be documented in the Use of Force Report. When investigating a Type 2 or Type 3 incident, the handling supervisor shall, whenever possible:

- (a) Respond to the scene, examine the subject of the force for injury, interview the subject for any complaint of injury and where necessary, summon medical aid.
- (b) Ensure that any other injured parties are examined and treated.
- (c) Interview the subject of the force and the involved officers.
- (d) Locate and interview all potential witnesses, including Department personnel. Audio/Video record all civilian witness statements including those who claim to have seen nothing. If significant canvassing is required, the Watch Commander should be contacted for additional supervisory personnel, including IAB staff.
- (e) When possible, assess the subject's injuries and determine whether they are consistent with the force reported by the officers.
- (f) Interview the treating physician or other qualified medical personnel to determine the extent of injuries and if they are consistent with the degree of force reported.
- (g) Ensure collection of evidence sufficient to establish material facts related to the use of force, including physical evidence, audio and video recordings, photographs, and other documentation of injuries or the absence of injuries.
- (h) Canvass the area for privately owned video that may have captured the contact and attempt to obtain copies voluntarily. If owner refuses, document the location and owner of the video. If no privately owned video is discovered, document that none was found.
- (i) Ensure the subject is photographed for identification purposes and to document 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.
- (j) Consider all relevant evidence to make credibility determinations and resolve material inconsistencies in statements, if feasible.
- (k) If the information indicates possible misconduct, the supervisor shall consult with the Watch Commander or supervising lieutenant and shall notify IAB.
- (l) Unless directed otherwise by IAB, require each officer at the scene to complete a crime or supplemental report. Each officer will describe what he or she did and saw with specificity, identifying all other officers involved in the incident when possible.



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## **300.7.4 SUPERVISOR'S FORCE INVESTIGATION REPORT FOR TYPE 2 AND TYPE 3 USES OF FORCE**

For Type 2 incidents, the supervisor shall document the incident as follows:

- (a) Enter the incident into *BlueTeam* per the *BlueTeam Reports Policy*.
- (b) Upload associated BWC, ICC, digital photos, and audio files in the appropriate digital file management system (Evidence.com, Foray and Puma). Other electronic files may be attached to the *BlueTeam* report.
- (c) Complete a Supervisor's Use of Force Report (memorandum to the Division Commander) and forward to supervisor's lieutenant within 14 calendar days of learning of the use of force, unless an extension is approved by the supervisor's Division Commander. The report shall include the following:
  - 1. The supervisor's narrative description of the incident, summarizing the force used by the officers, injuries sustained by the subject and the officers, and the sequence of events. The summary should provide the reviewer a complete understanding of the incident, including, when each officer used force, why the force was necessary at each point in time, and how each injury, if any, occurred. The summaries of the statements should be brief and highlight only the relevant facts. A transcription of recorded civilian witness statements or duplication of officer report narratives should be avoided. Additionally, it will document the supervisor's actions in reviewing or screening the incident.
  - 2. In situations in which there are no known witnesses, the report will specifically state this fact. In situations in which witnesses were present but the supervisor did not determine the identification, phone number, or address of those witnesses, the report will state the reasons why.
  - 3. The charges filed against the suspect, whenever possible. When a prosecutorial agency declines to file criminal charges, the reasons for such declination shall be included in the report, if applicable.
  - 4. The supervisor's evaluation of the evidence involving the use of force, including any material inconsistencies in the evidence or statements.

The supervisor's Type 2 Use of Force Report file shall contain the following:

- (a) Supervisor's report.
- (b) Copy of *BlueTeam* report.
- (c) Copies of relevant crime or incident reports.
- (d) Photographs.
- (e) Any other documentation referenced in the supervisor's report.

For Type 3 incidents, the supervisor shall document the incident as follows:

- (a) Enter the incident into *BlueTeam* per the *BlueTeam Reports Policy*.



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- (b) Upload associated BWC, ICC, digital photos, and audio files in the appropriate digital file management system (Evidence.com, Foray and Puma). Other electronic files may be attached to the *BlueTeam* report.
- (c) Any witness statements taken by the field supervisor shall be memorialized in a follow-up report under the incident DR.

### **NOTE:**

A Supervisor's Use of Force Report (memorandum to the Division Commander) is not necessary for Type 3 Use of Force investigations. Forward to supervising lieutenant the items listed below within 14 calendar days of learning of the use of force, unless an extension is approved by the supervisor's Division Commander.

The supervisor's Type 3 Use of Force Report file shall contain the following:

- (a) Cover Memo Sheet
- (b) *BlueTeam* report (completed as thoroughly as possible)
- (c) Watch Commander Insight
- (d) Attachments (refer to *Watch Commander Use of Force Checklist*)
  - 1. Police Reports
  - 2. Photos
  - 3. Booking Forms
  - 4. BPD In-House history
  - 5. Criminal History
  - 6. Watch Commander Log entry
  - 7. Shift Report
  - 8. Daily Field Activity Report(s)
  - 9. CAD for incident
  - 10. Dispatch audio/phone call(s)
  - 11. BWC/ICC footage
  - 12. PUMA recordings
  - 13. Video (surveillance / cellphone, etc.)
  - 14. Any other documentation deemed necessary.

### **300.8 ADMINISTRATIVE INTERVIEW OF SUSPECTS**

The criminal investigation and the administrative inquiry shall remain bifurcated. At no time will the suspect be interviewed in the criminal matter and the administrative matter by the same person. Administrative interviews of suspects in Type 1 use of force cases shall be conducted by IAB personnel



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with the concurrence of the Investigation Division Captain, unless otherwise decided by the Deputy Chief or Chief.

The Watch Commander should conduct the interview of the subject of the use of force unless it is not practical for the watch commander to interview the suspect. If the field supervisor conducts the interview, the circumstances will be appropriately documented in the Use of Force Report.

Supervisors conducting a Use of Force investigation interview of a suspect in-custody should ensure that the suspect has been admonished of their Miranda rights before conducting the Use of Force interview. If a Miranda admonition was not previously given to the suspect by the arresting officer(s) or detective(s), the supervisor investigating the Use of Force should provide the admonishment before the interview.

Any statements made by the suspect of a case involving a use of force should be documented in the appropriate police report(s) and Use of Force report. If the suspect invokes his/her rights and refuses to provide a statement, then the specifics of the invocation (i.e., request for an attorney, or choosing to remain silent, etc.) should be documented in the police report(s) and Use of Force report. Also, see Policy 317 on Compliance with Constitutional Requirements.

Watch Commanders shall advise a suspect that he or she is being administratively interviewed as a witness for a Use of Force report and that the interview is being recorded (advisement should be recorded).

The administrative interview by a Watch Commander of a suspect involved in a Type 2 use of force (or Type 1 if applicable) should precede any custodial interrogation of the suspect by officers or investigators. If the suspect is in custody for a serious or violent crime, the Investigation Division Commander should be consulted before an administrative use of force interview of the suspect is conducted. If the Watch Commander believes that the significance of the criminal offense outweighs the minor nature of the force used, he or she may authorize officers to Mirandize and question the suspect on the criminal charges before the Watch Commander conducts the administrative interview. The Watch Commander shall fully articulate the justification in the Use of Force Report for review by the Critical Incident Review Board for authorizing the criminal interrogation to precede the administrative interview.

The supervisor approving the crime report shall ensure that "USE OF FORCE" is distinctly placed at the top of the narrative page of the original crime report (the template is available in ARS with the template code of "UOF"). This is in an effort to inform the City Attorney's Office and the District Attorney's Office that an Administrative Use of Force report exists.

### **300.9 WATCH COMMANDER / SUPERVISING LIEUTENANT RESPONSIBILITIES**

Whenever possible, the Watch Commander or supervising lieutenant shall immediately examine and interview any person on whom Type 2 or Type 3 force was used. The interview shall be audio or video recorded. The Watch Commander or supervising lieutenant shall ask the person if he or she has any injuries, the nature of the injuries, and if he or she is in need of medical treatment. These questions shall be asked, whether or not the subject has any apparent injuries. If the subject is transported to a medical facility, the Watch Commander or supervising lieutenant shall direct a supervisor to interview





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the physician or qualified medical personnel to determine the extent of injuries (or lack thereof) and if they are consistent with the degree of force reported.

Watch Commanders shall interview suspects privately and out of the presence of others. Any deviation from this policy shall be documented in the Watch Commander's report.

Additionally, when the suspect is uncooperative, belligerent, or intoxicated, the supervisor or Watch Commander should attempt to obtain and record an initial statement. The Watch Commander should ensure that the suspect is interviewed again at a later time in the booking or detention process. If a second interview is not conducted or attempted, the reason shall be documented in the report.

For all force incidents, the Watch Commander or supervising lieutenant shall conduct a tactical review with the involved officers to discuss their tactical conduct and decision making associated with the use of force. The interviews of the involved officers, the involved subject, and the results of the Watch Commander's review of the incident shall be detailed in the Watch Commander's addendum to the Use of Force report (i.e., "Watch Commander's Insight"). The Watch Commander or supervising lieutenant shall make his or her recommendations as to whether further action or investigation is warranted, focusing specifically on training and policy issues. The Watch Commander or supervising lieutenant will ensure that the investigation and documentation completed by the supervisor is appropriate for the type of force used and is thorough and complete.

For all Type 1 use of force incidents, the Watch Commander or supervising lieutenant will be responsible for notifying IAB and the appropriate Division Captain as soon as possible.

### **300.9.1 WATCH COMMANDER / SUPERVISING LIEUTENANT ASSESSMENT ("INSIGHT")**

The Watch Commander or supervising lieutenant must conduct a critical assessment of use of force incidents by their personnel. The assessment report must contain the header "Watch Commander Insight." The assessment should take into consideration all relevant facts, legal aspects, tactical decisions made leading up to the use of force, Department training standards, and policy requirements.

The assessment should include a reconciliation of the use of force incident against relevant policies. For example, if officers unsuccessfully attempt a physical takedown, deploy a Conducted Energy Device and then apply a Front Leg Restraint device, the assessment should minimally reconcile the officers' actions against the Use of Force Policy, the Conducted Energy Device Policy, and the Restraint Device Policy. Incidental policy issues, such as failure to comply with using a digital audio recorder (Use of Audio Recorders Policy) or BWC/ICC (Use of Body Worn and In-Car Camera Policy) should also be addressed.

### **300.10 DEATH INVOLVING THE USE OF FORCE**

It is the policy of the Burbank Police Department to request the Los Angeles County District Attorney's Office to conduct independent investigations of deaths of persons in the custody or control of the Burbank Police Department where the use of force by a peace officer may have been the proximate cause of the death. In the event of a death involving the use of force, the Investigation Division Captain will be notified. IAB staff shall respond to conduct an administrative investigation.





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At the discretion of the Investigation Division Captain, the Los Angeles County Sheriff's Department may be requested to conduct the investigation.

### 300.11 FORCE REVIEW INQUIRY

The entire Use of Force Report file shall be forwarded to the appropriate Division Captain for review within 21 calendar days of the incident. It shall then be forwarded to the Deputy Chief who shall convene a Critical Incident Review Board (CIRB) within 60 calendar days. The CIRB should consist of the Deputy Chief or designee and two captains to review the incident to assess tactics policy compliance and training concerns. Subject matter experts from within the Department may be utilized as resources by the CIRB to effectively evaluate the incident (refer to the Critical Incident Review Board Policy - 302).

#### 300.11.1 ADMINISTRATIVE LEAVE PROCEDURES

Any employee whose actions or use of force in an official capacity results in death or serious physical injury to another person will be placed on paid administrative leave for a minimum of three workdays. Additional paid administrative leave may be authorized by the Chief of Police.

Any employee placed on paid administrative leave in accordance with this policy shall not return to duty without a written authorization from the Chief of Police. The Chief of Police may authorize the employee to return to a temporary administrative assignment as may be appropriate based on the circumstances.

While on paid administrative leave, the employee may be required to meet with a Department provided psychologist to address post critical incident trauma reactions and stress management. The employee's Division Captain will facilitate the employee's attendance at the initial and any follow up sessions.

#### 300.11.2 NOTIFICATION TO PROSECUTION

When necessary, the Investigation Division Commander shall be responsible for informing prosecutors (City Attorney's Office and LA County District Attorney's Office) about the reporting requirements of the Department's Use of Force Policy. The prosecutors may request a copy of a Use of Force Report or administrative information not included in crime reports if determined by the prosecuting attorney to be relevant to the case. The investigator filing a criminal complaint must make a reasonable effort to advise the prosecuting attorney of the use of force in a case.

### 300.12 TRAINING

The Training Coordinator shall ensure the following:

- (a) That all sworn members receive **annual** training on the Department's Use of Force Policy (Government Code § 7286(b)).
- (b) That all training is properly documented in the employees' records.
- (c) That all employees authorized to carry lethal or less than lethal weapons are issued copies of the applicable policies.



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- (d) That all newly hired sworn members are instructed on the Department's Use of Force Policy.
- (e) Subject to available resources, the Training Coordinator shall ensure that officers receive periodic training on de-escalation tactics, including alternatives to force. The 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)).
- (f) All training courses required by and consistent with POST and guidelines set forth in Penal Code § 13519.10 are met.

The Watch Commanders and bureau lieutenants shall be responsible for ensuring their personnel receive recurrent training on this policy. This recurrent training may be conducted in roll call or other similar meetings. The recurrent training shall be documented on employee Comment Cards.

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

### **300.13 ANNUAL ANALYSIS OF USE OF FORCE**

The Professional Standards Bureau (Audits and Inspections) will conduct an annual analysis that will report on all Use of Force incident reports to identify patterns or trends. The analysis report will be forwarded to the Chief of Police for final assessment for policy changes, training needs, or equipment needs.

The analysis report should not contain the names of officers, suspects, or case numbers.

### **300.14 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Records Manager or authorized designee shall ensure that data required by the Department of Justice (DOJ) regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded to the DOJ as required by Government Code § 12525.2.

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

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

### **300.16 POLICY REVIEW**

The Professional Standards Bureau shall regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

### **300.17 POLICY AVAILABILITY**

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



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## **300.18 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 (Policy 1026), and Records Maintenance and Release (Policy 810) policies (Government Code § 7286(b)).



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 302

*Scott LaChasse*

CALEA

Effective Date: December 5, 2013

### CHAPTER 3 – GENERAL OPERATIONS

## Critical Incident Review Board

### 302.1 PURPOSE AND SCOPE [1.3.7]

The Department will conduct administrative reviews of all critical or serious incidents as deemed appropriate by the Chief of Police or designee. In addition to reviewing incidents for adherence to Department policies and procedures, the review board may recommend changes in policy, procedure, training, or equipment. In most cases, the Critical Incident Review Board will conduct reviews of incidents after all criminal and administrative investigations are completed. In cases involving misconduct, the Critical Incident Review Board will make a recommendation of discipline to the Chief.

### 302.2 CRITICAL INCIDENT – DEFINED

An *administrative critical incident* is defined as an occurrence of significant liability or impact that carries a strong likelihood of litigation. Examples of such incidents are as follows:

- (a) Officer Involved Shooting (OIS).
- (b) In-Custody Death.
- (c) Any on-duty death or serious injury of a Department employee.
- (d) Any criminal investigation involving an employee.
- (e) Any Sexual Harassment or Racial Discrimination allegation made by or to an employee within the workplace.
- (f) Any sustained citizen's complaint or administrative investigation that may result in discipline of ten days or more.
- (g) Traffic Accidents with injuries involving police vehicles operating Code-3.

### 302.2.1 SERIOUS INCIDENT – DEFINED

A *serious incident* is defined as an occurrence of significant potential liability that could result in litigation. It includes, but is not limited to, the following:

- (a) Reportable Use of Force.
- (b) Vehicle Pursuit.



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- (c) Property Damage resulting from any act by an employee.
- (d) K-9 Bite.
- (e) Any incident that may result in substantial City liability.
- (f) Traffic collisions with injuries involving an on-duty employee.
- (g) Traffic collisions, non-injury, involving police vehicles operating Code-3.
- (h) Any sustained citizen's complaint or administrative investigation that may result in discipline of less than ten days.
- (i) Any other incident or occurrence deemed appropriate for review by the Chief of Police or designee.
- (j) Any other incident or occurrence as requested by the City Attorney.

## **302.2.2 COMPOSITION OF THE BOARD**

The Board shall be chaired by the Deputy Chief or designee and Division Commanders.

A BPOA peer member will also participate in the CIRB process.

The Board may utilize subject matter experts during the Critical Incident Review such as training and tactical instructors and traffic accident reconstruction experts, when appropriate.

The Training Coordinator and Rangemaster may also attend CIRB.

## **302.2.3 PROCEDURE [41.2.2]**

All incidents referred to in this policy, whether critical or serious, shall be reviewed by the Critical Incident Review Board (CIRB). The following procedures shall be adhered to:

- (a) The Board shall review all IAB cases defined as critical and serious incidents and any significant incidents that may require an administrative investigation.
- (b) The Board will render an opinion regarding policy compliance and training and tactical issues.
- (c) The Board will assess current policies, procedures, training, and equipment as they apply to the incident and, when appropriate, recommend changes to the Chief.

## **302.2.4 FINDINGS**

The Critical Incident Review Board may make the following determinations:

- (a) The incident was exemplary and a formal recognition of the officer's actions was recommended.
- (b) The incident was within policy and resulted in no tactical or training concerns.



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- (c) Training issues were identified and referred to the Training Staff.
- (d) Sub-optimal performance was identified.
- (e) Policy violations were identified and referred to Internal Affairs.
- (f) In cases involving employee misconduct, the Board will make a recommendation of discipline to the Chief.

The Critical Incident Review Board shall memorialize the content, outcome, and recommendations of a critical tactical debrief into an email and/or memorandum directed to the Deputy Chief or Chief of Police after the debriefing has concluded.

If during the CIRB process a supervisor is directed to conduct a tactical debrief with an officer as a result of identified sub-optimal performance, an email or memorandum shall be generated by the supervisor and forwarded to the respective commanding officer regarding the outcome of the debriefing session. The correspondence will be attached to the CIRB worksheet.

When a supervisor is on-scene of a critical or serious incident, the CIRB process should include a review of the supervisor's decision making and management of the incident. The respective Commanding Officer should provide feedback to the involved supervisor, which will be memorialized in an email and/or memorandum and attached to the CIRB Worksheet.

## **302.2.5 RESPONSIBILITIES OF THE CHIEF OF POLICE**

Within 5 days of receiving the Board's findings, the Chief may:

- (a) Concur with the Board's recommendations.
- (b) Modify the recommendations.
- (c) Direct the Board to investigate further.
- (d) Direct the Board to reconvene for further discussion.

Upon final approval of the Chief of Police, the Board shall notify the employee of the outcome within 10 business days of the final review, if employee notification is appropriate or required.



# Burbank Police Department

Scott LaChasse, Chief of Police

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Approved: *Scott LaChasse*

Effective Date: March 29, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# BlueTeam Reports

### 303.1 PURPOSE AND SCOPE [1.3.6]

The purpose of this policy is to provide guidelines for the use of the BlueTeam application to submit Critical Incident Reports (CIR). The system allows for consistency in the reported information and for CIRs to be immediately available for review by the Internal Affairs Bureau and the Command Staff.

#### 303.1.1 BLUETEAM APPLICATION

BlueTeam is a web-based application that allows supervisors to enter CIRs into the IA Pro Case Management System.

#### 303.1.2 CRITICAL INCIDENT REPORTS

For the purposes of BlueTeam, Critical Incident Reports are defined as follows:

1. Use of Force.
2. Employee Involved Vehicle Collisions.
3. Citizen Complaints.
4. Pursuits.

### 303.2 POLICY

Effective July 1, 2013, all Critical Incidents shall be entered into BlueTeam. Prior to that date, the only CIRs that will be required to be submitted via BlueTeam will be Use of Force reports.

BlueTeam CIRs are not intended to replace the requirements of other critical incident reporting policies. Supervisors shall continue to follow established notification procedures and shall continue to prepare and submit via the chain of command reports required by the Use of Force Policy and the Personnel Complaint Procedure Policy. Any CIR submitted via BlueTeam shall be appropriately reviewed, assigned, or investigated.





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### 303.2.1 SUPERVISOR AND WATCH COMMANDER RESPONSIBILITIES

BlueTeam reports should be completed before the end of the shift of the supervisor or Watch Commander investigating the incident or accepting the complaint. In no case shall a CIR entry into BlueTeam be delayed for more than three calendar days.

Upon completion of the BlueTeam report, the supervisor should forward the report to the Watch Commander or the supervising lieutenant for review and approval using the BlueTeam messaging function. The Watch Commander will then forward the report to the Division Commander who will forward it to the Deputy Chief. The Deputy Chief will review and approve the BlueTeam Reports and forward them to Internal Affairs Bureau (IAB) for acceptance into IA Pro.

All digital photographs or audio files should be uploaded into the appropriate file management system (Foray or Puma). Supervisors may attach electronic documents or files to BlueTeam but only in cases where a more appropriate procedure is not available (this is to eliminate duplication of files).

#### Type 3 Use of Force Documentation

To ensure consistency in the information provided for Type 3 Use of Force incidents, supervisors shall use the "Type 3 Use of Force Narrative Template" for the narrative portion of the BlueTeam report. The template may be found in the [Documents Library](#).

### 303.2.2 IAB RESPONSIBILITIES

The IAB Lieutenant will be responsible for accepting the submitted reports into IA Pro and for updating their statuses. Upon assigning the CIR a report number, the IAB Lieutenant will forward the report number to the appropriate Division Commander via email.

For Type 2 use of force reports (and Type 1 reports if assigned to be handled at the operational level), the IAB Lieutenant will forward the approved copy of the BlueTeam use of force report to the Division Commander and the investigating supervisor for inclusion in the use of force packet.

The IAB Lieutenant shall review all incoming BlueTeam reports to ensure that all relevant fields in IA Pro are completed and that the reports submitted via the system meet the requirements and intent of the applicable policies.



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Scott LaChasse, Chief of Police

**Policy  
306**

Approved: *Scott LaChasse*

CALEA

Effective Date: March 29, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Handcuffing and Restraints

### 306.1 PURPOSE AND SCOPE

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

### 306.2 POLICY

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

### 306.3 USE OF RESTRAINTS

Only members who have successfully completed Burbank Police Department approved defensive tactics training on the use of restraint devices 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:

- (a) The circumstances or crime leading to the arrest.
- (b) The demeanor and behavior of the arrested person.
- (c) The age and health of the person.
- (d) Whether the person is known to be pregnant.
- (e) 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.
- (f) Whether the person has any other apparent disability.



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## Policy 306

### 306.3.1 RESTRAINT OF DETAINEES

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

### 306.3.2 RESTRAINT OF PREGNANT PERSONS

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

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code §3407 and §6030).

### 306.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age generally should not be restrained unless the juvenile is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile has been combative or may become combative, attempt escape, injure self, injure the officer, or damage property.

### 306.3.4 NOTIFICATIONS

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

### 306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

Officers should handcuff all arrestees and any person they reasonably believe warrants that degree of restraint. Officers should not conclude, however, that every person should be handcuffed. In determining the appropriateness or the appropriate method of handcuffing, officers shall take the following factors into consideration:

- (a) Age, health, or build of the person.



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- (b) Circumstance of the crime and the behavior of the person.
- (c) Pregnancy.
- (d) Hearing or speech impairment.
- (e) Any apparent disabilities.

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 reasonable or after the person has been searched and is safely confined within a detention facility.

## **306.5 APPLICATION OF SPIT HOODS AND PADDED HELMETS**

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others. Padded helmets are designed to prevent the wearer from injuring themselves by hitting their head on fixed objects or by delivering head blows 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. Padded helmets may be placed upon persons in custody when the officer reasonably believes the person will attempt to injure themselves or others. Spit hoods or padded helmets are generally used while the person is restrained or during or after transport.

Officers utilizing spit hoods or padded helmets should ensure that the devices are fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods or padded helmets with other detainees.

Officers should avoid using spit hoods and padded helmets 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. Removal of padded helmets should be considered if the person vomits. 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 or padded helmet.

Those who have been placed in a spit hood or padded helmet should be continually monitored and shall not be left unattended until the spit hood or padded helmet is removed. Spit hoods shall be discarded after each use. Padded helmets should be cleaned with disinfectant after each use.



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Scott LaChasse, Chief of Police

## Policy 306

### 306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

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

#### 306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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



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

### 306.8 REQUIRED DOCUMENTATION

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

If a person is arrested, the use of restraints other than handcuffs 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 amount of time the person was restrained (a reasonable estimate will suffice).
- (b) How the person was transported and the position of the suspect (if other than seated position).
- (c) Observations of the person's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.
- (e) The factors that led to the decision to use restraints.
- (f) Supervisor notification of the restraint used.
- (g) The time the restraint was placed on and removed from the person.

### 306.9 TRAINING

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Reponse by supervision to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.



# Burbank Police Department

Michael Albanese, Chief of Police

**Policy  
308**

Approved: \_\_\_\_\_

CALEA

Effective Date: December 5, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Control Devices – Impact Weapons and Oleoresin Capsicum

### 308.1 PURPOSE AND SCOPE

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

### 308.2 POLICY

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

Employees must evaluate all subjects for injuries as soon as practicable after any use of force action (refer to the Use of Force Policy §300.5).

#### 308.2.1 CARRYING BATONS

The Department issues sworn officers expandable batons and side handle batons. Uniformed field personnel shall carry at least one Department issued and/or Range Master approved baton on their equipment belt when on-duty and outside the station, or in a position to contact the public. For uniformed field personnel, the decision to carry an expandable baton, a side handle baton, or both on their person will be a matter of personal choice. The expandable baton will be carried in an authorized holster. The side handle baton will be carried in an authorized baton ring. Plainclothes and non-field personnel may carry their issued expandable baton as authorized, consistent with the needs of their assignment or at the direction of their supervisor.

The side handle baton, gas mask, helmet, and face shield are essential equipment for officers on crowd control incidents, mobile field force deployments, or mutual aid requests. Uniformed field personnel (with exception of Motor Officers and Air Support) shall have their issued side handle baton and baton ring readily accessible in their vehicle at all times when on-duty, regardless of their choice of baton to carry on their equipment belt.





# Burbank Police Department

Michael Albanese, Chief of Police

## Policy 308

Batons or holders involved in any type of malfunction or damage shall be turned in to the Rangemaster for exchange. Damage to City Property forms shall also be forwarded to the appropriate supervisor and shall explain the cause of damage.

The Department provides documented training in the use of both the side handle baton and expandable baton to sworn officers.

Extended length straight batons are authorized for issuance in response to preplanned or spontaneous events where civil unrest may occur.

### **308.3 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 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.

**NOTE:** Deviation from the guidelines for the use of control devices, impact weapons, and oleoresin capsaicin spray sometimes occurs due to the fluid and rapidly evolving nature of law enforcement encounters and the environment in which they occur. Deviations may range from minor, typically procedural or technical, to substantial deviations from Department Tactical training. Any deviations are to be explained by the involved officer(s) in the related police report, and justification for substantial deviation from Department tactical training shall be articulated and must meet the objectively reasonable standard of the Department's Use of Force Policy.

### **308.4 RESPONSIBILITIES**

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

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

#### **308.4.2 TRAINING COORDINATOR RESPONSIBILITIES**

The Training Coordinator 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.



# Burbank Police Department

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## Policy 308

Every control device will be periodically inspected by the Rangemaster, Training Coordinator, or designee. The inspection shall be documented and retained by the Rangemaster.

### **308.4.3 USER RESPONSIBILITIES**

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

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

### **308.5 BATON GUIDELINES**

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

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

Depending on the circumstances, officers should either request for paramedics to respond to the scene or transport the subject to a hospital when a subject is struck by a baton. All treatment shall be documented in related reports.

### **308.6 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 SWAT 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.

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

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



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## **308.7.1 OC SPRAY AND AEROSOL OC VAPOR**

Uniformed personnel issued 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.

Aerosol OC Vapor shall only be issued to and carried by trained SWAT officers, K-9 officers, and supervisors. Supervisors should carry OC Vapor canisters inside their police vehicle for immediate accessibility and deployment in the field by trained SWAT and/or K-9 officers.

## **308.7.2 PEPPER PROJECTILE SYSTEMS**

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 injure 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 officers 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 powder agent. The supervisor shall ensure all notifications and reports are completed as required by the Use of Force Policy.

Pepper projectile systems can be used in either a direct or indirect impact method. Direct method consists of actually striking an individual with the projectile. Indirect method consists of striking a hard object near an individual, causing the powder agent to disburse upon contact. The deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward a suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

Pepper Projectile Systems shall only be issued to and carried by trained SWAT officers.

## **308.7.3 TREATMENT FOR OC 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. Depending on the circumstances, officers should either request for paramedics to respond to the scene or transport the subject to a hospital. All treatment shall be documented in related reports.

## **308.8 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



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should include advisement that clean-up will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

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

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.

#### **308.9.1 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 or her actions when such munitions present a reasonable option.

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

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

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

#### **308.9.2 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, officers 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.



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

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

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

### 308.9.3 POST DEPLOYMENT PROTOCOL – KINETIC ENERGY DEVICE

Any time a kinetic energy projectile is expended, other than during training, an on-scene supervisor should ensure that the round is located and booked in as evidence. If the situation does not allow for the recovery (during a riot, for example) or the sponge round cannot be located, the circumstances shall be documented in a related report.

Depending on the circumstances, officers should either request for paramedics to respond to the scene or transport the subject to a hospital when a kinetic energy projectile is used against a subject. All treatment shall be documented in related reports.

Officers transporting a subject to the hospital who has been impacted by a sponge round should remove a round from another cartridge and present it to the attending physician for inspection for gaining a better understanding of the projectile.

If an animal is struck with the projectile, the animal shelter shall be notified to respond and provide medical evaluation and treatment.

### 308.10 TRAINING FOR CONTROL DEVICES

The Training Coordinator 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 an authorized, 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 Department's Use of Force Policy will be provided remedial training (refer to the Training Policy).



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## **308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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



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Approved: *Scott LaChasse*

CALEA  
Effective Date: March 29, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Conducted Electrical Weapon

### 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of **Conducted Electrical Weapons** (CEW). The Burbank Police Department utilizes the TASER X2 or TASER 7 device. During the transitional phase from the TASER X2 to the TASER 7, this policy will refer to policies/procedures for both TASER devices. Once all members have transitioned to the TASER 7 device, policies/procedures only specific for the TASER X2 will be deleted. An updated version of this policy will then be published to all members.

### 309.2 POLICY

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

### 309.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed Department-approved training shall be issued and authorized to carry the TASER device. TASER devices are issued by the COPS Bureau based on assignment. Those leaving a particular assignment may be required to return the device to the COPS Bureau. The COPS Bureau shall maintain records of TASER issuance.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER X2 device should perform a spark test on the unit prior to every shift. Spark tests shall be conducted in a manner consistent with provided training and only at designated locations at the station or range.

Members carrying the TASER 7 device should perform a function test on the unit prior to every shift. Function tests shall be conducted in a manner consistent with provided training and only at designated locations at the station or range.





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Unless the battery was changed for another reason, members carrying the TASER 7 device will change batteries at a maximum of every 30 days to ensure the battery is fully charged and the latest firmware is installed in the TASER 7 handle.

When carried while in uniform, officers shall carry the TASER device on the side opposite the duty weapon.

- All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- Officers shall use only Department issued cartridges and may carry additional cartridges on their person when carrying the TASER device.
- Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- Officers should not hold both a firearm and the TASER device at the same time.

### 309.4 VERBAL AND VISUAL WARNINGS

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may display the *electrical arc* in a further attempt to gain compliance prior to the application of the TASER device. If the *electrical arc* display is used, the Taser should not be aimed at the subject as indicated by the aiming lasers. The aiming lasers should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

#### 309.4.1 REMOVAL OF TASER PROBES

Officers may remove probes that are lodged in a subject's clothing or body. If a probe(s) is lodged in a sensitive area (e.g., groin, female breast, head, face, neck) or in such a position or manner that, in the officer's view, removal may result in serious injury to the subject, the probe(s) should be stabilized in place and removed by paramedics or other qualified medical personnel.

Whenever possible, the officer who discharged the TASER should not remove the probes from the subject's body.



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TASER 7 probe removal requires use of the Cartridge Safety Clip to properly remove the TASER 7 cartridge probes.

After removal, the probes should be placed sharp end down in the cartridge and wrapped in a rubber glove. Probes should be labeled and treated as a biohazard.

### 309.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in momentarily incapacitating most individuals, officers should be aware that the device may not achieve the intended results and officers should be prepared with other options.

#### 309.5.1 APPLICATION METHODS

The following methods may be used to apply the TASER device:

1. **Probe Mode** – This method is used to fire probes from the TASER device into a subject to cause Neuromuscular Incapacitation (NMI).
2. **Drive-Stun with probes deployed** – If necessary and reasonably appropriate, this method may be used as a follow up to the Probe Mode to spread NMI over a wider area. This method may also be used if NMI is not achieved due to narrow probe spread or when only one probe impacts the subject.
3. **Drive-Stun without probes deployed** – This method will not achieve NMI. Because the application of the TASER device in the drive stun mode without the probes deployed primarily relies on pain compliance, this method should generally be used as a distraction technique to gain separation between an officer and a subject, thus giving the officers time and distance to consider other force options or actions.

Absent these circumstances, a TASER will be deployed as described in application methods 1 and 2.

#### 309.5.2 APPLICATION OF THE TASER DEVICE

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

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

Mere flight from a pursuing officer, without other known circumstances or factors described in bullets (a) and (b) above, is not good cause for the use of the TASER device to apprehend an individual.



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### 309.5.3 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. Those high-risk persons include:

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

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

### 309.5.4 TARGETING CONSIDERATIONS

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

### 309.5.5 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard (5 seconds) cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

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



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Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

### 309.5.6 ACTIONS FOLLOWING DEPLOYMENTS

As soon as practicable, officers shall notify a supervisor of all TASER device discharges. The expended cartridge, along with both probes and wire, should be booked into evidence. If the officer is issued the TASER X2, also collect the confetti tags and book into evidence with the used cartridge. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

After the TASER 7 has been discharged:

- (a) The officer will take the battery out of their TASER 7 handle and dock the battery into one of the Department battery docking stations. The electronic data will then be uploaded into Evidence.com.
- (b) The officer will obtain a fresh battery from the docking station that will be fully charged and have the latest firmware updates.
- (c) The officer will obtain new cartridges from a supervisor.
- (d) Any supervisor can obtain the TASER 7 use of force report from Evidence.com.

After the TASER X2 has been discharged, it shall be secured from further review and booked in as evidence as follows:

- (a) The TASER must be placed in a yellow holster (available in the Watch Commander's Office).
- (b) The holster must then be placed in a clear plastic bag.
- (c) The TASER must then be booked into evidence listing the Department as the owner.

When a TASER X2 is deployed and booked into evidence, the officer may be issued a spare Taser from the Watch Commander's Office.

Any requests to download electronic data from a TASER X2 device shall be directed to the COPS Bureau lieutenant. The COPS Bureau lieutenant will assign the task to the Training Coordinator and will notify the Property Room via email that the TASER device may be released to the Training Coordinator. The release of the device to the Training Coordinator shall be documented in *FileOnQ* (with a final disposition of "Released to Owner").

Upon completion of the data download and inspection of the device for proper operation, the Training Coordinator will return the device to the assigned officer and will return the spare TASER to the Watch Commander's Office. The Training Coordinator and the Watch Commander shall be responsible for properly documenting the exchange of the devices and the return of the spare device to the Watch Commander's Office.



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### 309.5.7 DANGEROUS ANIMALS

The TASER device may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

If an animal reasonably appears to be in medical distress after receiving a deployment from a TASER, the animal should be transported to a veterinarian for examination, either at the Animal Shelter or a contracted veterinarian service. If it is unsafe for officers to transport the animal, the Animal Shelter shall be notified to transport the animal. If the owner of the animal is present, officers shall only transport if the owner consents. Officers should record the owner's consent or declination.

Officers shall make reasonable efforts to notify an animal owner when their animal is exposed to a deployment of a TASER. If the owner is not present, a notification card shall be left. The efforts to notify the owner shall be documented in a police report.

### 309.5.8 (RESERVED)

### 309.5.9 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry Department TASER devices while off-duty.

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

## 309.6 DOCUMENTATION

All TASER device discharges are considered a use of force and shall be reported to a supervisor and documented in accordance with the Use of Force Policy. Pointing the TASER device at a person or pointing and activating the laser or arcing the device shall be reported to a supervisor in instances that do not result in an arrest or when no crime was committed. The supervisor shall document the incident on the *Taser/Firearm Display* Log. For example, a situation requiring reporting is when a TASER is pointed at an individual and the TASER laser or arc is used to de-escalate an incident.

Unintentional discharges shall be reported to a supervisor or the Watch Commander who shall determine the appropriate action.

### 309.6.1 TASER DEVICE DISCHARGE DOCUMENTATION

Supervisors shall be responsible for documenting the appropriate information in the Use of Force report (see BlueTeam Reports Policy -303). The information shall include:

- (a) The type and brand of TASER device, cartridge and cartridge serial number.
- (b) Date, time and location of the incident.



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- (c) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (d) The range at which the TASER device was used.
- (e) The type of mode used (probe or drive-stun with or without cartridge).
- (f) Location of any probe impact (if able to determine).
- (g) Location of contact in drive-stun mode.
- (h) Description of where missed probes went.
- (i) That medical care was provided to the subject, including the name(s) of the paramedics and/or other qualified medical personnel.
- (j) Whether the subject sustained any injuries.
- (k) Whether any officers sustained any injuries.

The Training Coordinator shall provide a copy of the downloaded TASER X2 discharge report to be included with the Use of Force report. All supervisors will have access to the TASER 7 discharge reports through Evidence.com. The Critical Incident Review Board should analyze the TASER discharge reports to identify trends, including deterrence, and effectiveness.

The Audits and Inspections Unit shall conduct periodic audits to reconcile TASER device recorded activations with reported activations.

The Training Unit Coordinator shall download the complete TASER usage history for each unit during the annual inspection and maintenance. The historical records shall be maintained by the Professional Standards Bureau for a minimum of two years, after which they may be destroyed in the normal course of departmental records destruction, except where otherwise directed by the Chief of Police or the City Attorney's Office. Annual TASER activation statistics should be prepared and made available to the public upon request.

## **309.6.2 SPARE TASERS**

Spare TASER X2's and TASER 7's will be stored in the Watch Commanders Office to be assigned on a temporary basis to officers in case of malfunctions or when the TASER X2 is used and booked into evidence. Reserve officers who have met the training requirements set forth in this policy may checkout a TASER from the Watch Commander for use during a patrol shift. TASERS are to be checked out prior to their patrol shift and must be returned at the end of their shift. This shall be documented in the Watch Commander Equipment Log.

The Watch Commander shall forward the completed Watch Commander Equipment Log Sheets to the Training Coordinator monthly (unless an electronic log that is accessible by the Training Coordinator is maintained). The Training Coordinator shall retain the logs for a minimum of two years and shall purge them per established Department guidelines.





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Watch Commanders are responsible to account for all spare TASERS at the beginning of their shift and note on the Watch Commander Equipment Log any TASERS that were not turned in. If a spare TASER cannot be accounted for after a reasonable time, the Patrol Captain shall be notified.

### 309.6.3 OFFICER REPORTS

Officers shall include the following in the crime report:

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

### 309.7 MEDICAL TREATMENT

All persons who have been struck by TASER device probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Depending on the circumstances, officers should either request for paramedics to respond to the scene or transport the subject to a hospital when a subject is struck. All treatment shall be documented in related reports.

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 TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

If any individual refuses medical attention, such a refusal shall be made in the presence of the medical personnel (see Jail Policy, §900.1.8). If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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





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### 309.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe that the use of the TASER device is likely. A supervisor shall respond to all incidents where the TASER device was activated.

A supervisor shall review each incident where a person has been exposed to an activation of the TASER device (see the [Use of Force Policy](#)). Supervisors can download the discharge reports through Evidence.com. For the Taser X2, the device's onboard memory should be downloaded through the data port by the Training Coordinator and included in the use of force report. Photographs of probe sites shall be taken.

### 309.9 TRAINING

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

Proficiency training for personnel who have been issued TASER devices should occur every year. A reassessment of an officer's knowledge or practical skill may be required at any time if deemed appropriate by the Training Coordinator or a supervisor. All training and proficiency for TASER devices will be documented in the officer's training file.

Command staff and supervisors should receive TASER device training as appropriate for the investigations they conduct and review.

Officers who do not carry TASER devices should receive department training to familiarize them with the device and with working with officers who use the device.

The Training Coordinator is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. The Audits and Inspections Unit should conduct periodic audits for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Coordinator should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.



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- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
  - (f) De-escalation techniques.
  - (g) Restraint techniques that do not impair respiration following the application of the TASER device.



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Approved: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "M. Albanese".

CALEA

Effective Date: December 5, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Officer-Involved Shootings and Deaths

### 310.1 PURPOSE AND SCOPE

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

In other incidents not covered by this policy (e.g., incidents resulting in serious bodily injury), the Chief of Police may decide that the investigation will follow the process provided in this policy.

#### 310.1.1 POLICY

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

#### 310.1.2 DEFINITIONS

**Officer Involved Shooting (OIS)** – An incident in which shots are fired by an officer, whether or not resulting in injury or death, or shots fired by a suspect at an officer, whether or not resulting in injury or death to the officer. OIS includes all instances where an officer discharges a firearm for any actual, apparent, or purported law enforcement purpose.

All officer-involved shooting incidents shall be reported immediately to an on-duty supervisor by the involved officer when possible or by any employee having knowledge of the incident. The reporting requirement includes officer involved shootings that occur off-duty, regardless of the jurisdiction.

**Unintentional Discharge** – Any instance in which an officer discharges a firearm without specifically intending to do so.

**Exclusions** – Discharges occurring for purposes of training or killing injured animals in compliance with the Firearms and Qualification Policy are excluded from this policy.



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## **310.2 INVESTIGATION RESPONSIBILITY**

The Burbank Police Department will assume primary responsibility for the investigation of officer involved shootings within the boundaries of the City of Burbank, unless the Chief of Police or a Division Commander determines that another agency should handle the investigation.

If an officer from this Department is involved in a shooting in an outside jurisdiction, that agency is responsible for the criminal investigation of the incident. A liaison will be assigned to assist and monitor the investigation.

## **310.3 TYPES OF INVESTIGATIONS**

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

- (a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This Department may relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or the Investigation Division Commander.
- (b) A concurrent criminal investigation of the involved officers conducted by an outside agency (e.g., District Attorney's Office).
- (c) A civil liability investigation conducted by the involved officer's Department to determine potential law enforcement liability.
- (d) An administrative investigation conducted by the involved officer's agency to determine if there were any violations of Department policy.

## **310.4 JURISDICTION**

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

### **310.4.1 BURBANK POLICE DEPARTMENT OFFICER WITHIN THIS JURISDICTION**

The Burbank Police Department is responsible for the criminal investigation of the suspect's actions, the criminal investigation of the officer involved shooting, the civil investigation, and the administrative investigation. A parallel independent criminal investigation of the officer-involved shooting may be conducted by the District Attorney's Office.

### **310.4.2 ALLIED AGENCY'S OFFICER WITHIN THIS JURISDICTION**

The Burbank Police Department is responsible for the criminal investigation of the suspect's actions and the criminal investigation of the officer-involved shooting, unless otherwise directed by the Chief of Police. The officer's employing agency will be responsible for any civil and/or administrative investigations.



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### 310.4.3 BURBANK POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspects to another agency. The Burbank Police Department will conduct timely civil and/or administrative investigations.

### 310.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings or deaths:

	<b>Criminal Investigation of Suspect(s)</b>	<b>Criminal Investigation of Officer(s)</b>	<b>Civil Investigation</b>	<b>Administrative Investigation</b>
<b>BPD Officer in This Jurisdiction</b>	BPD Investigators	BPD Investigators	BPD Internal Affairs Bureau	BPD Internal Affairs Bureau
<b>Allied Agency's Officer in This Jurisdiction</b>	BPD Investigators	BPD Investigators	Involved Officer's Department	Involved Officer's Department
<b>BPD Officer in Another Jurisdiction</b>	Decision made by agency where incident occurred	Decision made by agency where incident occurred	BPD Internal Affairs Bureau	BPD Internal Affairs Bureau

### 310.5 INVESTIGATION PROCESS

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

#### 310.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved supervisor should:

- (a) Take all reasonable steps to obtain emergency medical attention for all injured persons and to ensure that the scene, including all evidence, is secured.
- (b) Attempt to obtain a brief overview of the situation from any non-involved officer.
- (c) In the event there are no non-involved officers and the supervisor intends to obtain a public safety statement, he/she shall administratively order one of the involved officers outside the presence of any other involved officer to immediately provide public safety information necessary to secure the scene and pursue suspects. If there is more than one involved officer, the officers should be separated from one another as soon as practicable.
  1. Public safety information shall be limited to such things as:



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- a. Injuries.
  - b. Outstanding suspect information.
  - c. Weapons involved, number and direction of shots fired.
  - d. Parameters of the incident scene.
  - e. Identity of known witnesses.
  - f. Evidence in their possession.
  - g. Or any other information pertinent to public safety.
2. The involved officers should not be required to otherwise discuss the incident in any specific detail until the arrival of the investigators who will conduct the criminal or administrative investigation, as appropriate, for the Department.
- (d) Absent a voluntary statement from any officer, the initial on scene supervisor should not order or attempt to order any officer to provide specific details other than public safety information.
- (e) Fired handguns should be holstered and retained by the involved officers. Shotguns and patrol rifles should be secured. Weapons shall be left undisturbed if safe to do so. If possible, avoid clearing or reloading the weapons. Expended brass, cartridges, magazines, and other evidence at the scene should be left undisturbed.
- (f) Provide all available information to the Watch Commander and relevant information to the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (g) Take command of and secure the incident scene with additional personnel until relieved by a detective supervisor or other assigned personnel and ensure that an incident log is initiated.
- (h) If medical treatment is not required for the involved officers, the officers should be transported separately from the scene to the station for further direction.
1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
  2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon.
  3. The involved officer shall be accompanied at all times by an uninvolved officer or sergeant. The incident shall not be discussed.
  4. The officer should be encouraged to call his or her spouse or family member as soon as practicable.
  5. A peer counselor shall be available for the involved officers. The details of the incident shall not be discussed with a counselor.



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## **310.5.2 INCIDENT COMMANDER RESPONSIBILITIES**

Upon learning of an officer-involved shooting or death, the Watch Commander shall be the Incident Commander, responsible for coordinating all aspects of the incident until relieved by the Chief of Police, Division Commander, or Detective Bureau Supervisor. Additionally:

- (a) The Incident Commander shall ensure that the Los Angeles County District Attorney Command Center has been notified and their investigative team is responding. The District Attorney Command Center shall be given a brief summary of all the facts of the incident known at the time, including the location of the incident, command post location, suggested access routes, and any safety concerns.
- (a) The Incident Commander shall have the primary responsibility over the incident scene including securing the scene, collection of evidence, photographing and diagramming the scene, and interviewing witnesses in cooperation with District Attorney personnel.
- (b) The Incident Commander shall ensure that the District Attorney investigators receive an initial briefing upon their arrival as soon as practical. The Incident Commander may delegate this responsibility to the on-scene Investigations Division supervisor. Such delegation shall be noted with the time in the incident log. The briefing shall include all relevant information known at the time, including but not limited to the following:
  - 1. The names and present location of the officers involved in the incident.
  - 2. The names, addresses, and present whereabouts of all civilian witnesses and a summary of their statements.
  - 3. The statements of officers, if not compelled, pursuant to California Government Code § 3300 et al.
  - 4. The physical evidence discovered.
  - 5. A walk through at the scene, including witness descriptions of the events and the evidence recovered.
  - 6. The medical condition of injured parties.

## **310.5.3 NOTIFICATIONS**

The Watch Commander shall ensure the following persons are notified as soon as practicable:

- (a) Chief of Police
- (b) Investigation Division Commander
- (c) Internal Affairs Bureau supervisor
- (d) On-Call Team
- (e) Psychological/Peer support personnel
- (f) Officer representative (if requested)
- (g) COPS Bureau Lieutenant or Media Relations supervisor





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

The lead investigating officer or designee shall ensure the following persons are notified as soon as practicable:

- (a) District Attorney Response Team (with approval of the Investigations Bureau Lieutenant or supervisor)
- (b) Coroner (immediate notification to the Coroner is required if a death results. See Health and Safety Code § 102850)

The Investigations Bureau Lieutenant or designee will be responsible for notifying the City Attorney's Office.

## **310.5.4 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 lead investigating officer or designee should promptly notify the DOJ, via the Los Angeles Regional Criminal Information Clearinghouse (LA CLEAR 800-522-5327), in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including when it is undetermined whether 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).

Refer to DOJ Information Bulletin 2021-DLE-03 (<https://oag.ca.gov/system/files/media/2021-dle-03.pdf>) for additional details.

## **310.5.5 MEDIA RELATIONS**

The Department should establish a public information plan specific to the circumstances of the incident, to include other involved agencies as appropriate.

As not to compromise the circumstances or conditions of the initial investigation, a single press release shall be prepared with input and concurrence from the supervisor and agency representative responsible for each phase of the investigation. This release will be available to the Watch Commander, Investigation Division Commander, and Media Relations Sergeant in the event of inquiries from the media.

It will be the policy of this Department to withhold release of the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police or designee.

Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.



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## 310.5.6 INVOLVED OFFICERS

Once the involved officers have arrived at the station, the Watch Commander should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. This requirement is in addition to any admonishments by a field supervisor. If the Watch Commander is unable to provide the admonishment, he or she shall direct a supervisor to complete the task and note the date, time, and location each officer was admonished. The following shall be considered for the involved BPD officer:

- (a) Any request for Department or legal representation will be accommodated (Government Code § 3303(i)). However, no involved BPD officers shall be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with Department representatives (e.g., employee association) will be privileged but only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved BPD officer, or any other affected BPD members, upon request.
  - 1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that the BPD officer is or is not fit for return to duty.
  - 2. An interview or session with a licensed psychotherapist may take place prior to the involved member providing a formal interview or report, but the 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.
- (e) Peer counselors and Department Chaplains are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

Detectives shall make reasonable accommodations to the officer's physical and emotional needs (Government Code § 3303(d)).

Each involved BPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the lieutenant in charge of the officers placed on administrative leave to make schedule adjustments to accommodate such leave.

## 310.5.7 INVOLVED OFFICER RESPONSIBILITY

- (a) Involved officers shall not speak to the media or representatives of any investigating agency prior to speaking with the Burbank investigators assigned to the investigation (when the incident occurs within the City of Burbank).



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- (b) Officers may make voluntary statements to Burbank investigators assigned to investigate the incident.
- (c) If an officer declines to make a full and complete voluntary statement, a compelled statement for administrative purposes only shall be taken by a supervisor assigned to the administrative investigation of the incident.

## **310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION**

### **310.6.1 DETECTIVE PERSONNEL**

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Investigation Bureau Lieutenant to assign appropriate detective personnel to coordinate the criminal investigation.

- a) A lead investigator and support investigator should be assigned.
- b) All police witnesses shall be interviewed.
- c) All interviews with witnesses, suspects, and victims shall be recorded.
- d) If the involved officer wishes to make a voluntary statement, detectives may take a recorded statement.
- e) If the involved officer declines to make a voluntary statement, no questioning shall take place at that time.

All related Departmental reports except administrative or privileged reports (e.g., attorney-client privilege) will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

### **310.6.2 CRIMINAL INVESTIGATION**

It shall be the policy of this Department to utilize the District Attorney's Office to conduct an independent criminal investigation into any incidents in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer. If available, detective personnel from this Department may be assigned to partner with investigators from the District Attorney's Office to reduce duplication of effort in related criminal investigations.

Once public safety issues have been addressed, criminal investigators will be given the next opportunity to interview involved officers in order to provide them with an opportunity to give a voluntary statement. The following shall be considered for the involved officer:

- a) Supervisors and Internal Affairs Bureau personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring such interviews or indirectly providing areas for inquiry.
- b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney, prior to speaking with criminal



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investigators. 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.

- 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. However, in the absence of compelling circumstances, investigators will make every effort to conduct the interview before the end of the involved officer's shift
- d) Any voluntary statement provided by the officer will be made available for inclusion in the administrative or other related investigations. Absent consent from the involved officer or as required by law, administratively compelled statements will not be provided to any criminal investigators.

### 310.6.3 REPORTS BY INVOLVED OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this Department shall retain the authority to require involved officers to provide the same information contained in the public safety statement for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved officer may write the report, it is generally recommended that such reports be completed by assigned investigators who should interview involved officers as victims or 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 involved 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 BPD 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.

Nothing in this section shall preclude the Chief of Police and/or designee from ordering an officer to cooperate with other agencies involved in criminal investigations. If an officer fails to comply with such an order, he/she may officially be charged with insubordination (Government Code § 3304(a)).

### 310.6.4 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identify all persons present at the scene and in the immediate area.



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1. Whenever possible, 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 Department personnel.
1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness in a Department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation. Officers shall make a reasonable effort to contact a parent or guardian. If officers are unable to contact a parent or guardian, a supervisor shall evaluate the need for transporting the minor. If the minor is transported, the officers shall document their efforts to locate a parent or guardian in related reports.
- (c) Assign available personnel to promptly contact 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 contact with officers.

## **310.6.4.1 COLLECTION OF CELLULAR PHONE / PHOTOGRAPHIC EVIDENCE**

The pervasiveness of mobile devices (e.g. smart phones, tablets) and surveillance video technologies make it increasingly likely that OIS incidents and other types of critical incidents may be recorded by members of the public, whether intentionally or unintentionally. In order to ensure that potentially critical evidence (e.g. cell phone video, photographic evidence) is obtained by the Department when an OIS occurs, the following guidelines have been established.

In the event a member of the public is identified as having captured an OIS or other type of critical incident on their mobile device, the following protocols shall be followed:

- (a) Request consent to search mobile device and view any content related to OIS
1. Consideration should be given to completing a B.P.D. Consent to Search Form (B320-351) and/or recording any statements regarding the consent to search if practicable.
  2. Attempt to obtain consent to retain the mobile device if evidence is located.
  3. Personnel should consider the following options (listed in order of preference) when a witness is willing to provide video/or images, but does not wish to give up their mobile device:
    - a. Request the assistance from Detective Bureau personnel to download the data in the field via phone forensic hardware (e.g., Cellebrite) if practicable.



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- b. Request the witness transmit the data electronically to Department and confirm receipt.
- c. Use Department mobile device to manually record video or images from the witness's mobile device

(b) If a witness refuses to give consent to view OIS content on their mobile device:

1. Request a supervisor
2. If the witness's mobile device contains evidence that a crime has been committed, you may seize the phone as evidence, but you shall not search the phone without a search warrant.
3. After the lawful seizure of a mobile device, a search warrant for the contents of the mobile device should be sought as soon as practicable.

## **310.7 DISTRICT ATTORNEY RESPONSE PROTOCOL**

The Burbank Police Department and the Los Angeles County District Attorney's Office recognize the importance of an independent review of officer involved shootings and/or deaths. The Burbank Police Department and the Los Angeles County District Attorney's Office have entered into a formal agreement establishing a protocol for the immediate response of Los Angeles County District Attorney personnel to the scene of officer-involved shootings and in-custody deaths. The District Attorney's role in such investigations is only to investigate and determine whether any violation of criminal law may have occurred.

This policy is based on the Letter of Agreement regarding the Los Angeles District Attorney Officer-Involved Shooting Response Program for Officer Involved Shootings and In-Custody Deaths. A copy of this agreement shall be maintained in the office of the Chief of Police and is available for reference.

It is the policy of the Burbank Police Department to request the Los Angeles County District Attorney's Office to conduct independent investigations of officer-involved shootings and/or deaths of persons in the custody or control of the Burbank Police Department where the use of force by a peace officer may be a proximate cause of the death.

## **310.8 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 BPD officers to determine conformance with Department policies. This investigation will be conducted under the supervision of the Internal Affairs Bureau and will be considered a confidential peace officer personnel file.

- (a) If an officer has voluntarily provided a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.





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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 or her prior statement before proceeding with any subsequent interview (Government Code § 3303(g)).
- (b) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall, when appropriate, conduct an administrative interview to determine all relevant information. The administrative investigator will make every effort to conduct the administrative interview of the involved officer(s) before the end of the officers' shift, absent compelling circumstances to delay the interview (e.g., mental-wellbeing of officer, physical injury to officer, number of hours officer has been awake or at work). In the event the administrative interview was not conducted prior to the end of the involved officers' shift, an explanation of why the interview was not conducted will be included in the OIS investigation. Under no circumstances will the administrative investigation interfere with the criminal investigation. Any conflict will be resolved by the Chief of Police or designee.
  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 (Government Code § 3303(i)). 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.
  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 all constitutional Miranda rights (Government Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Government Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally (The Lybarger or Garrity admonishment).
  5. The administrative interview shall be considered part of the officer's confidential personnel file.
  6. The Internal Affairs Bureau shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  7. The completed administrative investigation shall be submitted to the Critical Incident Review Board, which will evaluate tactical, training, and policy issues, specifically compliance with the Department's Use of Force Policy.
  8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.





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- (c) The Department reserves the right to compel an involved officer to provide a blood or breath sample for alcohol/drug screening if there is a reasonable belief, based on objective facts, that the member is under the influence. Blood withdrawals shall be taken in a medically approved manner. Such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency except with the consent of the officer or pursuant to a court order (refer to the [Drug and Alcohol-Free Workplace Policy](#)). The employee may request a dual sample be taken for the purpose of independent testing conducted at the expense of the employee. The sample may be stored at no cost to the employee using established Department evidence storage procedures or it may be retained by the employee or his or her attorney.

### 310.8.1 CIVIL LIABILITY RESPONSE

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

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

### 310.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death will be permitted to review available In-Car Camera, Body Worn Video, or other video or audio recordings prior to providing a recorded statement or completing reports. Refer to Policy 453 (Use of Body Worn and In-Car Camera) for additional details.

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 or other video or audio recordings with approval of the Investigation Bureau Lieutenant and the assigned investigators.

Any MAV and other known video or audio recordings of an incident shall not be publicly released without the approval of the Chief of Police and without consulting the District Attorney or City Attorney's Office, as appropriate.

### 310.10 REPORTING

If a death of an individual occurs in the Burbank Police Department Jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Patrol Division Commander will ensure that the Records Manager is provided with enough information to meet the reporting requirements ([Penal Code § 196](#); [Penal Code § 13022](#); [Government Code § 12525](#)).



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### **310.11 DEBRIEFING**

Following an officer-involved shooting or death, the Department should provide peer support and/or psychological support as needed or requested and conduct a tactical debriefing.

#### **310.11.1 PEER SUPPORT**

Members shall have access to services through the Peer Support Program and the City Employee Assistance program (EAP) as needed and/or requested in the event of a critical incident (e.g., Officer involved shooting or death) (See Policy 377).

#### **310.11.2 TACTICAL DEBRIEFING**

A tactical debriefing (CIRB) should take place to identify any training or areas of policy that need improvement; the Chief of Police should identify the appropriate participants (See Policy 302). This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

The Department will memorialize the content, outcome, and recommendations of a critical tactical debrief into an email and/or memorandum directed to the Chief of Police after the debriefing has concluded (See Policy 302)

After the Chief of Police has reviewed and opined as to the classification of an OIS (i.e. in-policy, out of policy), a formalized meeting with the involved officers will be conducted with the Deputy Chief and/or his/her designee and be memorialized in a memorandum to the Chief of Police. This meeting should generally occur after the Department has received the results of the independent review of the incident by the Los Angeles County District Attorney's Office.

### **310.12 TRAINING**

The training coordinator should ensure members who may be impacted or who are responsible for managing such incidents receive relevant training.



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Approved: *Scott LaChasse*

CALEA

Effective Date: November 12, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Firearms and Qualification

### 312.1 PURPOSE AND SCOPE

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

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

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

The Chief of Police or designee shall approve all Department firearms before they are acquired and utilized by any member of this Department.

### 312.2 POLICY

The Burbank 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.

### 312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. The inspection schedule shall be determined by the COPS Bureau and Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be deployed 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 personnel in the performance of their official duties without the express written authorization of the Chief of Police or designee. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.



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The COPS Bureau and the Rangemaster shall be responsible for maintaining records of each weapon approved by the Department for official use. The record shall include at least the following information:

- (a) Description of the weapon (make, model, serial number).
- (b) Listing of any non-standard accessories.
- (c) Listing of modifications.
- (d) The name of the official granting authorization to the assigned officer.
- (e) The date of the approval.
- (f) Training and qualification records (including scores, if applicable).

### 312.3.1 HANDGUNS

The authorized Department issued handgun is the Glock Model 22 or 23 (.40 caliber). The Glock Model 35 (.40 caliber), may also be carried as a primary sidearm. Alternatively, non-uniformed officers may carry the Glock Model 27 (.40 caliber). No other firearm is authorized for carry on duty except authorized secondary weapons (§312.3.3).

Officers interested in carrying an optional weapon-mounted light system are authorized to carry either the Gen 4 Glock Model 22 or the Gen 4 Glock Model 35 handguns. Officers electing to carry either non-issued handgun are responsible for purchasing the weapon (refer to the Department Owned and Personal Property Policy).

### 312.3.2 SHOTGUNS

The following are authorized Department issued shotguns:

MAKE	MODEL	CALIBER	MISCELLANEOUS	UNIT
Mossberg	590	12 gauge	Pump action  Various configurations as authorized by the Rangemaster	Department wide
Benelli	M4	12 gauge	Semi-auto action	SWAT



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When not deployed, shotguns issued to patrol vehicles and police motorcycles shall be properly secured consistent with Department training in a locking weapons rack in a patrol vehicle or police motorcycle.

Department owned patrol rifles and personally owned and approved patrol rifles may be deployed only by properly trained and qualified officers as a supplemental resource to their duty handgun and shotgun (Refer to Patrol Rifle/Personal Patrol Rifle Policy § 432).

### **312.3.3 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 annual inspection.
- (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.

### **312.3.4 AUTHORIZED SECONDARY HANDGUN**

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

- (a) Members shall provide written notice of the make, model, color, serial number, and caliber of a secondary firearm to the Rangemaster. The firearm shall be in good working order, as determined by the Rangemaster, and meet the requirements of §312.20.
- (b) Members must demonstrate their proficiency, safe handling, and serviceability of the weapon. The Rangemaster shall document the name of the officer along with the make, model, and serial number of secondary or off-duty firearm he or she qualified with.
- (c) In addition to the primary handgun, only one approved secondary handgun may be carried at a time.
- (d) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department
- (e) 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.
- (f) The handguns shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever deemed necessary by the Rangemaster.



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- (g) Ammunition (.40 caliber) shall be the same as Department issue. If the caliber of the firearm is other than Department issue, the Chief of Police will approve the ammunition based on the Rangemaster's recommendation.
- (h) If an officer desires to use more than one firearm as a secondary firearm, the officer must meet all the requirements set forth in this policy for each firearm used.
- (i) 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.
- (j) When armed, whether on or off-duty, members shall carry their flat badge and Department identification.
- (k) Members issued Department holsters **shall not** modify, alter, or remove any parts from the factory configuration.

## **312.3.5 AUTHORIZED OFF-DUTY HANDGUNS**

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

- (a) The member may use his/her duty handgun or may use a personally owned handgun that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned handgun and ammunition shall be the responsibility of the member.
- (b) 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.
- (c) It will be the responsibility of the member to submit the handgun to the Rangemaster for inspection prior to being personally carried. Thereafter the handgun shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty handgun, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the handgun and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the handgun prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number, and caliber of the handgun to the Rangemaster, who will maintain a list of the information.
- (g) If a member desires to use more than one handgun while off-duty, he/she may do so, as long as all the requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry Department authorized ammunition.



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- (i) When armed, whether on or off-duty, officers shall carry their flat badge and Department identification.
- (j) Members issued Department holsters **shall not** modify, alter, or remove any parts from the factory configuration.

### 312.3.6 AMMUNITION

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

Any ammunition purchased by employees for use in secondary or off-duty firearms shall be from a reputable manufacturer. Only jacketed hollow point ammunition approved by the Rangemaster is authorized. The Department may provide ammunition for secondary or off-duty firearms based on availability and as approved by the Chief of Police. Reloaded ammunition is not authorized.

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

### 312.4 REPAIRS OR MODIFICATIONS

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

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

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

### 312.5 AUTHORIZED DUTY HOLSTERS / MAGAZINE POUCHES

The Safariland Model 6360 ALS Level III Retention Duty Holster, with Hood Guard, is the primary Department-issued duty holster.

- (a) The holster may be configured for normal ride, 1½" drop, or swivel. The swivel configuration is optional, and officers wishing to utilize this configuration are required to purchase the necessary components. The only authorized swivel is the Ted Blocker Swivel Belt Loop and Shank, medium length (approximately 4 inches), with the Safariland T-Spacer kit. The swivel holster configuration shall be assembled by the Rangemaster.





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- (b) Handguns equipped with a weapon-mounted light system require a variation of the Model 6360 duty holster. Officers electing to carry a handgun with a weapon-mounted light system will be issued the Model 6360-832 holster at no expense to the officer.
- (c) All duty holsters shall be black with a basket weave finish.
- (d) Employees issued duty holsters **shall not** modify, alter, or remove any parts from the factory configuration.

Officers who have been using a holster other than the Safariland 6360 and would prefer to continue using that holster may request an exemption from the Rangemaster. The Rangemaster may approve the exemption or may authorize the use of an alternate holster having at least an equivalent level of retention as the Safariland 6360. The Rangemaster's authorization and the officer's Division Captain's approval must be in writing. The Rangemaster is responsible for forwarding a copy of the approved authorization letter to the COPS Bureau for the officer's personnel file.

### 312.5.1 MAGAZINE POUCH

The Department presently issues the Bianchi black basket weave double magazine pouch with a closed-top configuration (model 7902). If an officer prefers to carry a triple magazine pouch, the Bianchi *Slimline* black basket weave closed-top triple magazine pouch (model 7945) is authorized for on-duty use. Any other magazine pouch that is comparable to the Bianchi model 7902/7945 must be approved by the Rangemaster prior to use.

### 312.6 AUTHORIZED WEAPON-MOUNTED LIGHT SYSTEMS

The Department authorizes the use of Department-approved, weapon-mounted light systems to be installed on authorized duty weapons. Weapon-mounted light systems are optional. Officers wishing to carry such equipment are required to purchase the light system and an approved Glock pistol with rails at their own expense. 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.

- (a) The ONLY Department-approved weapon-mounted light systems are the Streamlight TLR-1, TLR-1S (Strobe), or TLR-1HL (Higher Lumens). The TLR remote switch is not authorized.
- (b) Weapon-mounted light systems are intended to be dedicated to a weapon. Officers shall only remove the light as necessary for maintenance and only after ensuring that the firearm is unloaded.
- (c) A weapon-mounted light system shall not be used as a substitute for a flashlight during situations not warranting the display of a duty weapon.

#### 312.6.1 LASER SIGHTS

Laser sights may only be installed by the Rangemaster and only on authorized weapons carried by members of the SWAT Team.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.



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- (b) If laser sights have been approved and properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

Except in an approved training situation, an officer may only activate a laser sight when the officer would otherwise be justified in pointing a weapon at an individual or other authorized target.

### 312.7 ALCOHOL AND DRUGS

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

Negligent use or discharge of a firearm while under the influence of drugs or alcohol may result in criminal prosecution and civil liability.

### 312.8 SAFE HANDLING OF FIREARMS

The intent of this policy is to promote proper firearm safety both on and off duty. Members shall maintain the highest level of safety when handling firearms and shall consider the following:

#### 312.8.1 SAFETY CONSIDERATIONS

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the Range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except under Rangemaster supervision.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except in designated areas where clearing barrels or other designated unloading devices are present.
- (d) Shotguns or rifles removed from vehicles or any storage room shall be loaded and unloaded only in designated areas and only as instructed by the Rangemaster.
- (e) Members shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked (this includes storing weapons in assigned offices). No one shall carry firearms into the Jail when securing or processing a prisoner and shall place all firearms in a secured location. It shall be the responsibility of the releasing Jailers to make sure that persons from outside agencies do not enter the Jail section with any firearm.
- (f) Members shall obtain supervisor approval prior to removing any automatic weapon, heavy caliber rifle, or chemical agent from the armory, except by members of the SWAT Team or under exigent circumstances (e.g., active shooter). The supervisor shall then be notified as soon as possible when a weapon is removed in response to exigent circumstances by officers who are not SWAT Team members.



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

### 312.9 INSPECTION AND STORAGE

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

Personally owned handguns may be safely stored in a Department locker at the end of the shift. Personally owned Patrol Rifles shall be stored as required by the Patrol Rifle/Personal Patrol Rifle policy. Department handguns may remain loaded if they are secured in an appropriate holster and may be stored in a Department locker or at home as required by § 312.9.1.

#### 312.9.1 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their control and in a manner that will keep them inaccessible to children and others who should not have access (Penal Code §25100).

Members shall not permit Department-issued firearms to be handled by anyone who is not authorized by the Department.

Members shall be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code §25100).

#### 312.9.2 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 which is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, key lock, 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).



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### 312.10 FIREARMS TRAINING AND QUALIFICATIONS

All sworn members are required to qualify and demonstrate proficiency with their duty and off-duty weapons in accordance with the Department's qualification schedule. Proficiency training must be monitored by a certified weapons or tactics instructor. The Training Coordinator is responsible for ensuring that officers qualify with their duty weapon at least bimonthly and at least annually with a Department shotgun and their off-duty weapon. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with practical training designed to simulate field situations.

The Rangemaster shall keep accurate records of firearms training and proficiency, repairs, and maintenance. The Training Coordinator is responsible for reviewing those records monthly and reporting any deficiencies to the COPS Bureau Lieutenant via a memorandum.

The Training Coordinator is responsible for ensuring that all personnel carrying a firearm receive training at least annually on the Department Use of Force policy and that they demonstrate their knowledge and understanding of the policy.

#### 312.10.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member is unable to attempt to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that member shall submit a memorandum to his or her immediate supervisor prior to the end of the required shooting period or upon the member's return to work. Unless formally excused by a Division Captain for just cause, members failing to participate in a mandatory qualification course may have their peace officer powers suspended and relieved from field duty or be subjected to disciplinary action.

Members who attempt but are unable to qualify with an authorized weapon shall be provided immediate remedial training, as deemed reasonable by the Rangemaster, until proficiency is demonstrated.

If the member still cannot meet the qualification standards, the officer shall immediately report to his or her supervisor and report the failure to qualify. The supervisor shall relieve the member from field duty and make arrangements with the COPS Bureau to provide additional remedial training until proficiency is demonstrated, subject to the following requirements:

- (a) Additional Range assignments may be required until consistent weapon proficiency is demonstrated
- (b) Members shall be given credit for a Range qualification only after remedial training and when the qualification standard is met.
- (c) No Range credit will be given for failure to qualify after remedial training.

Members who fail to qualify after reasonable remedial training shall not return to a field assignment pending determination of appropriate action by the Chief of Police.

The member's failure to qualify and any subsequent training or qualification attempts shall be documented and included in their training records.



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### 312.11 ARMORY INVENTORY RESPONSIBILITY

The COPS Bureau Lieutenant or designee shall be responsible for:

- (a) Maintaining the Range armory inventory and for stocking, replenishing, and replacing items in the armory.
- (b) An inventory control system and periodic inventories. Except in an extreme emergency, personnel shall not remove any item from the armory without authorization of the Watch Commander or designee.
- (c) Completing an annual inventory of the armory. This report will be forwarded to the Deputy Chief for review and archived with the Professional Standard Bureau.

### 312.12 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 or 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 submit a memorandum to his or her Division Captain or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a memorandum shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

### 312.13 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective, and reasonably safe. If warning shots are necessary, officers should point the weapon at the ground (preferably soft ground) or in a safe direction with a solid backstop.

### 312.14 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 in which officers have sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the



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animal (e.g., fire extinguisher, TASER device, oleoresin capicum (OC) spray, Animal Control Officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that an exigency exists or a contingency plan has failed or becomes impractical.

### **312.14.1 INJURED ANIMALS**

With the approval of a supervisor, an officer may euthanize an animal that is so critically 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).

### **312.15 RANGEMASTER DUTIES**

The Range will be under the responsibility of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the Range and will submit the roster to the Training Coordinator after each Range date. Officers shall sign the Range roster. Failure of any member to sign the Range roster may result in non-qualification and disciplinary action.

The Range shall remain operational and accessible to Department members during hours established by the COPS Bureau.

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

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

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





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### 312.16 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Members who carry personally owned firearms as a secondary weapon or for off-duty purposes will be responsible for purchasing, maintaining, and repairing the firearm. Personally owned Glock Model 35 handguns authorized and carried as a primary sidearm will be maintained and repaired by the Department while the firearm is carried as approved.

### 312.17 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. No employee of this Department may fly armed on any commercial aircraft without the written authorization of the Chief of Police. Employees with a need to fly armed shall submit a memorandum to the Chief of Police documenting the need to have the weapon accessible on the aircraft. The need may include:

- (a) Assigned to a protection detail.
- (b) Conducting a hazardous surveillance.
- (c) Required to report to duty at the destination armed.
- (d) Escorting a prisoner.

The officer requesting authorization to fly armed shall attach a copy of the officer's training record to the memorandum showing proof of having completed the training program "Law Enforcement Officers Flying Armed" as required by TSA. The training record may be obtained from the COPS Bureau.

The following additional requirements apply to employees who intend to be armed while flying on a commercial air carrier or flights (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes, 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 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. The identification card must be presented 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's license, passport).
- (c) The Records Bureau must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Burbank Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.
- (d) Although not required by TSA, an official letter signed by the Chief of Police authorizing armed travel should accompany the officer. The letter must outline the officer's need to fly





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armed, must detail his or her itinerary, and should certify that the officer has completed the mandatory TSA training for law enforcement officer flying while armed.

- (e) Officers must have completed the mandated TSA security training covering officers flying while armed.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officers 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.
- (h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.
- (i) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

The Records Bureau shall not accept any direct requests from officers to submit an NLETS message for flying armed. All such requests will be submitted by the Office of the Chief of Police.

### **312.18 CARRYING FIREARMS OUT OF STATE**

Qualified active full-time officers and qualified retired officers (see [Retired Officer CCW Endorsement Policy](#)) of this Department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC 926 B and C):

- (a) The officer shall carry his or her Department identification card whenever carrying such weapon.
- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) 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

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC 926B and C.



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## 312.19 APPROVED SECONDARY AND OFF-DUTY FIREARMS

Firearms meeting the following specifications may be carried as secondary or off-duty firearms:

- (a) **Caliber** – Authorized calibers are .380 ACP, 9 mm, .38 Special, .40 S&W, or .45 ACP.
- (b) **Type** – Revolvers are recommended for secondary firearms but semiautomatic pistols may be approved. Revolvers and semiautomatic pistols may be carried as off-duty firearms.
- (c) **Holster Criteria** – Holsters for secondary firearms shall meet the following requirements:
  - 1. The Weapon must be pointed in a safe zone while mounted in the holster.
  - 2. The officer must be able to keep the weapon pointed in a safe zone while drawing.
  - 3. The weapon must not be “Upside Down” while in the holster (subject to Gravity Action)
  - 4. The holster must have some means of weapon retention.
  - 5. The holster must completely cover the trigger and guard.
- (d) **Accessories** – Secondary or off-duty firearm accessories must be approved in writing by the employee’s Division Captain and the Rangemaster.

## 312.20 DUTY SHOTGUN ACCESSORIES

Only the below listed accessories provided by the Department or those approved by the Rangemaster are authorized for duty shotgun use:

The Department authorizes the use of approved slings with the Department installed single point sling attachment on duty shotguns. Slings are considered optional equipment. Officers are authorized to utilize the approved sling (Blackhawk Storm Sling 1-PT). Authorized slings will be issued by the Department for each patrol vehicle and they should not be transferred from one vehicle to another. Officers shall check for the sling during the pre-shift inspection and shall report missing or damaged slings to a supervisor. When the patrol vehicle sling is not being actively used it shall be stored in the glove box. Officers may purchase and employ a sling of the same make and model at their expense.

The sling is intended for protracted deployments and shall only be attached after the shotgun is deployed. A sling shall not be attached to a duty shotgun while the weapon is staged in a vehicle carrying rack.

To prevent unintentional discharges, any deployment of a Department shotgun (including the slung configuration) shall be with the safety in the ON position (unless actively discharging the weapon).

### Ammo Carriers/Ammunition

The Department authorizes the use of side saddle ammunition carriers with duty shotguns and patrol shotguns are fitted with loop Velcro attachments on the left side of the receiver to accommodate Esstac shotgun card ammunition carriers.. Ammunition carriers are considered optional equipment, however, and are not provided by the Department. Officers may purchase and employ Esstac shotgun cards with duty shotguns at their expense.



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Ammunition for these carriers shall be of standard duty configuration and shall be issued by the Rangemaster.

## Weapon-Mounted Light Systems

The Department authorizes the use of approved weapon-mounted light systems with duty shotguns. Weapon-mounted light systems are considered optional equipment. Officers wishing to employ such equipment may purchase the approved light system at their expense. Department shotguns are fitted with fore-end mounts to specifically accommodate the approved light systems. The only Department-approved weapon-mounted light systems are the Streamlight TLR-1, TLR-1S (Strobe), or TLR-1HL(Higher Lumens).

Weapon-mounted light systems are intended to be dedicated to a weapon. Officers shall install/remove the light only as required at the beginning and end of shift or for maintenance purposes and only after ensuring that the firearm is unloaded.

A weapon-mounted light system shall not be used as a substitute for a flashlight during situations not warranting the display of a weapon.

NOTE: Appendix A contains a list of ammunition currently authorized and utilized by the Burbank Police Department. Any ammunition not contained in this list must be authorized by the Rangemaster.



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## APPENDIX A

HANDGUN	
CALIBER & TYPE	BRAND & MODEL NUMBER
.40 S&W - Duty / Practice	Winchester Ranger - .40 S&W 180GR -T-Series- RA40T
.40 S&W - Frangible	Winchester Ranger - 135GR 40S&W - RA40SF
9mm - Duty	Winchester Ranger - 9mm 124GR - RA9124TP
9mm - Practice	Winchester Ranger - 9mm 124GR BALL
9mm - SIMS	Speer Force on Force - FF9B2
.38 Special - Duty	Winchester Ranger - .38 Special 130GR Bonded - RA38B
.38 Special - Practice	Winchester - .38 Special 130GR FMJ - Q4171
.380 - Duty	Hornady Critical defense
.380 - Practice	Winchester - 380 95GR FMJ - Q4206
LONG GUN	
CALIBER & TYPE	BRAND & MODEL NUMBER
5.56 - Duty - SWAT	Hornady - 5.56 75GR TAP SBR 81295
5.56 - Duty - Patrol	Winchester 5.56 Ranger - 64GR Bonded Sol. Base RA556B
5.56 - Duty	Speer LE - 55GR GDSP - 24455
5.56 - Practice	Federal - 5.56 55GR FMJ - XM193F



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5.56 - Frangible	Winchester Ranger - 55GR - RA223SF
5.56 - SIMS	Speer Force on Force - FF556R1
.308 Winchester Duty/Practice	Hornady - .308 168GR AMX TAP - 80965
<b>SHOTGUN</b>	
<b>CALIBER &amp; TYPE</b>	<b>BRAND &amp; MODEL NUMBER</b>
12 GA. Slug LR – Duty/Practice	Winchester Ranger - 1oz LR - RA12RS15
12 GA. Slug SV – Duty/Practice	Winchester Ranger - 1oz Std. Velocity - X12RS15
12 GA. Slug LR - Frangible	Winchester LR - RA12RSSF
12 GA. OOB LR – Duty/Practice	Winchester Ranger - LR OOB 9 PELLET - RA1200
12 GA. OOB TAC – Duty/Practice	Federal OO Buck tactical - LE132
<b>LESS LETHAL</b>	
<b>CALIBER &amp; TYPE</b>	<b>BRAND &amp; MODEL NUMBER</b>
40mm Less Lethal Rounds	Def. Tech 40mm sponge rounds (includes standard, extended range, Direct Impact w/OC, Direct Impact w/CS)



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Approved: *Scott LaChasse*

CALEA  
Effective Date: June 28, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Police Shooting Range

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the safety of all persons using the outdoor Police Shooting Range and the surrounding community, to include restrictions set in place to mitigate the risk of fires associated with activities at the Police Shooting Range. This policy applies to all personnel while at the Police Shooting Range.

### 313.2 GENERAL GUIDELINES

- (a) The Rangemaster shall inspect the Range prior to any shooting activity. Any unsafe condition or other problem shall be reported to the COPS Bureau Lieutenant or supervisor, or to the Watch Commander in their absence.
- (b) The Rangemaster shall be designated as the responsible supervisor during all times the range is in use.
- (c) All weapons and ammunition assigned to the range shall be stored in secured and distinct locations accessible only by authorized range personnel.
- (d) Personnel using the Range may be required to collect all brass, targets, and trash at the direction of the Range staff.
- (e) Tracer or steel-core ammunition shall not be used at the Police Shooting Range, at any time.

### 313.3 RANGE SAFETY RULES

The following rules shall be followed by all persons using the Range:

- (a) All firearms and ammunition must be inspected or approved by the Rangemaster.
- (b) All weapons shall be considered loaded.
- (c) All weapons shall be pointed in a safe zone of fire.
- (d) Fingers shall be kept outside of the trigger guard unless actually firing.
- (e) Shooters must be sure of the target and what is in front of and behind it.



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- (f) Shooters shall frequently scan to prevent tunnel vision.
- (g) Shooters should visualize an area before moving or backing into it.
- (h) A Rangemaster inspected or approved holster is required to use the Range.
- (i) All weapons shall be holstered whenever possible unless on the firing line, at the loading station, or at the cleaning counter.
- (j) No weapon shall be left unattended.
- (k) Weapon transfers require prior Rangemaster approval. Unless approved by the Rangemaster, firearms, magazines, and ammunition shall be staged outside the classroom.
- (l) Loading and unloading of a firearm shall occur only on the firing line with the weapon pointed downrange or in the Guardian.
- (m) Persons on or near the firing line shall wear approved personal protection equipment (eyes, ears, armor).
- (n) Unless otherwise directed by the Rangemaster, when firing is complete, shooters shall remove the magazine, lock the slide open, inspect the chamber, and re-holster.
- (o) Prior to dry firing any firearm, the firearm shall be held in the Guardian, the chamber inspected, and action slowly closed.
- (p) Ammunition is not allowed at the cleaning counter.

## **313.4 ELEVATED RISK FOR BRUSH FIRES**

There is an elevated risk of brush fires when the following conditions exist:

- (a) When temperatures exceed 100 degrees or;
- (b) "Red Flag" advisory conditions (based on temperature, humidity, wind, and other weather conditions) are announced.
- (c) There is an existing brush fire in the Los Angeles County area, causing Burbank Fire Department resources to be deployed either in Burbank or on Mutual Aid.

NOTE: Humidity and wind are at least as important as temperature in considering brush fire risk. Dry, windy conditions may meet the criteria for this definition, even if temperatures are not excessive and a "Red Flag" advisory has not been issued. The Rangemaster shall take overall weather conditions into consideration when using discretion to enact these protocols.

### **313.4.1 SHOOTING RANGE PROTOCOLS DURING ELEVATED FIRE RISK**

When conditions exist for an elevated risk for brush fires, the listed protocols shall be followed. These protocols may be enacted at the Rangemaster's discretion, based upon weather and other circumstances:





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- (a) A designated Range Safety Officer (RSO) shall be designated during any firing of weapons, or other activity with potential to ignite fires (i.e. deploying pyrotechnic chemical agents, Noise Flash Diversionary Devices, or flares). The RSO is not to be directly involved in the activity, and shall be present to observe, ensure safety protocols are followed, and respond to/address any issues that arise.
- (b) No firing at metal targets beyond the backstop berm (50 yard line).
- (c) No shooting from firing positions other than the bench rest, on the flat range, or inside the shoot house.
- (d) No shooting from firing positions within 10 feet of brush bordering the flat range.
- (e) Firefighting equipment (hose line, fire extinguisher, and hand tools – i.e. shovels, etc.) will be pre-staged at the north side of the shoot house.
- (f) The RSO shall observe the brush areas surrounding the range during these activities, and periodically scan for a ten minute period of observation following the conclusion of any activity, to ensure no fires have started, and that there is immediate action taken if one should occur.

## **313.4.2 CLOSURE OF RANGE**

In addition to the previous directions, the Range may be closed, and all activities cancelled, at the direction of the Training Bureau or the discretion of the Rangemaster, based on the totality of the circumstances.

## **313.4.3 EXAMINATION OF THE RANGE**

In cooperation with Burbank Fire Department personnel, the Rangemaster will arrange for examinations of the Range and surrounding areas at least twice a year. These examinations will be conducted to identify any needed fire mitigation measures, and should be conducted in May and August (period of time just before and during highest fire risk).

## **313.5 DOCUMENTATION REQUIREMENTS**

The Rangemaster or Range staff shall immediately notify the COPS Bureau Lieutenant or supervisor (or the Watch Commander in their absence) of any incident involving injury, recklessness, accidental or negligent discharge of a weapon, or damage to range property. The details of the incident shall be documented in a memorandum and forwarded to the COPS Bureau Lieutenant prior to the end of shift of the reporting employee.



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Approved: *Scott LaChasse*

CALEA  
Effective Date: January 1, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Vehicle Pursuits

### 314.1 PURPOSE AND SCOPE

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

#### 314.1.1 DEFINITIONS

**Balance Test** – An ongoing decision process to evaluate the risk of initiating, continuing, or terminating a pursuit. If the threat to public or officer safety is greater than the need for immediately apprehending the suspect, the pursuit should not be initiated or it should be terminated.

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

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

**Failure-to-Yield** – A vehicle operator who fails to stop or respond to the officer's signal to stop, with no indication the driver is trying to avoid being stopped.

**Pursuit Intervention** – An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, ramming, or roadblock procedures. In this context, pursuit intervention shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical and may include boxing in, forcing over, or even ramming a pursued vehicle.

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



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

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

**Terminate** – To discontinue a pursuit or stop chasing the fleeing vehicle.

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

**Vehicle Pursuit** – An event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law who is operating a motor vehicle while the driver is attempting to avoid capture by using evasive tactics, such as high speed driving, sudden turns, or driving in a legal manner, but failing to yield to the officer's signal to stop or driving off highway.

### 314.1.2 PUBLIC AGENCY IMMUNITY

California Vehicle Code §17004.7 provides law enforcement agencies immunity from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being, has been, or believes is being or has been pursued in a motor vehicle by a peace officer. The two most important elements for having immunity are having a pursuit policy that meets the minimum standards as required by law and following the policy.

### 314.1.3 POLICY

It is the policy of this Department to permit pursuits only when the necessity of immediate apprehension of a violator of law outweighs the degree of danger created by the pursuit, and only when conducted in compliance with this policy and applicable laws. It is also the policy of this Department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits and exercising due caution circumspection.

The initiating officer, field supervisor and Watch Commander engaged in any pursuit operation shall be responsible for providing the Chief of Police objective reasons for initiating, continuing and terminating a vehicle pursuit.



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## 314.2 AUTHORIZED REASONS FOR INITIATING A PURSUIT

A pursuit **shall only** be initiated under the following conditions:

- (a) Known or suspected violent felony.

**NOTE:** "Violent felony" as used in this section includes: the attempt or act of murder, mayhem, serious or violent sex crimes, robbery, arson, kidnapping, carjacking, and/or assault with a deadly weapon. It should be noted that this is not an all-inclusive list. Situations will need to be assessed on a case by case basis.

- (b) Misdemeanor suspects only in the following situations:

1. Where the suspect has been observed by an officer or reliable witness to display a firearm in an assaultive manner reasonably contemporaneous to the initiation of the pursuit.
2. Theft of any law enforcement vehicle.

**A pursuit of a fleeing suspect shall not be initiated or continued once the officer or controlling supervisor determines that the only known reason for the intended stop is:**

- 1. An infraction or misdemeanor crime, except as provided above.**
- 2. Any crime not classified as a violent felony or crime involving a firearm.**
- 3. A possible grand theft vehicle.**

## 314.3 FAILURE-TO-YIELD

Many vehicle pursuits begin with an attempt of a traffic stop. When officers activate their Code-3 lighting, they are attempting to visually notify a violator/suspect of their intent to stop/detain them. A vehicle operator who fails to stop or respond to the officer's signal to stop, is initially failing to yield.

### 314.3.1 ASSESSMENT PERIOD

Officers typically escalate to the use of the siren for violators/suspects who do not pull over for the emergency lights. This progression would add an audio alert to the visual alert given to the violator/suspect. Officers are assessing as to whether or not the violator/suspect has seen the emergency lighting, has heard the audio siren, and is aware of the officer's intentions. The officer is assessing the violator/suspect actions (i.e., is the violator looking back at the officer, is there a safe place for the violator/suspect to pull over).

An assessment period is not intended to be a pretext for officers to initiate a pursuit without alerting supervision.



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### 314.3.2 WHEN TO INITIATE A PURSUIT

In accordance with Section 314.2, officers are authorized to initiate a vehicle pursuit when the officers reasonably believe that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing or failing to stop in a vehicle. The "Balance Test" along with the below listed factors, individually or collectively, shall be used as a guide in determining whether or not to pursue.

- (a) The seriousness of the crime, known or reasonably suspected, and its relationship to public safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
- (c) The safety of the public in the area of the pursuit, including the type of area (e.g., school zone, residential area), the time of day, the amount of vehicular and pedestrian traffic, and the speed of the pursuit.
- (d) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing unit and the dispatcher/supervisor (e.g., out of range, garbled, none), and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
- (f) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (g) Suspect and officer vehicle speeds.
- (h) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, and hostages).
- (i) Availability of other resources such as air support or vehicle locator or deactivation technology.
- (j) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with prisoners, ride-alongs, explorers, cadets, or volunteers in the police vehicle.
- (k) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (l) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.



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## 314.3.3 OFFICER RESPONSIBILITIES

Vehicle Code §21055 provides exemption from the rules of the road for an authorized emergency vehicle when engaged in emergency operations if the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians. Officers shall not initiate or engage in a vehicle pursuit except in compliance with Vehicle Code §21055 and 21056.

Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property.

Following the pursuit, officers shall provide the Watch Commander with the full and specific basis for initiating and continuing a pursuit, as applicable.

## 314.3.4 IMPAIRED DRIVERS

Officers **shall not** pursue a driver who is solely suspected of being impaired. If an officer suspects a driver is impaired, based on driving behavior and/or information received through dispatch, and the vehicle fails to yield, the officer should attempt to obtain the vehicle's license plate. If a vehicle license plate is obtained, and the vehicle is registered in the City of Burbank, officers should respond to the residence in an attempt to contact and evaluate the driver. If the vehicle is registered out of the City of Burbank, dispatch should notify the respective law enforcement agency, if the agency is located in the Southern California region. Officers should also request an airship to monitor/track the vehicle, and direct officers to its termination point, if this occurs in the City of Burbank. Otherwise, dispatch should notify the respective law enforcement agency of the termination point.

## 314.4 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated whenever the circumstances known or which should reasonably be known to the officer or field supervisor indicate during the pursuit that the risk of continuing the pursuit outweighs the potential risks resulting from the suspect's escape.

The initiating officer, field supervisor, or Watch Commander has the authority to terminate a pursuit at any time.

In addition to the factors to be considered in initiating a pursuit, officers and supervisors must continually use the "Balance Test" as a guide in making the determination whether to continue or terminate the pursuit. Additional factors that should be used in the "Balance Test" are as follows:

- (a) When the suspect's vehicle speed dangerously exceeds the normal flow of traffic and is unreasonable for the surrounding conditions.
- (b) If the pursuit speeds have exceeded the driving ability of the officer, or the speeds are beyond the capabilities of the police vehicle.



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- (c) When the suspect enters a one-way street or highway the wrong way or drives on the wrong side of the roadway.
- (d) Hazards to uninvolved bystanders or motorists.
- (e) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.
- (f) When the suspect engages in extraordinary and dangerous maneuvering to escape capture.
- (g) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile.
- (h) The pursued vehicle's location is no longer known.
- (i) Officer's pursuit vehicle sustains damage or a mechanical failure (e.g., emergency lighting equipment, siren) that renders it unsafe to drive.
- (j) Quality of radio communications between pursuing units and the dispatchers.
- (k) Familiarity of the pursuing officer with the area of the pursuit.
- (l) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risk associated with continuing the pursuit.
- (m) Directed to terminate by a supervisor.

When a pursuit has been terminated, all involved units shall immediately discontinue using red lights and siren and shall obey all rules of the road. Unless otherwise directed by a supervisor or Watch Commander, officers shall return to normal patrol activities in their assigned areas.

### 314.4.1 TRACKING MODE

Tracking Mode is a separate tactical operation from the preceding ground pursuit, if there was one, and is not considered a continuation of the pursuit. It must be managed with the same diligence and priority of a pursuit. The duration of Tracking Mode must be constantly evaluated against the reason for the operation and the resources committed to it.

The primary unit in the pursuit or any supervisor may order Tracking Mode. Only a supervisor may order a re-initiation of the pursuit, absent any exceptional or extraordinary circumstances.

The air unit should follow the vehicle until it stops and the suspect(s) exit the vehicle, or the operation is terminated by a supervisor. Once Tracking Mode is initiated, all officers shall cease their pursuit. Authorized ground units should reduce their speed and make every effort to remain out of the suspect(s) line of sight. The use of Code-3 equipment (lights and siren) is authorized to allow officers to remain close enough to the suspect vehicle so they can maintain a position where a perimeter/containment can be effectively established when the suspect(s) exit their vehicle, but shall make every effort to remain out of the suspect(s) line of sight.

Once the suspect(s) stops his/her vehicle and exits, the air unit will coordinate a perimeter/containment. At least one officer and police vehicle should remain with the suspect vehicle





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to avoid allowing the suspect(s) to re-enter and continue fleeing using the suspect vehicle. The perimeter/containment shall be operated under the guidelines of other relevant policies.

### **314.5 PURSUIT UNITS**

Pursuit units should generally be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances (e.g., Adam vs. Lincoln Units). An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the suspect.

All other officers should stay out of the pursuit, but remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

#### **314.5.1 MOTORCYCLE OFFICERS**

A motorcycle officer may initiate a pursuit; however, a distinctively marked patrol vehicle or a pursuit rated unmarked vehicle equipped with emergency lighting shall replace the police motorcycle as the primary or secondary pursuit unit as soon as practicable. Motorcycle officers shall drop out of the pursuit immediately upon relief by a secondary marked or unmarked patrol vehicle equipped with lights and siren. The motorcycle officer may proceed to the termination point if necessary to assist in containment or for purposes of the investigation.

#### **314.5.2 UNMARKED VEHICLES**

Officers in unmarked, pursuit-rated vehicles equipped with lights and siren may initiate a pursuit. When such units are engaged in a pursuit, they must yield to a marked police unit as soon as practicable. Officers operating such vehicles should carefully weigh all options before initiating a pursuit. Officers in unmarked vehicles shall drop out of the pursuit immediately upon relief by a secondary marked police unit.

Unmarked vehicles without the proper emergency equipment (red light and siren) are prohibited from initiating or joining in any pursuit. The exemptions provided by Vehicle Code §21055 do not apply to officers using vehicles without emergency equipment. Officers may follow a suspect vehicle (in accordance with the rules of the road) in order to obtain a license plate number or other description until such time as a marked police unit has arrived at the vehicle's location.

#### **314.5.3 PRIMARY UNIT RESPONSIBILITIES**

The initiating Department vehicle will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless replaced by another vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to any person.



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- (a) The primary pursuit unit shall immediately notify the Communications Center that a vehicle pursuit has been initiated. The officer shall provide the following information as soon as practicable:
- (b) Unit identifier.
- (c) The reason for the pursuit.
- (d) Location and direction of travel.
- (e) Estimated speed of the suspect's vehicle.
- (f) The description of the suspect's vehicle and license number, if known.
- (g) Number of known occupants.
- (h) The identity or description of the occupants.
- (i) Road, traffic, and weather conditions.
- (j) Known or suspected weapons, threat of force, violence, injuries, hostages, or other hazards.
- (k) The need for any additional resources or equipment.
- (l) If applicable, the identity of other law enforcement agencies involved in the pursuit.

The primary pursuit unit shall be responsible for broadcasting the initial progress of the pursuit. However, as soon as practicable, the primary unit shall relinquish responsibility for broadcasting the pursuit to a secondary unit or air support joining the pursuit.

### **314.5.4 SECONDARY UNIT RESPONSIBILITIES**

The secondary police unit in the pursuit is responsible for the following:

- (a) Notifying the dispatcher of entry into the pursuit.
- (b) Remaining a safe distance behind the primary unit. If directed, or if the primary unit is unable to continue the pursuit, the secondary unit shall assume the role of primary unit.
- (c) Broadcasting the progress of the pursuit, updating known or critical information, providing changes in the pursuit, identifying the need for additional resources or equipment, unless an aircraft or secondary unit assumes responsibility.

### **314.5.5 PURSUIT DRIVING**

The decision to use specific driving tactics requires evaluation of the same factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers shall space themselves from other involved vehicles so that they are able to see and avoid hazards or react safely to maneuvers by other officers and the fleeing vehicle.



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- (b) Officers shall not pass other units unless necessary and only after receiving acknowledgment or direction from the unit to be passed and with a clear understanding of the maneuver process between the involved units.
- (c) Officers should not pursue a vehicle driving the wrong way on a roadway/against traffic. In the event the pursued vehicle does so, the following tactics shall be considered:
  - 1. Requesting assistance from air support, if available.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspect.
  - 4. Terminating the pursuit.
- (d) Notifying the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

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

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

The units actively engaged in the pursuit should be the only units operating under emergency conditions (red lights and siren).

### **314.5.7 PURSUIT TRAILING**

In the event the initiating unit from this Department relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect(s) and reporting the incident.

### **314.5.8 AIR SUPPORT ASSISTANCE**

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

The air support unit should coordinate the activities of resources on the ground, report the progress of the pursuit and provide details of any observed hazards (speed, upcoming traffic congestion, road hazards) or other pertinent information to evaluate whether to continue the pursuit. If ground units are



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not within visual contact of the pursued vehicle and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

At the termination location of the pursuit, the air unit shall record on their log the shop number of Department vehicles at the scene. This information shall be maintained by the Air Support Bureau and provided to the Watch Commander as soon as practicable, but no later than three days after the pursuit for inclusion in the Pursuit Review Report.

### **314.6 SUPERVISORY CONTROL AND RESPONSIBILITIES**

Available supervisory and management command and control shall be exercised for all vehicle pursuits involving officers from this Department. The field supervisor shall be responsible for the following:

- (a) Immediately notifying involved unit(s) and dispatch of supervisory presence and expeditiously evaluating all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.
- (b) Acknowledging the pursuit on the appropriate Department radio channel.
- (c) Responding to the pursuit location Code 3 to provide on-scene supervision.
- (d) Engaging in the pursuit, when able, to provide on-scene supervision.
- (e) Exercising management and control of the pursuit even if not directly engaged in it.
- (f) Identifying the police units involved in the pursuit to ensure the number complies with the guidelines set forth in this policy.
- (g) Ensuring that assistance from air support, canine, or additional resources is immediately requested.
- (h) Directing the termination of the pursuit if, in the supervisor's judgement, the continuation of the pursuit would be unreasonable or unjustified under the guidelines of this policy.
- (i) Ensuring the notification and/or coordination with the appropriate outside agencies is accomplished if the pursuit is likely to leave the City of Burbank.
- (j) Controlling and managing Department units when a pursuit enters another jurisdiction.
- (k) Providing on-scene post-pursuit supervision.
- (l) Ensuring that any person injured during the course of the pursuit is provided immediate medical attention.
- (m) Preparing a post-pursuit review and documentation of the pursuit for training purposes and policy compliance evaluation.
- (n) Supervisors should initiate follow up or additional review when appropriate.



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## **314.6.1 WATCH COMMANDER RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Watch Commander shall immediately report to the Communications Center and assume overall command and control of the incident. The Watch Commander shall monitor and assess the situation as it develops to ensure the pursuit is conducted within the guidelines and requirements of this policy. Once notified, the Watch Commander shall remain in overall command throughout the duration of the vehicle pursuit and has the final responsibility for the coordination, control, and termination of the pursuit.

In the absence of immediate and comprehensive information from the field, the Watch Commander shall order the termination of the pursuit.

The Watch Commander shall review all pertinent reports for content, complete a review of the pursuit, and forward them to the Division Commander.

If the Watch Commander is not immediately available, responsibility will default to the field supervisor until such time as the Watch Commander assumes command and control.

## **314.7 THE COMMUNICATIONS CENTER**

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

### **314.7.1 THE COMMUNICATION CENTER RESPONSIBILITIES**

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

- (a) Clearing the radio channel for non-emergency traffic.
- (b) Coordinating pursuit communications of the involved units and personnel.
- (c) Requesting an air unit or request assistance from allied agency air support units.
- (d) Ensuring that the field supervisor and Watch Commander are immediately notified of the pursuit.
- (e) Ensuring that the primary pursuit unit provides essential information including:
  - 1. Unit identifier.
  - 2. Reason for the pursuit.
  - 3. Location and direction of travel.
  - 4. Speed of the fleeing vehicle.



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5. Description of the fleeing vehicle and license number, if known.
  6. Number of occupants.
  7. The identity or description of the occupants.
  8. Road and weather conditions.
  9. Information concerning the use of firearms, threat of force, injuries, hostages, or other unusual hazards.
- (f) Notifying and coordinating with other involved or affected agencies as practicable.
- (g) Broadcasting pursuit updates as well as other pertinent information, as necessary.
- (h) Assigning an incident number and logging all pursuit activities.

### **314.7.2 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the suspect(s). Unless otherwise directed by the on-scene supervisor or necessary based on the circumstance, the primary unit or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspect(s) fleeing on foot.

### **314.8 INTER-JURISDICTIONAL CONSIDERATIONS**

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

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

Officers will relinquish control of the pursuit when advised by dispatch that another agency has assumed the pursuit, unless the continued assistance of the Burbank Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed with supervisory approval, to the termination point of the pursuit to assist in the investigation.

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



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### 314.8.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

When a request is made by another agency for this Department to assist or take over a pursuit that has entered the jurisdiction of the Burbank Police Department, the Watch Commander shall consider the following factors before committing resources:

- (a) Ability to maintain the pursuit.
- (b) Compliance with this Department's Policy to initiate a pursuit (§314.2).
- (c) Whether there is adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) The safety of the pursuing officers.

The Watch Commander shall immediately review a request for assistance from another agency and may assume responsibility for the other agency's pursuit or, after consideration of the above factors, may decline to assist.

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

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

### 314.8.3 TRAFFIC COLLISIONS – OTHER JURISDICTIONS

If a pursuing unit becomes involved in a traffic collision, the collision should be investigated by the law enforcement agency in the jurisdiction where the traffic collision occurred. Burbank traffic investigators may respond to the scene to take measurements and photographs as decided by the Patrol Division Commander.





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## **314.9 WHEN PURSUIT INTERVENTION IS AUTHORIZED**

Use of pursuit intervention tactics should be employed only after the approval of a supervisor. In deciding whether to use intervention tactics, officers and supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of intervention tactics to the public, the officers, and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

### **314.9.1 INTERVENTION STANDARDS**

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

(a) Blocking should only be used after giving consideration to the following:

1. The technique should only be employed by officers who have received training in the technique.
2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will contain or prevent the pursuit.

(b) Ramming a fleeing vehicle should only be used after giving consideration to the following:

1. Supervisory approval should be obtained before using the technique.
2. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will terminate or prevent the pursuit.
4. Ramming may be used only under circumstances when deadly force would be authorized.
5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

(c) Tire deflation devices should only be used after considering the following:

1. Tire deflation devices should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using tire deflation devices.



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3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  4. It reasonably appears the technique will terminate or prevent the pursuit.
  5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
  6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.
- (d) Before attempting to box a suspect vehicle during a pursuit, the following should be considered:
1. The technique should only be used by officers who have received training in the technique.
  2. Supervisory approval should be obtained before using the technique.
  3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  4. It reasonably appears the technique will terminate or prevent the pursuit.
- (e) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally prohibited by this policy and should not be deployed without prior approval of the Watch Commander. Roadblocks should only be used after considering the following:
1. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
  2. Supervisory approval should be obtained before using the technique.
  3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
  4. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
  5. Roadblocks should only be used by officers who have received training in their use.

## **314.9.2 USE OF FIREARMS AT MOVING VEHICLES**

Refer to the Use of Force Policy § 300.4.1



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## **314.9.3 CAPTURE OF SUSPECTS AND POST-PURSUIT PROCEDURES**

Proper self-discipline and sound professional judgment are essential to the successful conclusion of a pursuit and the apprehension of fleeing suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose (Refer to the Use of Force Policy).

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

Once the pursued vehicle has stopped, for whatever reason, the previous tactical operation of a vehicle pursuit is immediately replaced by a new tactical operation involving suspect containment and arrest. It is essential that all personnel involved in the pursuit recognize this transition from vehicle pursuit to containment and arrest. If the suspect(s) fails or refuses to comply with commands by officers, the felony traffic stop will transition into a barricaded suspect. The supervisor monitoring the pursuit should ensure that a member of the Crisis Negotiation Team responds to the scene, if available. Based on the situation, the Watch Commander will contact SWAT personnel to determine whether the circumstances meet the criteria of a SWAT response. In the event that the situation does not meet the requirements of a SWAT response, the incident will be managed at the patrol level. The primary unit will remain the Incident Commander, unless or until relieved by a supervisor.

Upon the conclusion of the pursuit, the field supervisor shall immediately respond to the scene and be responsible for controlling all law enforcement activities and for ensuring adherence to Department policies.

## **314.9.4 POST-PURSUIT VEHICLE INSPECTIONS**

Department vehicles used in a pursuit shall be immediately taken out of service and thoroughly inspected by City mechanics for any potential damage. The Vehicle Problem Tag (Form B320-313) shall be completed and submitted to the supervisor by the driver and noted that the vehicle was used in a pursuit.

## **314.10 REPORTING REQUIREMENTS**

All involved officers shall notify the field supervisor of their participation and role in the pursuit. The following reports should be completed to comply with applicable laws, policies, and procedures:

- (a) The primary officer shall complete appropriate crime reports.
- (b) The field supervisor shall complete the CHP 187A (Allied Agency Vehicle Pursuit Report) form pursuant to Vehicle Code §14602.1(b) and shall submit it to the on-duty Watch Commander as soon as practicable after the pursuit. The CHP 187A form will be filed with the CHP either electronically or on paper no later than 30 days after the pursuit and submitted to CHP by the Watch Commander.



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- (c) The Watch Commander shall review and sign off on all associated crime reports and the CHP Pursuit Report (form 187A). These documents shall be submitted to the Patrol Division Commander as soon as practicable for review.
- (d) The pursuit, tracking mode and potential re-initiation of a pursuit will be reviewed by the Watch Commander and CIRB as one complete incident.

## **314.10.1 ANNUAL ANALYSIS**

The Professional Standards Bureau Lieutenant shall prepare an annual pursuit analysis report and submit it to the Chief of Police, documenting the Department's vehicle pursuits from the prior year, to include the below information, and a review of the pursuit policy and reporting procedures:

- (a) Total number of pursuits.
- (b) Report number of each pursuit.
- (c) Duration of each pursuit, in time and distance.
- (d) Reason for each pursuit.
- (e) Outcome of each pursuit.
- (f) Injuries or any fatalities as a result of the pursuit (officer, suspect, third party).
- (g) Request for Air Support.
- (h) Whether the pursuit was in or out of policy.

This report shall be submitted to the Chief by February 1 of each year.

## **314.10.2 REGULAR AND PERIODIC PURSUIT TRAINING**

The Training Coordinator shall make available to all officers initial and supplementary POST training on pursuits required by Penal Code §13519.8, and no less than annual Department 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 (Vehicle Code §17004.7(d)).

## **314.10.3 POLICY REVIEW**

Officers of this Department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The electronic signature in PowerDMS will satisfy this requirement.



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## **314.11 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.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
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CALEA

Approved: *Scott LaChasse*

Effective Date: January 1, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Officer Response to Calls

### 316.1 PURPOSE AND SCOPE [41.2.1]

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

This policy is to fulfill the Department's mission of protecting life by utilizing available legal authority to respond with lights and siren to life-threatening medical emergencies. A rapid response to these events may make the difference between life and death, and is the purpose of this procedural change.

The Department also recognizes the limited, but nonetheless important role police responders play in these circumstances (i.e., CPR and First Aid). It is these roles in which an officer's rapid response may have a beneficial impact prior to the arrival of the Fire Department.

### 316.2 POLICY [41.2.1]

Officers shall only respond Code 3 when so dispatched or when circumstances reasonably indicate an emergency response is required. Only marked patrol vehicles and unmarked vehicles equipped minimally with front red emergency lights and siren are authorized to operate Code 3. Officers not authorized to respond Code 3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

Responding with emergency lights and siren does not relieve the officer of the duty 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 personal or agency exemption from the Vehicle Code §21055 and §21056.

Officers dispatched Code 3 shall consider the call an emergency response and proceed immediately. Officers responding Code 3 shall continuously operate emergency lighting equipment and sound the siren as reasonably necessary pursuant to Vehicle Code §21055.



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## **316.2.1 EMERGENCY CALLS**

Emergency calls for service are classified into two basic categories:

### **Medical Emergencies**

Upon receiving a call of a medical emergency involving a traffic accident with serious injuries, a person choking, not breathing, or pulseless, the Communications Center should dispatch the appropriate police resources according to this policy. The call shall also be forwarded to Verdugo Dispatch to initiate a Fire Department response. Other medical conditions shall be immediately transferred to Verdugo Dispatch without a police response.

Medical emergencies generally require only one patrol unit to respond Code 3, unless in the discretion of the Communications Center a police response is not necessary. When deciding to dispatch an officer to a medical emergency, dispatchers and the Watch Commander should consider the response time of a patrol unit compared to that of a dispatched paramedic or Fire Department rescue unit, the circumstances of the event, whether medical personnel are already on-scene and whether a police response in addition to a Fire Department response is reasonably likely to be necessary. If the response time of a patrol unit is longer than Fire Department resources, a Code 3 response may not be appropriate.

Officers shall park in a location as to not interfere with responding Fire Department apparatus.

Officers receiving a Code 3 call to a medical emergency shall discontinue their response if they encounter responding fire units. Officers shall not overtake responding fire units.

### **Do Not Resuscitate Orders:**

If Communications personnel receives a call of a medical emergency and learns that it involves a person with a DNR order, the call shall be forwarded to Verdugo Dispatch without a police response.

If an officer arrives at the site of a medical emergency and learns of a DNR order, the officer should not attempt any life-saving measures and should await the arrival of the Fire Department. If however life-saving efforts are initiated and the existence of a DNR order is subsequently determined, the life-saving efforts should be continued until the arrival the Fire Department.

### **Serious Crimes in Progress**

Serious crimes in progress include armed robbery, carjacking, assault with a deadly weapon, sexual assault, and residential burglary. Under these circumstances the Communications Center dispatcher may authorize the two closest units to respond Code 3 to a crime in progress to enhance immediate containment or engagement of the suspects with adequate resources. The Watch Commander or, in his or her absence, the patrol sergeant may authorize additional patrol cars to respond Code 3 as required. Other crimes considered to be a serious threat to public safety by the Watch Commander may also be designated as an emergency response.





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Scott LaChasse, Chief of Police

## Policy 316

### 316.3 CODE DESIGNATIONS [41.2.1]

Code 1 refers to any call that is designated as a routine response. When dispatching units, Communications personnel shall not communicate the designation of a Code 1 response over the air. If the call is not designated as a Code 3 response, then it will be assumed that the designation is Code 1, and the assigned police unit will respond accordingly. No Code 2 designation exists in the Department.

Whenever possible, Communications personnel shall broadcast information regarding the status and location of any emergency vehicle within the city that is operating Code 3, and their destination. Furthermore, when police units are responding Code 3 to an incident, and fire units are responding Code 3 simultaneously to the same incident, Communications shall inform Verdugo Fire Dispatch of the Police Department's Code 3 response, and the location from which the police unit is responding.

### 316.4 REQUESTING EMERGENCY ASSISTANCE

Requests by patrol officers for emergency assistance in the field should be limited to those situations where the involved personnel reasonably believe there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent, serious harm to a citizen. The officer broadcasting the request for assistance shall provide the following critical information:

- (a) Their unit number
- (b) The specific location
- (c) The reason for the request and type of emergency
- (d) The number of units required

Where a situation has stabilized and an emergency response is no longer required, the requesting officer shall immediately notify the Communications Center that the situation is Code 4. Communications staff shall repeat the Code 4 condition and broadcast the termination of any further Code 3 responses.

### 316.6 RESPONSIBILITIES OF RESPONDING OFFICERS [41.2.1]

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

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency situation. Officers shall use their red lights and siren for the purpose of allowing the public to yield to their emergency vehicle. When overtaking other vehicles, officers shall pass on the left unless extraordinary circumstances required they pass on the right.

Officers shall reduce speed at all approaching intersections, clear the roadway lane by lane with emergency lights and siren activated, and stop, if necessary, for yielding traffic. Officers must consider that a green light alone is not confirmation that an intersection is clear since other units or agencies (e.g. Fire Department) may be responding Code 3.



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Upon arriving at their destination, officer(s) shall immediately notify Communications of their arrival via Department radio. Furthermore, when responding to a request for emergency assistance, officer(s) shall notify Communications of their arrival on scene, when there are sufficient units and when the situation is Code 4, in order to minimize the hazard to their fellow officers and the public. Officers arriving at medical emergency calls shall park in a location as to not interfere with responding Fire Department apparatus.

Officers shall discontinue their Code 3 response when directed by a supervisor or when cancelled by the Communications Center. In either case, the officer(s) shall immediately acknowledge to the Communications Center that they have terminated their Code 3 response.

Officers shall park in a location as to not interfere with responding Fire Department apparatus. Additionally, officers receiving a Code 3 call to a medical emergency shall discontinue their response if they encounter responding paramedic or fire units. Officers shall not overtake responding fire units.

## **316.7 COMMUNICATIONS CENTER RESPONSIBILITIES [41.2.1]**

It is the responsibility of the Communications Center dispatcher to determine the type of response required on a call for service based on the information provided by the caller. The Communications Center supervisor shall ensure that the Watch Commander and the field supervisor are immediately notified via PA and/or radio if a patrol officer(s) has been dispatched Code 3 to a call for service, or is responding to a field request for emergency assistance.

The Communications Center supervisor shall also ensure that the radio frequency is restricted exclusively for emergency traffic until the situation is Code 4. A dispatcher shall immediately assign a Code 3 response to the nearest patrol unit(s) when an officer requests emergency assistance or available information reasonably indicates that the officer or public is threatened with serious injury or death.

Upon determining that a Code 3 response is necessary, the Communications Center dispatcher shall:

- (a) Attempt to assign the closest available patrol unit(s) to the location requiring assistance
- (b) Confirm the location from which the unit(s) are responding
- (c) Notify Air Support when units are responding to a serious crime in progress
- (d) Notify and coordinate allied emergency services (e.g. fire and ambulance) if appropriate
- (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



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Scott LaChasse, Chief of Police

## Policy 316

### 316.7.1 RESOURCE ALLOCATION

When dispatching units Code-3, dispatchers should attempt to direct sufficient field resources to the emergency call until the situation de-escalates or is otherwise under control. In situations where two units have a similar response time, but are responding from different areas, preference should be given to the unit(s) in the following manner:

- (a) Those units containing multiple officers
- (b) Those units that may respond "in tandem"
- (c) Those units containing officers with specialized tools or training (e.g., long rifle, negotiator, language skills, etc.)

### 316.8 FIELD SUPERVISOR RESPONSIBILITIES [41.2.1]

In addition to field units responding Code 3 to a call for service or a request for emergency assistance, the Field Supervisor may initiate a Code 3 response to supervise personnel and provide specialized equipment. In cases where a Field Supervisor initiates a Code 3 response, he/she shall notify the Communications Center of his/her actions and the location from which he/she is responding.

Minimally, the Field Supervisor shall monitor the Code 3 response of patrol units until they arrive on scene, the situation has been stabilized or the response terminated. Furthermore he/she shall assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require units to respond Code 3 simultaneously, the supervisor may authorize a second unit to respond Code 3. It is also the supervisor's responsibility to terminate a Code 3 response that, in his/her judgment is inappropriate due to the circumstances.

### 316.9 WATCH COMMANDER RESPONSIBILITIES [41.2.1]

Upon being notified that a Code 3 response has been initiated, the Watch Commander or, in his/her absence, the Field Supervisor shall verify the following:

- (a) The proper response has been initiated based on the type of call or emergency.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) The location(s) of the units responding has been broadcast to all field units.
- (d) The field supervisor is responding and notification to the Watch Commander is made.
- (e) Air Support has been requested for serious crimes in progress, or when emergency assistance is requested by patrol personnel.
- (f) Notification that an emergency response and ETA of other emergency vehicles (e.g. fire, ambulance) on rescue calls have been broadcast to all field units.
- (g) Affected outside jurisdictions are being notified, as practicable.



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## **316.10 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response. Upon completion of the call, the faulty vehicle shall be returned to the station, taken out of service and tagged for repair.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
317**

CALEA

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Compliance with Constitutional Requirements

### 317.1 PURPOSE AND SCOPE [1.2.3]

The purpose of this policy is to define the constitutional requirements that all sworn members of this Department must follow and be familiar with when conducting criminal investigations. This policy is not intended to be an exhaustive reference on constitutional law and should be considered a guideline of Departmental expectations on compliance with constitutional requirements.

### 317.2 POLICY

Various constitutional principles apply to criminal investigations and failure to conduct an investigation in a constitutional manner can have serious consequences for the prosecution of the case. It can also subject the officer and his or her agency to civil liability. It is the policy of the Burbank Police Department to observe and comply with every person's clearly established rights under the United States and California Constitutions when conducting criminal investigations or when engaged in other law enforcement actions.

There are various sources of constitutional guidelines that officers are obligated to know and follow, such as, the Constitution, US Supreme Court cases, Federal Circuit Court decisions, and State Court decisions. Sworn personnel are expected to review available resources, including the California Legal Sourcebook, to ensure compliance with those guidelines in the performance of their duties.

### 317.3 MIRANDA ADVISEMENTS [1.2.3(a)(b)]

Two things are necessary to require Miranda advisements before questioning: *Custody* and *Interrogation* (refer to the Temporary Custody of Juveniles policy for advisements involving juveniles). Other forms of questioning or interviewing do not require Miranda advisements.

To heighten court defensibility, Departmental Miranda Advisement cards or field notebooks should be utilized when admonishing an arrestee of their rights. The use of the card shall be documented in related police report. If the Miranda Advisement card is used, it shall be attached to the report. Officers have discretion to obtain the suspect's initials and signature on the card.

Recording of the admonishment shall be as required by the Custodial Interrogation Policy.



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If the field interview of an arrestee will enhance the investigation, an officer may advise the arrestee of his or her Miranda rights and may conduct an interview if an adequate waiver, express or implied, is obtained. For serious felony offenses where investigator response or interrogation of the arrestee by investigators is reasonably expected, field officers should not advise the arrestee of his or her Miranda rights. The advisement shall be the responsibility of Investigation Bureau personnel. If an urgency exists, however, a supervisor may authorize field officers to make the advisement and obtain a statement. One such situation may be if the arrestee must be transported to another facility prior to the arrival of the investigators. Supervisors shall exercise discretion in terms of the necessity of field interviews and the scope.

The courts have recognized the following three exceptions to the Miranda requirement:

- (a) When the suspect's attorney is present.
- (b) When an immediate threat exists to officers or the public (once the information needed to address the threat is addressed, Miranda warning would be required for further interrogation).
- (c) Undercover questioning (where the suspect is unaware that he or she is talking with a police officer).

If an arrestee invokes his or her Fifth Amendment right to counsel, the witnessing officer shall document the invocation in the police report so that no further attempt is made to interrogate the arrestee.

Officers shall follow the recording requirements of the Investigation, Custodial Interrogation, and Prosecution and Use of Audio Recorder policies.

### **317.3.2 DOCUMENTATION** [1.2.3(a)(b)]

Officers shall document in related reports all pertinent facts regarding the advisement of the suspect's Miranda rights, the suspect's refusal or waiver of those rights, and any information obtained in the subsequent interview. Any spontaneous or unsolicited statements made by the suspect that are pertinent to the case shall also be documented.

### **317.4 SIXTH AMENDMENT** [1.2.3(c)]

The Sixth Amendment guarantees various rights, including the right to counsel. Officers should consider Sixth Amendment factors in deciding when and how to take statements from suspects to be used as evidence. Officers should be aware that the arrestee's Sixth Amendment right to counsel is attached upon the "initiation of an adversary judicial proceeding," that is, the arrestee's indictment or first court appearance.



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## **317.5 FOURTEENTH AMENDMENT [1.2.3(b)]**

The Fourteenth Amendment provides three different kinds of constitutional protection, including a guarantee of “procedural due process,” that is, protection against compelled self-incrimination. Statements obtained from suspects against their will through some improper influence by police are considered “involuntary” and “coerced.” If the statements were obtained by “conscious-shocking techniques,” officers may be held to have violated the “substantive due process” protection guaranteed by the Fourteenth Amendment and may be liable in a civil action.

Officers shall not engage in any coercive conduct when conducting interrogations. Examples of coercive conduct include:

- (a) Threats of or actual physical abuse or use of any force to obtain statements.
- (b) Application of undue pressure, especially when combined with lack of sleep, painful injuries, impaired physical or mental condition, hunger, thirst, or denial of access to restroom facilities.
- (c) Physical exhaustion.
- (d) Tag-team interrogations (using relay teams during lengthy interrogations so that interviewing officers are rested and refreshed as the arrestee wears down).
- (e) Use of interrogation team “outnumbering” the suspect (generally the presence of more than two interrogators may make the arrestee feel threatened or intimidated).
- (f) Overbearing threats (“Your children will be taken away and raised by strangers.”)
- (g) Promises of help (“Why don’t you help yourself out” or “This is your one and only chance to tell your side of the story.”)

## **317.5 EYEWITNESS IDENTIFICATION**

There are several constitutional considerations when obtaining pretrial identifications of suspects through various procedures. Officers should be familiar with Fourth Amendment issues (i.e., suspect being illegally detained for a field show up; Sixth Amendment “right to counsel” issues; and Fourteenth Amendment due process issues (i.e., “unnecessarily suggestive” field show up or photo ID procedure.).





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
318**

CALEA

Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Canine (K9) Program

### 318.1 PURPOSE AND SCOPE

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders. In addition to this policy, procedural guidelines are located in the Canine Manual.

### 318.2 GUIDELINES FOR THE USE OF CANINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or **threatened** to commit any serious offense **AND** if any of the following conditions exist:

- (a) There is a reasonable belief that the individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.
- (d) The individual is suspected of a serious or violent felony as defined by Penal Code §1192.7(c) and §667.5(c) and is attempting to flee the scene or is suspected of concealing himself/herself so as to elude capture. NOTE: The California Penal Code is subject to change annually.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend the individual.



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## Policy 318

Once the individual has been located and no longer reasonably appears to represent a threat or risk of escape, the canine should be placed in a down-stay position or otherwise secured as soon as it becomes reasonably practical.

### 318.2.1 PREPARATION FOR UTILIZING A CANINE

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information that is reasonably available at the time. The information should include, but is not limited to the following:

- (a) The individual's age or estimate thereof.
- (b) The nature of the suspected offense.
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (d) The degree of resistance or threatened resistance, if any, the subject has shown.
- (e) The potential for escape or flight if the police dog is not utilized.
- (f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

The canine handler shall wear the appropriate safety equipment (e.g. ballistic helmet, etc.) during all canine deployments.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

A canine handler should have the ultimate authority to deploy or not to deploy the canine. The handler will evaluate each situation and determine if the use of a canine is feasible and appropriate. Generally, the decision whether to deploy the canine should remain with the handler, however, a supervisor sufficiently apprised of the situation may decide not to deploy the canine.

Whenever practicable, the canine handler's Body Worn Camera (BWC) shall be activated at the outset of every canine deployment. Once activated, the BWC should remain activated during the entire canine deployment to ensure the integrity of the recording (see B.P.D. Policy 453.6).

### 318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The verbal warning should be as follows or similar to:

*This is the Burbank Police Department Canine Unit, anyone in the area/building/car come out now or I will send in the dog. If the dog finds you, do not move or you may be bit.*



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 318

This statement should be digitally recorded before the canine is deployed.

If the Canine handler feels that it is best not to give a verbal warning, he/she shall, whenever possible, advise the supervisor of his/her decision prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

### **318.2.3 USE OF NARCOTIC-DETECTION CANINES**

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service.
- (b) To obtain a search warrant by using the detection canine in support of probable cause.
- (c) To search vehicles, buildings, bags and any other articles deemed necessary.

A narcotic-detection canine will not be used to search a person for narcotics.

### **318.2.4 USE OF BOMB/EXPLOSIVE DETECTION DOGS**

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a trained explosive detection canine team from an allied agency may be warranted. When available, a trained explosive detection canine team may be used in accordance with current law and under the following circumstances:

- (a) To assist in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.
- (b) To conduct preventative searches at locations such as special events, VIP visits, official buildings and other restricted areas. Because a canine sniff may be considered a search, such searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (c) To assist with searches at transportation facilities and vehicles (e.g., buses, airplanes and trains).
- (d) To assist in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
- (e) At no time will a detection canine be used to render a suspected device safe or clear.

### **318.2.5 GUIDELINES FOR NON-APPREHENSION USE**

Because canines have senses far superior to those of humans, they may often be effectively utilized to track or search for non-criminals (e.g. lost children, individuals who may be disoriented or in need of medical attention) or even suspects wanted for minor criminal offenses. In such circumstances, it



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will be necessary for the handler to evaluate the conditions and ability of the canine to determine the feasibility of such an application.

- (a) Absent a change in circumstances that present an imminent threat to officers, the canine or the public, such applications should be conducted on leash or under such conditions that will minimize the likelihood that the canine will bite or otherwise injure the individual.
- (b) Throughout the deployment of the canine in such circumstances, the handler should consider issuing periodic verbal assurances that the canine will not bite or hurt the person.
- (c) Unless otherwise directed by a supervisor, assisting personnel should take direction from the handler in order to minimize interference with the canine.

### 318.2.6 REPORTING CANINE USE, BITES, AND INJURIES

Whenever the police service canine is deployed, a Canine Use Report shall be completed by the handler and turned in to the Unit Coordinator before going off-duty.

Whenever the use of the canine results in a bite or any injury a Canine Use Report Form shall be completed and included with any related incident report. The Canine Use Report shall be reviewed and approved through the chain of command, to include the Patrol captain. It shall then be entered into IAPro and subsequently reviewed by the Critical Incident Review Board for policy, training, and performance concerns.

The injured party should be transported to an appropriate medical facility for treatment. If the injured party is in custody an officer should remain with the suspect until treatment has been rendered. If the injured party is not in custody (e.g., accidental bite) and the party does not refuse medical treatment, an officer shall remain at the hospital and make every effort to ensure proper medical treatment and document the diagnosis. In cases of accidental bites where the party refuses medical treatment, every effort should be made to audio or video record that refusal.

Photographs shall be taken of the bite or injury as soon as practicable after tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Department evidence procedures. It shall be the responsibility of the Unit Coordinator to ensure that such photographs are retained until the potential need for use in any related civil proceeding has expired.

If a subject alleges an injury that is not visible, a supervisor shall be notified and the location of the alleged injury should be photographed as described above.

The Unit Coordinator will maintain liaison with the Animal Control Department to ensure that information regarding canine bites is not retained by its office. Canines used by law enforcement agencies are exempt from impoundment and reporting requirements to the Animal Control Department (Food and Agriculture Code §31609(b)).



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### 318.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander. Medical care for any injured canine shall follow the protocol established in §318.6. The injury will be documented on a Canine Use Report Form.

The City Attorney's Office shall be notified of all canine bites, including accidental bites, by the Unit Coordinator in a timely manner, but no later than 72 hours after the occurrence.

### 318.2.8 ASSIGNMENT OF CANINES

The canine teams may be assigned to the Patrol Division and the Investigative Division within the Burbank Police Department.

When working within the Patrol Division, canine teams should be deployed as any other police unit, however, they may be assigned by the field supervisor to other functions based on the needs of the Watch Commander at the time.

Canine teams should not be assigned to handle matters that will take them out of service for extended periods of time unless absolutely necessary and only with the approval of the Watch Commander and/or Unit Coordinator.

### 318.3 REQUEST FOR USE OF CANINE TEAMS

Personnel within the Department are encouraged to freely solicit the use of the canines. Requests for a canine team from outside of the Patrol Bureau shall go through the Canine Supervisor, Canine Unit Coordinator or the Watch Commander.

#### 318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Watch Commander or the Unit Coordinator must approve all requests for canine assistance from outside agencies, subject to the following provisions:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler has the ultimate authority to decide whether the canine should be used for any specific assignment.
- (c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Burbank unless authorized by the Watch Commander or the Unit Coordinator.
- (d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.
- (e) Whenever practicable, the Department Canine Supervisor and/or the Canine Unit Coordinator shall respond to the location of any request for assistance from other agencies outside the City of Burbank. A patrol supervisor shall respond to the request in the event the Canine Supervisor and/or Unit Coordinator are not available.



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- (f) Prior to any Department canine deployment outside the City of Burbank, the Canine Supervisor and/or Canine Unit Coordinator shall conduct a comprehensive evaluation of the incident to determine if Department canine resources should be deployed. The involved supervisor shall determine whether additional resources (i.e. SWAT, perimeter personnel, CNT) are needed to assist the canine handler during the operation.

### **318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS**

All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

Canine handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator.

### **318.4 SELECTION OF CANINE HANDLERS**

The following are the minimum qualifications for the assignment of canine handler:

- (a) At least three years as a full time police officer.
- (b) At least two years as a full time police officer for the Burbank Police Department.
- (c) Willingness to commit a minimum of three years to the canine program.
- (d) Able to work a modified work schedule and be flexible for assignments other than patrol.
- (e) Demonstrated ability to working in tactical/stressful environments.
- (f) Own a home with a yard large enough to accommodate two kennels on a concrete slab (Kennels will be furnished by the City).
- (g) Have a garage for the canine vehicle.
- (h) Willingness to devote a great deal of on and off-duty time to the program, including care of the animal and vehicle.
- (i) Approval of family and neighbors to keep a police service dog at your residence.
- (j) Good communication skills and the ability to make public appearances and speeches.
- (k) Be in excellent physical condition.
- (l) Willingness to be called out during off-duty time.
- (m) Demonstrated ability to work alone and take charge of tactical/stressful situations.
- (n) Demonstrated history of reliability and dependability.

### **318.5 CANINE HANDLER RESPONSIBILITIES**

#### **318.5.1 AVAILABILITY**

The canine handler shall be available for call-out under conditions specified by the Unit Coordinator.





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## **318.5.2 CARE FOR THE CANINE AND EQUIPMENT**

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions. The canine handler will be responsible for the following:

- (a) Unless required by a particular application, the canine handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The canine handler shall maintain all Department equipment under his/her control in a clean and serviceable condition and when not on duty shall maintain the canine unit in a garage, secured from public view.
- (c) When a canine handler takes a vacation or planned days off where he/she will not be at work for more than 14 consecutive calendar days, the assigned canine vehicle shall be maintained at the Police Department facility.
- (d) Canine handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the canine handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.
- (f) When off-duty, canines shall be maintained in kennels provided by the City at the homes of their canine handlers. When a canine is kenneled at the canine handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while in the canine handler's presence.
- (g) The canine should be permitted to socialize in the home with the canine handler's family for short periods of time and in the handler's presence.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Watch Commander.
- (i) When off-duty, canine handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Watch Commander.
- (j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the canine handler shall give at least a seven day notice to the Unit Coordinator so that appropriate arrangements can be made. Generally, the canine will be housed at the residence of another canine handler or the Animal Shelter. In all cases, the canine handler shall contact the Unit supervisor to coordinate the supervision and care of the canine if the handler anticipates being away from animal for more than a day.

## **318.5.3 CANINE IN PUBLIC AREAS**

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.





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- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.

### **318.5.4 CANINE HANDLER COMPENSATION**

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine as provided in the Fair Labor Standards Act. The compensation shall be as prescribed in the currently applicable Memorandum of Understanding between the Burbank Police Officers Association and the City of Burbank.

### **318.6 MEDICAL CARE OF THE CANINE**

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in §318.6.2.

#### **318.6.1 NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be coordinated through the Unit Coordinator. Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Watch Commander as soon as practical. All records of medical treatment shall be maintained in the canine handler's file.

#### **318.6.2 EMERGENCY MEDICAL CARE**

The canine handler shall notify the Unit Coordinator as soon as practicable when emergency medical care for the canine is required.

Depending on the severity of the injury or illness, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the canine handler and dog are out of the area, the canine handler may use the nearest available veterinarian. The canine handler shall provide written documentation to the Unit Coordinator for any emergency medical care and costs incurred.

### **318.7 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection canines by the California Narcotic Canine Association or other recognized and approved certification standards.

The Unit Coordinator shall be responsible for scheduling periodic training for all Department personnel in order to familiarize them with how to conduct themselves in the presence of Department canines.



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Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

### 318.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current POST standards and the California Narcotic Canine Association or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in the current contract with the Department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Burbank Police Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Watch Commander.

### 318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any canine team failing POST canine certification and, if cross-trained, the California Narcotic Canine Association or other recognized and approved certification standards shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties. The special assignment differential pay shall continue while the handler prepares for recertification.

### 318.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file.

### 318.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Unit Coordinator shall be appointed by staff and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Patrol Division Commander. The Unit Coordinator shall be responsible for, but not limited to, the following:

- (a) Review all Canine Utilization Reports to insure compliance with policy and identify training issues and other needs of the program.
- (b) Maintain liaison with the vendor kennel.
- (c) Maintain liaison with administrative staff and functional supervisors.
- (d) Maintain liaison with other agency's canine coordinators.
- (e) Maintain accurate records to document canine activities.



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- (f) Recommend and oversee the procurement of needed equipment and services for the unit.
- (g) Be responsible for scheduling all canine related activities.
- (h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.
- (i) Conduct at least quarterly line inspections of handler's uniform and assigned equipment. Any deficiencies shall be corrected immediately and documented if necessary.

## **318.9 CONTROLLED SUBSTANCE TRAINING AIDS**

Controlled substance training aids are required to effectively train and maintain drug detecting canines. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

Health & Safety Code §11367.5 provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency.
- (b) Provided the controlled substances are no longer needed as criminal evidence.
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training.

### **318.9.1 PROCEDURES**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- (a) All necessary controlled substance training samples shall be acquired from the Burbank Police Department's evidence personnel or from allied agencies authorized by Health & Safety Code §11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler.
- (b) The weight and test results shall be recorded and maintained by this Department.
- (c) Any person receiving controlled substance training samples pursuant to Health & Safety Code §11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.



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- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the Canine Unit Coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in durable locked boxes at all times, except during training. The locked boxes shall be secured in the trunk of the assigned canine handler's unit, a locked metal box secured in the canine handler's assigned unit, or stored in a locked evidence locker. There are no exceptions to this procedure.
- (f) The Canine Unit Coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

## **318.9.2 IMMUNITY**

All duly authorized peace officers acting in the performance of their official duties and any person working under their immediate direction, supervision or instruction are immune from prosecution under the Uniform Controlled Substance Act while providing substance abuse training or canine drug detection training (Health & Safety Code §11367.5(b)).

## **318.10 EXPLOSIVE TRAINING AIDS**

Explosive training aids will not be possessed by members of this Department. This responsibility will fall to the allied agency having explosive detection canines and assigned personnel trained for this function.



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## **PENAL CODE DEFINITIONS OF SERIOUS OR VIOLENT FELONY:**

### **667.5.**

Enhancement of prison terms for new offenses because of prior prison terms shall be imposed as follows:

(a) Where one of the new offenses is one of the violent felonies specified in subdivision (c), in addition to and consecutive to any other prison terms therefor, the court shall impose a three-year term for each prior separate prison term served by the defendant where the prior offense was one of the violent felonies specified in subdivision (c). However, no additional term shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(b) Except where subdivision (a) applies, where the new offense is any felony for which a prison sentence or a sentence of imprisonment in a county jail under subdivision (h) of Section 1170 is imposed or is not suspended, in addition and consecutive to any other sentence therefor, the court shall impose a one-year term for each prior separate prison term or county jail term imposed under subdivision (h) of Section 1170 or when sentence is not suspended for any felony; provided that no additional term shall be imposed under this subdivision for any prison term or county jail term imposed under subdivision (h) of Section 1170 or when sentence is not suspended prior to a period of five years in which the defendant remained free of both the commission of an offense which results in a felony conviction, and prison custody or the imposition of a term of jail custody imposed under subdivision (h) of Section 1170 or any felony sentence that is not suspended. A term imposed under the provisions of paragraph (5) of subdivision (h) of Section 1170, wherein a portion of the term is suspended by the court to allow mandatory supervision, shall qualify as a prior county jail term for the purposes of the one-year enhancement.

(c) For the purpose of this section, "violent felony" shall mean any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286.
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a.
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289.
- (12) Attempted murder.
- (13) A violation of Section 18745, 18750, or 18755.
- (14) Kidnapping.
- (15) Assault with the intent to commit a specified felony, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.



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- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
- (20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
- (22) Any violation of Section 12022.53.
- (23) A violation of subdivision (b) or (c) of Section 11418. The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.
- (d) For the purposes of this section, the defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody, including any period of mandatory supervision, or until release on parole or post release community supervision, whichever first occurs, including any time during which the defendant remains subject to imprisonment or custody in county jail for escape from custody or is reimprisoned on revocation of parole or post release community supervision. The additional penalties provided for prior prison terms shall not be imposed unless they are charged and admitted or found true in the action for the new offense.
- (e) The additional penalties provided for prior prison terms shall not be imposed for any felony for which the defendant did not serve a prior separate term in state prison or in county jail under subdivision (h) of Section 1170.
- (f) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense which, if committed in California, is punishable by imprisonment in the state prison or in county jail under subdivision (h) of Section 1170 if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under California law if the defendant served one year or more in prison for the offense in the other jurisdiction.
- (g) A prior separate prison term for the purposes of this section shall mean a continuous completed period of prison incarceration imposed for the particular offense alone or in combination with concurrent or consecutive sentences for other crimes, including any reimprisonment on revocation of parole which is not accompanied by a new commitment to prison, and including any reimprisonment after an escape from incarceration.
- (h) Serving a prison term includes any confinement time in any state prison or federal penal institution as punishment for commission of an offense, including confinement in a hospital or other institution or facility credited as service of prison time in the jurisdiction of the confinement.
- (i) For the purposes of this section, a commitment to the State Department of Mental Health, or its successor the State Department of State Hospitals, as a mentally disordered sex offender following a conviction of a felony, which commitment exceeds one year in duration, shall be deemed a prior prison term.
- (j) For the purposes of this section, when a person subject to the custody, control, and discipline of the Secretary of the Department of Corrections and Rehabilitation is incarcerated at a facility operated by the Division of Juvenile Justice, that incarceration shall be deemed to be a term served in state prison.
- (k) (1) Notwithstanding subdivisions (d) and (g) or any other provision of law, where one of the new offenses is committed while the defendant is temporarily removed from prison pursuant to Section 2690 or while the defendant is transferred to a community facility pursuant to Section 3416, 6253, or 6263, or while the defendant is on furlough pursuant to Section 6254, the defendant shall be subject to the full enhancements provided for in this section.





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(2) This subdivision shall not apply when a full, separate, and consecutive term is imposed pursuant to any other provision of law.

*(Amended by Stats. 2014, Ch. 442, Sec. 10. Effective September 18, 2014. Note: This section was amended on March 7, 2000, by initiative Prop. 21, and on Nov. 7, 2006, by initiative Prop. 83.)*

## **1192.7.**

(a) (1) It is the intent of the Legislature that district attorneys prosecute violent sex crimes under statutes that provide sentencing under a "one strike," "three strikes" or habitual sex offender statute instead of engaging in plea bargaining over those offenses.

(2) Plea bargaining in any case in which the indictment or information charges any serious felony, any felony in which it is alleged that a firearm was personally used by the defendant, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited, unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

(3) If the indictment or information charges the defendant with a violent sex crime, as listed in subdivision (c) of Section 667.61, that could be prosecuted under Sections 269, 288.7, subdivisions (b) through (i) of Section 667, Section 667.61, or 667.71, plea bargaining is prohibited unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence. At the time of presenting the agreement to the court, the district attorney shall state on the record why a sentence under one of those sections was not sought.

(b) As used in this section "plea bargaining" means any bargaining, negotiation, or discussion between a criminal defendant, or his or her counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.

(c) As used in this section, "serious felony" means any of the following:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under 14 years of age; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) any burglary of the first degree; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and





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Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100; (37) intimidation of victims or witnesses, in violation of Section 136.1; (38) criminal threats, in violation of Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of Section 12022.53; (41) a violation of subdivision (b) or (c) of Section 11418; and (42) any conspiracy to commit an offense described in this subdivision.

(d) As used in this section, "bank robbery" means to take or attempt to take, by force or violence, or by intimidation from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association.

As used in this subdivision, the following terms have the following meanings:

(1) "Bank" means any member of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) "Savings and loan association" means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(3) "Credit union" means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union administration.

(e) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

*(Amended by Stats. 2010, Ch. 178, Sec. 73. Effective January 1, 2011. Operative January 1, 2012, by Sec. 107 of Ch. 178. Note: This section was added on June 8, 1982, by initiative Prop. 8, and amended on March 7, 2000, by initiative Prop. 21.)*



# Burbank Police Department

Michael Albanese, Chief of Police

**Policy  
320**

Approved:

CALEA

Effective Date: July 25, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Domestic Violence

### 320.1 PURPOSE AND SCOPE

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

#### 320.1.1 DEFINITIONS

**Abuse** – Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to self or another.

**Cohabitant** – Two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

**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.

**Domestic violence** – Abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or as had a dating or engagement relationship.

### 320.2 POLICY

The Burbank 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.



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### 320.3 OFFICER SAFETY

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

### 320.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 911 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house during the incident should also be obtained for follow-up. Officers shall also cross report any incident to the Los Angeles County Department of Children and Family Services as required by mandated reporting laws (Penal Code §11165.7(a)).
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries (or areas of claimed 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 Investigation Division if 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



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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.

### **320.4.1 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.

### **320.4.2 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.



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## **320.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the Victims of Domestic Violence Card (C320-283), even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

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

### **320.5.1 WRITTEN NOTICE TO VICTIMS**

Officers should advise the victim of the available community resources and provide the victim with the Burbank Police Department Information for Victims of Domestic Violence Card (C320-283). The form is available in English, Spanish, and Armenian.

The reporting officer should note in the crime report that the form was provided to the victim.

## **320.6 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.



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### 320.6.1 DOMESTIC VIOLENCE SEXUAL ASSAULT

When an officer responds to a call involving domestic violence and learns the victim has been sexually assaulted, the same procedures should be followed as on any sexual assault case to document the crime. Penal Code §293 requires that officers advise the victim of a sexual assault that their name will become a matter of public record unless they request otherwise. This advisement shall be included in the police report along with the victim's response.

Domestic Violence victims who are sexually assaulted shall be given the Victims of Domestic Violence Card (C320-283). The pamphlet shall comply with the requirements of Penal Code §264.2 and §13701(9)(H), including listing the names and phone numbers of local County hotlines, the phone numbers for local shelters for battered women and rape victim counseling centers within the County, along with their 24-hour counseling service telephone numbers. The pamphlet should also contain a statement on the proper procedures to follow after a sexual assault, a statement that sexual assault is a crime even if committed by a spouse, and a statement that domestic violence or assault by a spouse is a crime.

### 320.7 FOREIGN COURT ORDERS

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

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

### 320.8 VERIFICATION OF COURT ORDERS

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

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
  1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).
- (b) Check available records or databases that may show the status or conditions of the order.





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1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

### 320.8.1 POLICE EMPLOYEE DOMESTIC VIOLENCE PROCEDURES

Domestic violence is a universal problem that affects people from all walks of life. Police officers are not immune. No person, because of his or her occupation, should be exempt from the application of laws concerning domestic violence. This department takes a zero-tolerance position regarding incidents of domestic violence. Any person who becomes aware of alleged domestic violence involving another department employee shall immediately notify the on-duty Watch Commander.

In situations involving off duty personnel, where the incident takes place inside City of Burbank limits, the department shall comply with all the procedures as previously outlined in this domestic violence section.

All cases involving outside agencies shall be handled in the same manner as all other domestic violence cases, except that a supervisor shall respond.

### 320.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

#### 320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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





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Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests.

- (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. The officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code §836).

### 320.9.2 COURT ORDERS

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



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

### 320.9.3 PUBLIC ACCESS TO POLICY

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

### 320.9.4 REPORTS AND RECORDS

- (a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code §13730.
- (b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
- (c) Officers who seize any firearm, 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) / CA SB 320).

### 320.9.5 RECORD-KEEPING AND DATA COLLECTION

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

### 320.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

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



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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).



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
322**

CALEA

Approved: *Scott LaChasse*

Effective Date: September 5, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Search and Seizure

### 322.1 PURPOSE AND SCOPE

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

### 322.2 POLICY

It is the policy of the Burbank 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.

### 322.3 SEARCHES

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

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

- (a) Valid consent.
- (b) Incident to a lawful (custodial) arrest.
- (c) Legitimate community caretaking interests.
- (d) Officer Safety and custody searches (pat-down search; custody searches, including strip searches).
- (e) Vehicle searches under certain circumstances (fleeting target search).
- (f) Exigent circumstances.



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

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

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

## **322.4 SEIZURES**

Only items that are criminally possessed or that may tend to prove commission of a crime are subject to seizure. The four categories of property that are potentially seizable are as follows:

- (a) Contraband – Certain designated objects that are illegal to possess.
- (b) Evidence – Objects that establishes some link in the chain of proof that crime occurred or that a particular person was involved in criminal activity.
- (c) Fruits of the Crime – Property that is directly or indirectly obtained through the commission of a crime.
- (d) Instrumentalities of the Crime – Devices or implements used to facilitate the commission of a crime.

## **322.5 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 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.
  - 1. A supervisor shall be present when officers enter a house, apartment, hotel, business or other occupied structure to conduct a search.
  - 2. A supervisor shall be notified if personal property is damaged by Department personnel during a search. The employee causing the damage shall include a description of the damage and how it occurred in a police report.
  - 3. The notified supervisor shall ensure that:



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- a. The damage is photographed.
- b. Reasonable efforts are made to notify the owner of the damage.  
The details of the notification shall be included in a police report.
- c. The Division Captain is notified as soon as practicable via the Chain of Command if the estimated amount of the damage exceeds \$1,000.
- (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.
- (f) During the search of an individual, officers should not place property or evidence on the ground, except in extenuating circumstances.

## 322.6 CONSENT

A search that is not justified by other exceptions may be justified by obtaining consent. For example, entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained. A search by consent is only valid, however, if the following criteria are met:

- (a) Voluntary (i.e., clear, specific, and unequivocal).
- (b) Obtained from a person with authority to give the consent.
- (c) Does not exceed the scope of the consent given.

When seeking consent, officers should whenever possible audio record (see Use of Audio/Video Recorder Policy) the party giving consent to search and document the consent in related reports.

Officers should use the Department's Consent to Search form to obtain written consent to search any structure, such as, a business or a residence. Officers should ensure that the person with authority reads and understands the form and receives a copy. If the Consent to Search form is not used for investigative reasons, officers should audio record the party giving consent to search and shall document the consent in related reports.

While there is no requirement that an individual be told of their right to refuse consent, such a warning and the use of the Consent to Search form provide strong support for the validity of any consent. Officers of this Department are not required to expressly inform of the right to refuse unless specifically asked by the person with authority to give consent to search.



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Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

A person with authority to consent to a search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. If the person giving consent is in custody, that person does not need to be present as absence of the person giving consent does not invalidate a consent search. Officers shall never deliberately remove a person for the purpose of preventing a revocation of consent, however. Absent other legal justification, any related search should be discontinued at any point that consent is revoked.

Officers of this Department are encouraged to obtain consent as an alternative, independent justification for a search that is believed to be justified by another exception (e.g., probable cause or warrant).

### 322.7 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).
- Occurrence of any injuries or damage.
- All steps taken to secure property.
- The results of the search, including a description of any property or contraband seized.
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer.

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





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
324**

Approved: *Scott LaChasse*

CALEA  
Effective Date: July 5, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Temporary Custody of Juveniles

### 324.1 PURPOSE AND SCOPE

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

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

#### 324.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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



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

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

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

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

### 324.2 POLICY

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

### 324.3 JUVENILES WHO SHOULD NOT BE HELD

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

- (a) Unconscious.



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

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

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

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

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

## **324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

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

## **324.4 CUSTODY OF JUVENILES**

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

No juvenile should be held in temporary custody at the Burbank 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. Once the detained juvenile has been placed in non-secure custody, the handling officer shall complete the Juvenile Detention Log located in the Watch Commander's office.

Any juvenile taken into custody on the basis of being a person describe by Welfare and Institutions Code §602 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



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be held beyond six hours from the time of his/her entry into the Burbank Police Department (34 USC §11133; Welfare and Institutions Code §207.1).

### 324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Reporting Policy and Welfare and Institutions Code §300 should generally not be held at the Burbank Police Department for longer than necessary to return the child to his or her parents or legal guardian or to place the child in the custody of the Department of Children and Family Services. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC §11133; Welfare and Institutions Code §206).

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

### 324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

### 324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Burbank 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.



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- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code §207.2).

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

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code §26). The determination should be accomplished by using the Gladys R. Questionnaire (BPD form C320-333).

## 324.5 ADVISEMENTS

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

Whenever a juvenile status offender (Welfare and Institutions Code §601) or juvenile offender (Welfare and Institutions Code §602) is taken into temporary custody, he or she 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 own safety or welfare (Welfare and Institutions Code §625). The advisement shall be given prior to release or transfer to Juvenile Hall.

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

## 324.6 JUVENILE DETENTION LOGS

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

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Burbank 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.



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- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Any medical and other screening requested and completed (15 CCR 1142).
- (g) Any meals provided during detention.
- (h) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

### 324.7 NO-CONTACT REQUIREMENTS

Sight, sound and gender separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC §11133; Welfare and Institutions Code §207.1, §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 Burbank 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).

### 324.8 TEMPORARY CUSTODY REQUIREMENTS

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

- (a) The Watch Commander is notified any time a juvenile status offender (Welfare and Institutions Code §601) or juvenile offender (Welfare and Institutions Code §602) is detained at the Burbank Police Department and again if it is anticipated that the juvenile may need to remain at the facility for more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Burbank 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 or activities shall be noted on the log or documented in a related police report.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, except when he/she is using the toilet. 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).





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- (f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).
- (g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR §1143).
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR §1143).
- (j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR §1143).
- (k) Blankets shall be provided as reasonably necessary (15 CCR §1143).
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse (15 CCR §1142).

## 324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Restraint Devices Policy. A juvenile offender may be handcuffed at the Burbank 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). The temporary restraint of juveniles by securing them to fixed objects constitutes a secure custody and is not authorized.

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

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

## 324.10 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Jail Policy).





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### 324.11 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Burbank 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 Burbank Police Department.

### 324.12 SECURE CUSTODY

Juveniles shall not be held in secure custody while at the Burbank Police Department. Welfare and Institutions Code §602 offenders 14 years of age or older who present a security risk will be transported immediately to an approved juvenile detention center (with the center's approval). A security risk exists when there are facts or circumstances present that would lead a reasonable peace officer to conclude that the juvenile presents a serious risk of harm to self or others.

Juveniles shall not be secured to fixed objects during temporary detentions but may be handcuffed during transportation or when articulable security risk exists.

### 324.13 TEMPORARY HOLDING ROOMS

Juveniles shall not be held in locked enclosures while being detained at the Burbank Police Department. Juveniles may only be detained in the designated temporary holding rooms inside the Lower Level and Mid-Level report writing rooms.

Personnel should not enter a temporary holding room while a juvenile is present unless directly involved in the investigation or assigned to monitor the juvenile. Anyone entering such a room shall possess a portable radio with a duress alarm feature.

The juvenile shall constantly be monitored during the entire detention either by the responsible officer or designee. Monitoring a juvenile using audio, video or other electronic device does not replace constant personal visual supervision.

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

Officers shall secure their weapons in the holster or in a pocket (as appropriate) prior to entering a temporary detention room. Officer shall activate the door alarm any time a juvenile is being detained in a temporary detention room to prevent escape.

All officers shall receive initial training (as part of the field training) on the use of temporary detention rooms and should be retrained once every four years (i.e., roll-call training). The training should cover the procedures and contingencies for dealing with unruly or combative detainees.



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Watch Commanders should inspect the juvenile detention rooms at least once during their shift for cleanliness and to determine if any unsafe conditions are developing. The inspections shall be documented in the Watch Commander's log.

The temporary holding rooms and procedures are subject to an administrative annual inspection by the Los Angeles County Juvenile Court. The Juvenile Bureau supervisors shall be the Department liaison with the Court.

### **324.14 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 Burbank Police Department (15 CCR §1142, §1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police and Investigation Division Captain.
- (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 District Attorney.
- (e) Notification to the coroner.
- (f) Notification of the juvenile court.
- (g) In the case of a death, providing a report to the Attorney General under Government Code §12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR §1046).
- (h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR §1046.
- (i) Evidence preservation.

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

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

The following telephone numbers have been made available by the Los Angeles County Public Defender Office to provide attorney consultations pursuant to SB 395:



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- (213) 974-3002 (between the hours of 7:30 A.M. – 5:30 P.M.)
- (213) 974-1234 (after hour calls)

The attorneys are available 24 hours a day / 7days a week.

### **324.15.1 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).



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## **324.16 FORMAL BOOKING**

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

Any juvenile arrested for an offense meeting the criteria for Juvenile Formal Court shall be booked before being cited out or transferred to a juvenile facility, unless extenuating circumstances exist.

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

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

## **324.17 RELEASE OF INFORMATION CONCERNING JUVENILES**

Court decisions and legislation have combined to carefully specify situations in which information may be released 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.

The current policy of the Juvenile Court concerning authorized release of information and appropriate forms may be accessed on the [Los Angeles Superior Court's website](#). Such releases are authorized by Welfare and Institutions Code §827.

Welfare and Institutions Code §828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate Juvenile Bureau supervisor to ensure that personnel of those bureaus act within legal guidelines.

## **324.18 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION**

The Support Services Division Captain shall coordinate the procedures related to the custody of juveniles held at the Burbank Police Department and ensure any required certification is maintained (Welfare and Institution Code §210.2).

## **324.19 DISPOSITIONS**

The following dispositions are authorized

- (a) Any juvenile taken into temporary custody and not transferred to a juvenile facility shall be released to one of the following:
  - 1. Parent or legal guardian.



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2. An adult member of the juvenile's immediate family.
  3. An adult person specified by the parent or guardian.
  4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable, as approved by the Watch Commander.
  5. Department of Children and Family Services.
- (b) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:
1. The arresting officer may counsel or admonish the juvenile and take no further action.
  2. Juveniles that commit infraction level traffic offenses may be cited into Burbank Superior Court. The appearance date shall be 60 days from the date the citation is issued, unless that date is a weekend or holiday, in which case the next work day will be used.
  3. Juveniles detained for criminal acts not meeting the criteria for Juvenile Formal Court, may be issued a notice to appear with the *To Be Notified* box checked, and the appearance date left blank.
  4. Juveniles meeting the criteria for Juvenile Formal Court may be cited into formal court. The appearance date shall be 60 days from the date the citation is issued, unless that date is a weekend or holiday, in which case the next work day will be used.
- (c) Juveniles may be transferred to Juvenile Hall with authorization of the appropriate supervisor or the Watch Commander and Juvenile Hall Supervisor when the violation falls within the provisions of Welfare and Institutions Code §602. The juvenile shall be transported to Sylmar Juvenile Hall prior to the expiration of the six-hour maximum detention period.

If a juvenile is to be transported to Juvenile Hall, the following forms shall accompany the juvenile:

1. Application for Petition.
2. Three copies of the applicable reports for each juvenile transported. In certain cases Juvenile Hall may accept custody of the juvenile based on the petition and the agreement that facsimile copies will be forwarded as soon as completed.
3. Any personal property taken from the juvenile at the time of detention.



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## **324.20 JUVENILE AUTOMATED INDEX (JAI) ENTRIES**

The following juvenile case dispositions are to be used for Juvenile Automated Index (JAI) entries:

NON DETAINED PETITION – When the minor has either been released from custody or has yet to be arrested and a petition will be filed with the Juvenile District Attorney's Office requesting a filing.

DETAINED PETITION – When the minor is detained and a petition has been filed with the Juvenile District Attorney's Office.

COUNSELED AND RELEASED – When the investigation reveals that the parent and the juvenile may effect a satisfactory adjustment without formal intervention and no further action is needed. This disposition shall not be used when a juvenile is on active probation, parole, or booked on a warrant.

REFERRAL – When the investigator knows that the particular agency recommended has appropriate programs for the guidance and adjustment of the juvenile and the agency agrees to handle the case. The referral should be made only when the parent indicates a willingness to participate and become involved with the program offered by the agency.

JUVENILE TRAFFIC PROBATION: The matter has been referred to the Department of Probation.

## **324.21 PETITION REQUESTS**

The assigned investigator shall complete a petition request by using the Juvenile Law Enforcement Worksheet when the circumstances indicate the necessity for referral to the Juvenile Court. Petition requests shall be submitted in all legally sufficient cases as described in Welfare and Institutions Code §653.5.

## **324.22 JUVENILE CONTACTS AT SCHOOL FACILITIES**

Absent exigent circumstances, officers should make every reasonable effort to notify school officials prior to contacting a student on campus while the school is in session.

Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and to maintain a low profile police presence when contacting a student.

Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should take reasonable steps to notify a parent or responsible adult, unless the attempt would unreasonably interfere with the investigation or would not be practicable. When attempting notification, the officer should use those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents, or reasons why contact was not attempted, should be documented.

If a parent or responsible adult is not contacted, regardless of the reason, a formal interview with the juvenile may proceed. Upon the request of the juvenile, however, a school official or lawyer may be present during the interview in lieu of a parent.





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If contacted or requested by the juvenile, the parent, a responsible adult, or a school official may be present during any interview with the following exceptions:

- (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
- (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be documented in a related report.

Any juvenile student 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 and that staff member shall not participate in the interview. The selection of the staff member should not burden the school with costs or hardship (Penal Code §11174.3).

The following may also apply to juvenile contacts at school facilities:

- (a) A victim of sexual assault as the result of any violation Penal Code §243(e), §261, §261.5, §262, §273.5, §286, §288a, or §289 shall be advised before commencing the interview that he or she has the right to have a victim's advocate and a support person of his or her choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. However, the support person may be excluded from an interview by law enforcement or the district attorney if the law enforcement authority or the district attorney determines that the presence of that individual would be detrimental to the purpose of the interview.
- (b) As used in this section, "victim advocate" means a sexual assault counselor, as defined in Evidence Code §1035.2, or a victim advocate working in a center established under Penal Code §13835).
- (c) At the time the victim is advised of his or her rights, the attending law enforcement authority or district attorney shall also advise the victim of the right to have victim advocates and a support person present at any interview by the defense attorney or investigators or agents employed by the defense attorney.
- (d) An initial investigation by law enforcement to determine whether a crime has been committed and the identity of the suspects shall not constitute a law enforcement interview for purposes of this section (Penal Code §679.04).

Absent exigent circumstances or authority of a court order, officers should not detain a juvenile involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or





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physical examination without the consent of a parent or guardian. In all such cases officers should adhere to guidelines and requirements set forth in Child Abuse Reporting Policy.

### 324.23 JUVENILE BOOKED AS AN ADULT

#### 324.23.1 NO COMPLAINT ISSUED

When an officer or investigator learns that a person under the age of 18 years has been booked as an adult and no adult complaint has been issued, the Jailer shall be notified immediately. The Jailer shall immediately separate the juvenile from any adult prisoners and shall notify the Juvenile Bureau supervisor or the Investigation Bureau Lieutenant. The assigned investigator shall:

- (a) Ascertain the true age of the subject.
- (b) Obtain a new booking number and rebook the subject as a juvenile, using the original date and time of arrest.
- (c) If detention is to be continued, confine the juvenile to Juvenile Hall. The assigned investigator shall complete a juvenile petition request within the time limit that is based on the date and time of the original arrest, if possible.

EXCEPTION (WELFARE AND INSTITUTIONS CODE §631.1) – *When a minor under the age of 18 years of age willfully misrepresents himself to be 18 or more years of age when taken into custody by a peace officer or probation officer, and this misrepresentation effects a material delay in investigation which prevents the filing of a petition pursuant to the provisions of this chapter or the filing of a criminal complaint against him in a court of competent jurisdiction within 48 hours, such petition or complaint shall be filed within 48 hours from the time his true age is determined, excluding non-judicial days. If, in such cases, the petition or complaint is not filed within the time prescribed by this section, the minor shall be immediately released from custody.*

#### 324.23.2 COMPLAINT ISSUED

When an investigator determines that a person has been arraigned or held to answer at a preliminary hearing as an adult and is in fact a juvenile, the investigator shall do the following:

- (a) Notify the detaining agency to segregate the juvenile.
- (b) Notify the District Attorney's Office.
- (c) Notify the concerned court and make arrangements for the parents to present proof of the subject's true age.

If the juvenile is remanded to Juvenile Court, the presiding judge may order the Sheriff's Department to transport the juvenile to Juvenile Hall.

The investigator or the Probation Department will prepare the petition and present the case to the Juvenile Court.



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### 324.23.3 RELEASED ON BAIL

When an investigator learns that a person under the age of 18 years has been booked as an adult and has bailed out, the investigator shall:

- (a) Notify the District Attorney's office.
- (b) Notify the Court Liaison officer of the situation.

The investigator shall advise the juvenile's parents or legal guardian to appear in court on the date the juvenile was ordered to appear with proof of the juvenile's true age.

### 324.24 ADULT IN CUSTODY FOR OFFENSE COMMITTED WHILE A JUVENILE

When a person 18 years of age or older is in custody for an offense committed when the person was a juvenile, the procedure used is predicated on the final disposition that would have been made if the person was still a juvenile. For example:

- (a) If a petition request is not warranted, the person shall not be booked but shall be released in the same manner as a juvenile.
- (b) If a non-detained petition is warranted, the person shall be booked, processed, and released in the same manner as if the person was a juvenile. A non-detained petition request should be filed within the legal time limit.
- (c) If detention is warranted, the Probation or Intercept Officer at Juvenile Hall shall be contacted to determine if that agency concurs with the necessity for detention. A detained petition request shall be submitted within the legal time limit.

### 324.25 DECLARATION OF UNFITNESS

When a Juvenile Court petition alleges that a juvenile was 16 years of age or older at the time he/she allegedly committed a crime and that the juvenile would not be amenable to the care, treatment, or training program available through the Juvenile Court, the Juvenile Court may declare the juvenile unfit for handling as a juvenile and direct that the juvenile be prosecuted as an adult.

A declaration of unfitness is specific to the concerned petition. Subsequent arrests of the same subject while still a juvenile shall be handled on their own merits notwithstanding a previous declaration of unfitness.

#### 324.25.1 DUTIES OF ASSIGNED INVESTIGATOR

When a juvenile court petition results in a "declaration of unfitness," the assigned investigator shall:

- (a) Present two copies of the declaration and other concerned reports to the District Attorney's Office as ordered by the declaration.
- (b) When the juvenile remains in custody, the investigator shall cause the juvenile to be arraigned within 48 hours from the time of the signing of the declaration of unfitness.



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- (c) If the juvenile does not remain in custody, the investigator shall seek a complaint without delay.
- (d) When the juvenile remains in custody, the presiding judge of the juvenile court may order the Sheriff's Department to transport the juvenile to an appropriate detention facility.

### 324.25.2 REFUSAL OF COMPLAINT

If the District Attorney refuses to issue a complaint, the investigator shall immediately notify the Investigation Bureau Lieutenant or designee who, in turn, will notify the court which issued the declaration of unfitness. The Lieutenant shall also make arrangements for the immediate release of the juvenile.

### 324.26 ARRESTING EMANCIPATED MINORS

Only a court of law has the power and authority to determine if a minor is to be processed as an adult (WELFARE AND INSTITUTIONS CODE §707). The moment an emancipated minor commits a criminal act, the minor comes under the provisions of WELFARE AND INSTITUTIONS CODE §602.

### 324.27 JUVENILES ARRESTED OUTSIDE LOS ANGELES COUNTY

When a juvenile is taken into custody and detained outside the County (but within the State) for an offense committed in the City of Burbank, the assigned investigator may:

- When appropriate, request that the arresting agency cite out the juvenile into the court of appropriate jurisdiction.
- Request the parents contact the detaining agency and make arrangements for the juvenile's return when the juvenile's detention in this City is not necessary.
- Personally return the juvenile upon obtaining permission from the Investigation Bureau Lieutenant when it is necessary for the juvenile to be returned in custody.
- File a juvenile petition request within the legal time limit when a juvenile is personally returned.
- Request the return of the juvenile to the City of Burbank by the Los Angeles County Sheriff's Department when necessary for the juvenile to be returned in custody and it is impractical for the investigator to personally return the juvenile.
- Obtain a warrant from the Juvenile Court within 48 hours, excluding non-judicial days, from the time the juvenile was taken into custody by the outside jurisdiction.

### 324.28 PETITION AND WARRANT REQUEST

A non-detained petition and warrant request shall be made when a juvenile is taken into custody and detained outside Los Angeles County (but within this State) and only in those cases when it is impractical for a member of this Department to return the juvenile and it is necessary that the juvenile be returned in custody.



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The temporary detention commences when the juvenile is taken into custody and the warrant must be secured within the six hour maximum detention of the juvenile. If a warrant cannot be issued within the maximum detention time authorized by Welfare and Institutions Code 207.1(d)(1), the appropriate final disposition of the juvenile should be the responsibility of the jurisdiction of arrest.

### **324.29 WARRANT ISSUANCE – AGENCY NOTIFICATION**

It shall be the responsibility of the assigned Investigator to notify the jurisdiction of arrest by sending a teletype abstract of the warrant and include information that the Sheriff's Department will transport. When no warrant is issued, the investigator shall notify the jurisdiction of the arrest by teletype that the disposition of the juvenile is at the discretion of the jurisdiction of arrest.



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Approved: \_\_\_\_\_

*[Signature]*

CALEA

Effective Date: July 25, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Senior and Disability Victimization

### 326.1 PURPOSE AND SCOPE

This policy provides members of this Department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder or dependent adult abuse. It is the policy of the Burbank Police Department to treat reports of elder or dependent adult abuse as high priority criminal activity that is to be fully investigated, regardless of the relationship between the victim and the suspects. This policy also addresses mandatory notification for Burbank Police Department members as required by law (Penal Code § 368.6).

The Burbank 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).

#### 326.1.1 DEFINITIONS

***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 § 1561005 et seq.; Penal Code § 368.5).

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

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



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**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 services agency or law enforcement (Penal Code § 368).

**Ombudsman** – A Long Term Care Ombudsman is a trained and State-certified advocate who investigates complaints made by or on behalf of residents of long-term care facilities. Ombudsmen investigate reports of abuse that occur in long-term care facilities or adult day health care centers and may report such cases to licensing entities and law enforcement agencies. Additional information is available on the [website](#) of the California Department of Aging.

**IMPORTANT:** Ombudsman confidentiality requirements prohibit ombudsmen from cross reporting crimes to law enforcement without the consent of the victim or without a court order (Welfare and Institutions Code §15640(d)). Officers shall not demand information from ombudsmen that is protected by law and should instead involve the victim for authorization or seek a court order.

**Physical Abuse** – Includes assault, battery, sexual assault, sexual battery, lewd or lascivious acts, unreasonable physical constraint, and improper use of a physical or chemical restraint or psychotropic drugs (Welfare and Institutions Code §15610.63).

**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 reporter
- (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
- (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

**Serious Bodily Injury** – An injury involving extreme physical pain, substantial risk of death, protracted loss or impairment of function of a bodily member, organ, or mental faculty, or requiring medical intervention, including, but not limited to, hospitalization, surgery, or physical rehabilitation (Welfare and Institutions Code §15610.67).

## 326.2 POLICY

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





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### 326.2.1 ARREST POLICY

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

### 326.2.2 ADHERENCE TO POLICY

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

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

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

### 326.3 MANDATORY NOTIFICATION

Any member who has observed or has knowledge of an incident that reasonably appears to be elder or dependent adult abuse, is told by an elder or dependent adult that the person has experienced abuse or reasonably suspects abuse, shall report to the County Adult Protective Services Agency the known or suspected instance of abuse by telephone or through a confidential Internet reporting tool, as authorized by Welfare and Institutions Code §15658, immediately or as soon as practicable. If reported by telephone, a written report shall be sent, or an Internet report shall be made through the confidential Internet reporting tool established in Section 15658, within two working days as provided by Welfare and Institutions Code §15630(b).

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code §15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code §15610.30). Notification is also made in cases of abandonment, abduction, isolation, and neglect (Welfare and Institutions Code §15610.05, §15610.06, §15610.43, and §15610.57).

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

- (a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code §15630(b)(1)):

- 1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency. If there is physical abuse and no serious bodily injury, notification





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shall be made by telephone and, within 24 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 immediately or as soon as practicable by telephone and a written report to the local ombudsman within 24 hours.
  3. When a report of abuse is received by the Department the local ombudsman should be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)(1)).
- (b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report (SOC 341 form) shall be made to the local ombudsman Welfare and Institutions Code § 15630(b).
  - (c) The California Department of Public Health (DPH) shall be notified of all known or suspected elder or dependent adult abuse occurring in a long-term facility.
  - (d) The Division of Medi-Cal Fraud and Elder Abuse (DMFEA) shall be notified of all abuse that constitutes criminal activity in a long-term care facility (CA SB 823).
  - (e) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.
  - (f) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the State Department of State Hospitals or the State 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(E)(i))
1. When a report of elder or dependent adult abuse is received by the Department, investigation efforts shall be coordinated with designated investigators of the California Department of State Hospitals or the California Department of Developmental Services.
  - (g) If the abuse occurred at a residential care facility for the elderly or adult day program, the California Department of Social Services (CDSS) shall be notified (CA SB 823).
  - (h) If the abuse occurred in an adult day health care center, the California Department of Public Health and the California Department of Aging shall be notified.
  - (i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code § 15640(b)).
  - (j) When the Department receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

Failure to make a report within two working days, or impeding or inhibiting a report of an elder or dependent adult, is a misdemeanor (Welfare and Institutions Code §15630(h)).

The Persons or Property Bureau supervisor (depending on the type of abuse) is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency



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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).

### 326.3.1 NOTIFICATION PROCEDURE

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

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

### 326.3.2 WATCH COMMANDER AND RECORDS BUREAU RESPONSIBILITIES

All reports of suspected elder or dependent adult abuse (SOC 341/SOC 343) received by the Records Bureau shall be reviewed by the Watch Commander to determine if a response or immediate action is required. All cases where evidence of abuse is present shall be investigated and the investigation shall be documented in a police report. The original SOC 341 and/or SOC 343 form shall be attached to the report so that it can be entered by Records Bureau personnel as an E-file in the Tiburon System.

If, based on information in a SOC 341 and/or SOC 343 form, the Watch Commander suspects that a crime may have occurred or if police intervention may be otherwise necessary, the Watch Commander shall assign an officer to investigate the report of suspected elder or dependent adult abuse. If the investigating officer finds no evidence of abuse, the officer shall complete an extended Field Interview (FI) in Tiburon and attach a copy to the original SOC 341/343 form for submission to the Watch Commander. The Watch Commander shall review the extended FI and forward it to the Records Bureau along with the original SOC 341/SOC 343. The Records Bureau shall scan the original SOC 341 and/or SOC 343 form and attach it to the extended FI as an E-file.

The Persons Detail sergeant and Property Detail sergeant should review the APS extended FI's on an ongoing basis.



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In all cases, the Watch Commander shall log the receipt of any elder or dependent adult abuse reports received from other agencies for documentation and tracking purposes either on the Watch Commander's Log or on a designated electronic log. Each record shall indicate in sufficient detail whether a crime was suspected and whether an investigation was conducted.

When the Burbank Police Department is the mandated reporter and if a hardcopy State of California SOC 341 (Report of Suspected Depended/Elder Abuse) form is completed, the Records Bureau shall forward the SOC 341 form to Adult Protective Services (see §326.5).

## **326.4 INITIAL RESPONSE**

All incidents involving actual or suspected elder or dependent adult abuse shall be fully investigated and appropriately documented.

Officers may be called upon to make a forced entry as the first responder to the scene of suspected elder or dependent adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

### **326.4.1 STABILIZE THE SITUATION**

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider taking the following actions: Attempt to identify the victim, suspect, and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible.

- (a) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence that may change in appearance (e.g., injuries) should be photographed as soon as practicable.
- (b) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by intervention.
- (c) Make on-scene arrests when appropriate. Officers may arrest a person without a warrant when probable cause exists to believe that the person has committed an assault or battery, whether or not the assault or battery has in fact been committed, upon an adult 65 years of age or older to whom the suspect is related by blood or legal guardianship, provided the arrest is made at the time probable cause arises (Penal Code §836).

If an arrest is not otherwise required by law, officers should consider the consequences that the immediate arrest of a sole supporting family caretaker might have on the victim. The decision to arrest should be based on the best interests and caretaking needs of the elderly or dependent adult victim. The present and future safety of the victim is of utmost importance.



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## **326.4.2 SUPPORT PERSONNEL**

The following persons should be considered for notification if it appears an in-depth investigation is appropriate:

- (a) Patrol supervisor.
- (b) Detective personnel.
- (c) Evidence collection personnel.
- (d) Protective Services Agency personnel.
- (e) Ombudsman shall be called if the abuse is in a long-term care facility, to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code §15630(b)).

## **326.5 INVESTIGATIONS, REPORTING AND INTERVIEWS**

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reason(s), the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of elder or dependent adult abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) Witness and suspect statements if available.



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- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivation (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End-of-Life Option Act:
  - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)
  - 2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)
  - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)
  - 4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

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 persons with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

Reporting cases of elder or dependent adult abuse is confidential and will only be released in accordance with the Release of Records and Information Policy.

If a report to APS is required, a Protective Services Report shall be made to APS electronically through a secured internet reporting tool available at the County website: <https://apslive.lacss.harmonyis.net/LACSSLiveIntake/>. The electronic report has replaced the SOC 341 report form. Officers shall include their email address in the electronic report to receive a verification of the receipt of the report by APS. A copy of the verification receipt shall be attached to the police report.

The SOC 341 form shall be completed only if the electronic reporting system is not available and it shall be mailed with two working days to:

Aging and Adult Services Call Center



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3333 Wilshire Blvd, Suite 400  
Los Angeles, CA 90010

Whether the written report is completed electronically or using form SOC 341, officers shall first make a telephonic notification to APS by calling the 24-hour APS hotline: (877) 477-3646.

## **326.5.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS**

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

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

## **326.5.2 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 specifically trained in such interviews is available.

## **326.5.3 DETAINING VICTIMS FOR INTERVIEWS**

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.





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2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

## **326.5.4 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).

## **326.5.5 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 as practicable and ensure the interview is audio recorded.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all cases of documented elder or 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 the 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.





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## **326.5.6 MEDICAL EXAMINATIONS**

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such an 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, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

## **326.6 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

## **326.7 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotic crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult victim lives should:

- (a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Division supervisor so an interagency response begins.

## **326.8 SUPERVISOR RESPONSIBILITIES**

The Investigation 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 Investigation 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.



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### 326.9 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 elder or dependent adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

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

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.

#### 326.9.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code §6250(d)).

#### 326.9.2 VERIFICATION OF PROTECTION ORDERS

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 per Penal Code § 368.6(c)(19) to:

- (a) Inquire whether the restrained person possesses firearms. The officer should ask 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.



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## 326.9.3 CONTACT INFORMATION

### Local Ombudsman's Office:

Telephone Number: (818) 444-0315; Fax: (818) 444-0318  
Afterhours Crisis Line: (800) 231-4024

### Attorney General Department of Justice Division of Medi-Cal Fraud and Elder Abuse:

For the public: (800) 722-0432  
For law enforcement: (916) 274-2934 (Debbie Rielley); Fax number: (916) 263-2565  
Report submission email address: [DOJBMFEASSU@doj.ca.gov](mailto:DOJBMFEASSU@doj.ca.gov)

### Regulatory Agencies:

Department of Public Health-Regulates skilled nursing facilities, ICF-DD, adult day health care and acute hospitals:

DPH North phone: (818) 901-4375; Fax (818) 902-2418

Community Care Licensing Regulates residential care facilities for the elderly (e.g., assisted living, board, and care facilities), adult residential facilities, adult day care, and unlicensed facilities that require licensure.

CCL North LA Office: (818) 596-4334; Fax: (818) 596-4376

A copy of the SOC 341 form should be faxed to the above agencies (in addition to the telephonic notification).



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## 326.9.4 ADULT ABUSE REPORTING MATRIX

The below table is to assist officers in determining the appropriate course of action involving reports of elder or dependent adult abuse:

Mandated Reporter:	Police	APS or Ombudsman (SOC 341 Form)	APS or Ombudsman (SOC 343 Form)
<b>Evidence of Abuse</b>	<ul style="list-style-type: none"><li>▪ Police report required</li><li>▪ Complete SOC 341 (APS or local ombudsman)</li><li>▪ Notifications to BMFEA and regulatory agencies if involving long-term care facility</li></ul>	Police report required.	Police report required.
<b>No Evidence of Abuse</b>	<ul style="list-style-type: none"><li>▪ Complete SOC 341 (APS or local ombudsman)</li><li>▪ Notifications to regulatory agencies if involving long-term care facility</li><li>▪ Complete documentation as required by this policy or as directed by the Watch Commander</li></ul>	Complete an extended FI and forward to W/C for approval-Records Bureau for E-file attachment	Extended FI

## 326.10 JURISDICTION

The Burbank Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elderly 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 or 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 criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

## 326.11 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,



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or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

## **Penal Code § 368 (c)**

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

## **Penal Code § 368 (f)**

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

## **Welfare and Institutions Code § 15610.05**

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

## **Welfare and Institutions Code § 15610.06**

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

## **Welfare and Institutions Code § 15610.30**

(a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:

- (1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.



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(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Welfare and Institutions § 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 safety.



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## **Welfare and Institutions Code § 15610.57**

(a) "Neglect" means either of the following:

- (1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
- (2) The negligent failure of an elder or dependent adult to exercise that degree of self-care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

- (1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- (2) Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
- (3) Failure to protect from health and safety hazards.
- (4) Failure to prevent malnutrition or dehydration.
- (5) Substantial inability or failure of an elder or dependent adult to manage personal finances.
- (6) Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b) (CA AB 135).

## **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.





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- (2) Rape, as defined in Section 261 of the Penal Code.
- (3) Rape in concert, as described in Section 264.1 of the Penal Code.
- (4) Incest, as defined in Section 285 of the Penal Code.
- (5) Sodomy, as defined in Section 286 of the Penal Code.
- (6) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
- (7) Sexual penetration, as defined in Section 289 of the Penal Code.
- (8) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

- (1) For punishment.
- (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
- (3) For any purpose not authorized by the physician and surgeon.

## **326.12 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 investigation.
- (f) Availability of advocates of other support.



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## **326.12.1 MANDATORY TRAINING**

The Training Coordinator 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).

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 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 POST Senior and Disability Victimization Policy Guidelines).

The Training Coordinator 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)).

## **326.13 CHIEF OF POLICE RESPONSIBILITIES**

The Chief of Police or the authorized designee responsibilities per Penal Code § 368.6 include but are not limited to:

- (a) Taking leadership with 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 requirement 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,



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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 violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
- d. Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.

3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

- (c) For each Department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
- (d) Ensure an appendix is created and attached to this policy that describes requirements for elder and dependent abuse investigations consistent with Penal Code § 368.6(c)(8)(B)).
- (e) Ensure a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirement 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) Ensure this policy is available to the Protection and Advocacy Agency upon request.

## **326.14 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



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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.



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Approved: *Scott LaChasse*

CALEA

Effective Date: October 28, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Discriminatory Harassment

### 328.1 PURPOSE AND SCOPE

The purpose of this policy, along with [Administrative Procedure, II-45](#), is intended to prevent Department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### 328.2 POLICY

The Burbank 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 11203). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

### 328.3 DEFINITIONS

#### 328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, age, sexual orientation, gender identity or expression, genetic information, disability, pregnancy, veteran status, marital status and any other classification or statute 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.



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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 from discrimination.

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he or she has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

### **328.3.2 SEXUAL HARASSMENT**

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to or rejection of such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

### **328.3.3 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or Department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

### **328.3.4 RETALIATION**

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against that 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.



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### 328.4 RESPONSIBILITIES

This policy applies to all Department personnel. All members shall follow the intent of these guidelines in a manner that reflects Department policy, professional standards, and the best interest of the Department and its mission.

Members who may have been subjected to or witnessed inappropriate conduct 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 his or her 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 or the Management Services Director.

Any member who believes in good faith that the member has been discriminated against, harassed, subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### 328.4.1 SUPERVISOR RESPONSIBILITY

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) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure 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 Management Services Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### 328.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of our Department and professional standards.





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- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

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 employees, or issuing discipline in a manner that is consistent with established procedures.

### **328.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be immediately reported through the chain of command, fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and the related investigation should be kept confidential to the extent possible.

#### **328.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened, or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

#### **328.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, or at the immediate direction of a Division Commander or above, a formal investigation will be conducted.

The member 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 by any member of the Department 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 not be limited to, details of the specific incident, frequency, dates of occurrences, and names of any witnesses. Focused members and witnesses will be admonished regarding the prohibition against retaliation and that a disciplinary process, up to and including termination, may result if retaliation occurs.



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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 or the Management Services Director, or the City Manager.

### 328.5.3 ALTERNATIVE COMPLAINTS

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. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

Equal Employment Opportunity Commission – Los Angeles District Office  
Roybal Federal Building  
255 East Temple Street, 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(800) 669-4000

CA Department of Fair Employment and Housing  
611 West Sixth Street, 15<sup>th</sup> Floor  
Los Angeles, CA 90017  
(800) 884-1684  
[DFEH.CA.gov](http://DFEH.CA.gov)

### 328.6 NOTIFICATION OF DISPOSITION

Complainant and/or victim will be notified in writing of the disposition of the investigation and actions taken to remedy the complaint.

### 328.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police or the Management Services Director, if more appropriate.
- (b) Maintained for the period established in the Department's records retention schedule.

### 328.8 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.



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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.

### **328.8.1 STATE-REQUIRED TRAINING**

The Training Coordinator should ensure that employees receive the required state training and education regarding sexual harassment and prevention of abusive conduct and harassment based on gender identity, gender expression and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

- (a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
- (b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
- (c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Training Coordinator should ensure that employees are provided the following website address to the training course: [www.dfeh.ca.gov/shpt/](http://www.dfeh.ca.gov/shpt/) (Government Code § 12950; 2 CCR 11023).

### **328.8.2 TRAINING RECORDS**

The Training Coordinator shall be responsible for maintaining records of all discriminator 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 11204).

### **328.9 WORKING CONDITIONS**

The Administrative 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).

#### **328.9.1 QUESTIONS REGARDING DISCRIMINATION, SEXUAL HARASSMENT, OR RETALIATION**

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, manager, the Chief of Police, Management Services Director, or they may contact the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).



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Scott LaChasse, Chief of Police

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## **328.10 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).



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Michael Albanese, Chief of Police

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Approved:

A handwritten signature in black ink, appearing to read "M. Albanese".

CALEA

Effective Date: October 28, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Child Abuse Reporting

### 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Burbank Police Department members are required to notify the county Department of Children and Family Services (DCFS) of suspected child abuse.

#### 330.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Child Abuse** – Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code §11165.9 and §11166). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

### 330.2 POLICY

The Burbank Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCFS is notified as required by law.

### 330.3 MANDATORY NOTIFICATION

DCFS 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.



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Exception: There is no need to contact DCFS when the abuse report originates from a DCFS Suspected Child Abuse Report (SCAR). The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notifications 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). This reporting requirement is met once DCFS has been notified. All child abuse reports to DCFS are entered into the Electronic Suspect Child Abuse Report System (ESCARS), which is a joint system of DCFS and the District Attorney's Office.

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 and 11166.2 / CA AB 670).

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 (fight) between minors, nor does it include an injury caused by the reasonable force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

### 330.3.1 NOTIFICATION PROCEDURE

The handling officer or investigator (as mandated reporters) shall make notifications to DCFS 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 (ESCARS meets this requirement).

### 330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities
- (b) Be familiar with forensic interview techniques specific to child abuse investigations
- (c) Follow up on suspected child abuse SCAR reports.
- (d) Investigate reports of unfit homes, child abandonment, child endangering, or neglect.
- (e) Investigate and collect evidence for all cases of child abuse and molestation.
- (f) Present all cases of alleged child abuse to the prosecutor for review



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- (g) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (h) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (i) Contact DCFS on all child abuse cases in which the original police report fails to indicate DCFS notification has been made and there is no ESCARS entry.
- (j) Participate in or coordinate with multidisciplinary investigative teams, as applicable (Welfare and Institutions Code §18961.7).

### 330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report shall be written, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) Any relevant statements the child may have made and to whom he or she made the statements.
- (c) 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.
- (d) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (e) Whether the child victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (g) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated thoroughly (e.g., a sudden or unexplained death of an infant).

#### 330.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully





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

## **330.5.2 SCAR REPORTS AND ESCARS**

All reports of child abuse, including, physical, sexual, emotional, and neglect, are entered into the Los Angeles County Electronic Suspected Child Abuse Reporting System (ESCARS), which is administered by the Department of Children and Family Services and the LA District Attorney's Office. When suspected child abuse is reported to the DCFS Hotline, a SCAR is generated, regardless of the source of the report. The call taker categorizes the SCAR as a 5-Day Response (5D), an Immediate Response (IR), or Evaluated Out (EO). The report categories are listed next to the 19-digit referral number on the SCAR. The SCAR is then transmitted to the appropriate DCFS office and police department for investigation.

SCARs are generally transmitted to this Department both via FAX (to the Records Bureau) and electronically through ESCARS. As an alternate to the FAX method, an emailed PDF copy of the report will also be sent to Patrol watch commanders and supervisors, SROs, and the SCAR officer via the [ESCARS@burbankca.gov](mailto:ESCARS@burbankca.gov) email account.

Requests for information by DCFS for ongoing investigation should be directed to the Juvenile Bureau, either to the contact person listed in ESCARs or via the SCAR email address: [ESCARSinfo@burbankca.gov](mailto:ESCARSinfo@burbankca.gov).

### Watch Commander Responsibilities

The Watch Commander is responsible for reviewing all received SCAR reports to determine if an immediate response is necessary. Watch Commanders should not rely on the categories assigned by DCFS and should make independent decisions based on the available information. Consideration should include the likelihood of continued danger to the child, or additional children, and/or loss of potential evidence that could result by a delay in investigating.

If, based on information in the SCAR report, the Watch Commander suspects that a crime may have occurred or if police investigation may otherwise be necessary, the Watch Commander shall assign an officer to investigate the report of suspected child abuse. When available, the assigned officer may be the SCAR Officer. If the SCAR Officer is unavailable and an immediate investigation is needed, the Watch Commander will ensure the SCAR is promptly investigated. The Watch Commander is responsible to ensure that in all reported or suspected cases of child abuse, a report shall be written, even if the allegations appear unfounded or unsubstantiated.

In all cases, the Watch Commander shall log the receipt of any SCAR reports for documentation and tracking purpose on the Watch Commander's Log. Each record shall indicate in sufficient detail whether a crime was suspected and whether a Patrol investigation was conducted.

### Officer Responsibilities

If a response is initiated, officers must conduct independent investigations and reach independent conclusions. Officers shall not rely on any conclusions reached by social workers in SCAR reports. Additionally, officers must investigate every individual allegation.



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If during the investigation of a SCAR, the officer determines the crime occurred in another jurisdiction, a courtesy report shall be taken. Additionally, the faxed copy of the SCAR shall be forwarded to the juvenile detail indicating a courtesy report has been taken.

In all reported or suspected cases of child abuse, a report shall be written, even if the allegations appear unfounded or unsubstantiated.

### Juvenile Bureau Responsibilities

The Juvenile Bureau SCAR officer is responsible for tracking and closing SCAR investigations in the ESCARS System. The only dispositions allowed are "Crime Suspected", "No Crime Suspected," "Crime Suspected-No Child Abuse" and "No Investigation." No Investigation is used where a crime is not alleged; for example, use of insulting or derogatory language by a parent.

If a case is presented to the District Attorney's Office (DA) for filing of criminal charges, the ESCAR report will be closed as "crime suspected" regardless of the DA's disposition of the case.

ESCARS users can forward SCARs to other agencies if the crime occurred in their jurisdiction or if the SCAR was misdirected. The ESCAR System contains contact information for participating agencies. Prior to forwarding any ESCAR report to another agency, officers should first notify the agency directly.

Child abuse reported by police officers, including from other agencies, are placed in the LEA area of the ESCAR System and require no further action by the Department.

### Sensitive Cases

Certain SCARs in ESCARS may be classified as "sensitive," generally when one of the involved parties is a high-profile person or a police officer. Only authorized persons in the Juvenile Bureau with "LEA ADMIN SEN" access can view these SCAR reports.

## **330.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, an officer should contact DCFS (if time and circumstances allow). The removal of a child from his or her 1) family, 2) guardian, or 3) other responsible adult may be left to the child welfare authorities when they are present or have become involved in an investigation. However, if an independent criminal investigation leads officers to believe the minor should be removed from the home, a court order should be sought.

Generally, members of this Department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, an officer should take reasonable steps to deliver the child to another parent or a 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 DCFS.

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



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Children may only be removed from a parent or guardian without a court order in the following situations (Welfare and Institutions Code §305):

- (a) The officer reasonably believes the child is a person described in Welfare and Institutions Code §300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22 and further has good cause to believe that any of the following conditions exist:
  1. The child has an immediate need for medical care.
  2. The child is in immediate danger of physical or sexual abuse.
  3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
- (b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code §279.6, in one of the following circumstances:
  1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
  2. There is no lawful custodian available to take custody of the child.
  3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
  4. The child is an abducted child.
- (c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6)

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

### 330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

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

### 330.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code §305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.



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### 330.7 INTERVIEWS

#### 330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation.

#### 330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

#### 330.7.3 INTERVIEWS AT A SCHOOL

Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code §11174.3).

### 330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.



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## **330.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

### **330.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigation Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including DCFS, 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 Investigation 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.

### **330.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Division supervisor so an interagency response can begin.

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

California requires or permits the following:

### **330.10.1 RELEASE OF REPORTS**

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



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## **330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)**

As of January 1, 2012, a police department shall no longer forward to DOJ a report in writing of any case it investigates of known or suspected child abuse or severe neglect (11169(b) PC).

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 or her name be removed from the CACI list. Requests shall be denied if there is an active case, ongoing investigation, pending prosecution, or court of a competent jurisdiction has determined that suspected child abuse or neglect has occurred (Penal Code §11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

## **330.10.3 CACI HEARING OFFICER**

The Investigation Bureau Lieutenant will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

## **330.10.4 CACI HEARING PROCEDURES**

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his or her name should be removed. The person requesting the hearing may record the hearing at his or her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

- (a) Case reports including any supplemental reports.
- (b) Statements by investigators.
- (c) Statements from representatives of the District Attorney's Office.
- (d) Statements by representatives of a child protective agency who may be familiar with the case.

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code §11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he or 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.





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The findings of the hearing officer shall be considered final and binding.

## **330.10.5 CHILD DEATH REVIEW TEAM**

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

## **330.11 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (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 (court-mandated legal guardian) support.





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*Scott LaChasse*

CALEA

Effective Date: September 5, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Missing Persons

### 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations in accordance with American National Standards Institute (ANSI) 1.101.3-2015.

#### 332.1.1 DEFINITIONS

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

- (a) A victim of a crime or foul play.
- (b) A person missing and in need of medical attention.
- (c) A missing person with no pattern of running away or disappearing.
- (d) A missing person who may be the victim of parental abduction.
- (e) A mentally impaired missing person, including cognitively impaired or developmentally disabled.

**At Risk Missing Child** – In addition to the above, a missing child will be considered "at risk" when one or more of the unusual circumstances below are present:

- (a) 13 years of age or younger, or
- (b) Believed or determined to be experiencing one or more of the circumstances noted below:
  - 1. **Is out of the zone of safety for his or her age and developmental stage.** The zone of safety will vary depending on the age of the child and his or her developmental stage. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child the zone of safety might be the immediate neighborhood or the route taken between home and school.
  - 2. **Has mental or behavioral disabilities.** If the child is developmentally disabled or emotionally disturbed/behaviorally challenged, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the child in danger of exploitation or other harm.



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Law enforcement is presented with several unique challenges when responding to, searching for, and recovering a missing Autistic child, such as:

- Children often seek bodies of water.
  - A tendency for the child to wander or elope.
  - A tendency to seek small enclosed spaces which may be overlooked during initial searches.
  - Eluding or hiding from searches.
  - Some children may have a diminished sense of fear.
  - Being unable to respond to search teams.
  - Some children are very resilient.
  - Unique behaviors (No children are alike).
  - Very specific interests or fascinations to the child (active roadways, road signs, trains, fire trucks, etc.)
3. **Is drug dependent, including both prescribed and/or illicit substances, and the dependency is potentially life-threatening.** Any drug dependency puts the missing child at risk. The diabetic or epileptic child requires regular medication or his or her condition may become critical. The abuser of illegal drugs, on the other hand, may resort to crime or become the victim of exploitation.
  4. **Has been absent from home for more than 24 hours before being reported to law enforcement as missing.** While some parents may incorrectly assume that 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect or abuse within the family.
  5. **Is in a life-threatening situation.** The environment in which the child is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, an all-night truck stop for a teenager, or an outdoor environment in inclement weather for a child of any age.
  6. **Is in the company of others who could endanger his or her welfare.** A missing child in such circumstances is in danger not only of sexual exploitation, but also of involvement in criminal activity such as burglary, shoplifting, robbery and other violent crimes.
  7. **Is absent in a way inconsistent with established patterns of behavior and the deviation cannot be readily explained.** Most children have an established and reasonably predictable routine. Significant, unexplained deviations from that routine increase the probability of risk to the child.
  8. **Is involved in a situation causing a reasonable person to conclude the child should be considered at risk.** Significant risk to the child can be assumed if investigation indicates a possible abduction, violence at the scene of an abduction, or signs of sexual exploitation.



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**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 person younger than 18 years of age who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code §14215).

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

**Telecommunicator** – For the purposes of this policy, the term “telecommunicator” shall apply to all personnel assigned, permanently or temporarily, to work in the Communications Center.

## 332.2 POLICY

The Burbank 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 Burbank 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).

Additionally, this agency holds that every child reported as missing will be considered at risk until significant information to the contrary is confirmed.

Jurisdictional conflicts are to be avoided when a child is reported missing. If a missing child either resides in, or was last seen in this jurisdiction, this Department will immediately initiate the required reporting process. If a child resides in this jurisdiction and was last seen in another jurisdiction, but the law enforcement agency covering that jurisdiction chooses not to take a missing child report, this Department will assume reporting and investigative responsibility.

Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing children is paramount, members of this Department will open a case when it can be shown that the child has been removed, without explanation, from his or her usual place of residence. If custody has not been established by the Court, then the law-enforcement responsibility is to ensure the child is safe only.

### 332.2.1 ACTIONS UPON DETERMINATION OF UNUSUAL CIRCUMSTANCES – MISSING CHILDREN

If it is determined that unusual circumstances are involved in the report of a missing child, the child will be considered at risk, and an expanded investigation, including the use of all appropriate resources, will immediately commence. While all incidents involving missing children should be



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investigated thoroughly, those involving unusual circumstances indicate a heightened likelihood of risk to the child and, therefore, require an intensive response.

If appropriate, existing inter-agency response protocols--including the AMBER Alert system and/or other immediate community notification methods, if available--should be considered (refer to Public Alerts Policy).

### 332.2.2 ENDANGERED MISSING ADVISORIES (EMA)

An EMA is an emergency notification system for people (adult and children) who have been reported missing and believed to be in danger. The EMA also provides a tool to law enforcement to safely recover missing children who do not fit the AMBER Alert criteria. Law enforcement can choose between AMBER and EMA based on the individual case and the appropriate criteria. EMA's are called "Silver Alerts" for missing persons 65 years of age or older.

Issuance of an EMA can help raise awareness of the dangers that missing persons face and reduce the pressure on police to issue an AMBER Alert in cases that do not fit the criteria. More important, the EMA provides a strategy for law enforcement to notify the public and save lives.

Refer to Public Alerts Policy for activation procedures for an EMA. The California Highway Patrol shall activate an EMA if requested. Upon activation of an EMA, the CHP shall assist the BPD by issuing be-on-the lookouts, an Emergency Information Service message, or a Critical Reach flyer. The CHP may also notify, if appropriate, the United States or Mexican border officials, and the National Center for Missing and Exploited Children, and any additional notifications that the CHP deems necessary.

### 332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Bureau Commander should ensure the forms and kits are developed and available in accordance with this policy, the BPD electronic Documents Library in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases.
- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code §13519.07).
- Missing Person School Notification Form.
- Medical Records Release Form from the California Department of Justice.
- California DOJ missing person forms as appropriate.
- Biological sample collection kits..



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## 332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code §14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert employee member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code §14211).

## 332.5 INITIAL INVESTIGATION

As may be appropriate according to the circumstances, officers or other members conducting the initial investigation of a missing person, to include both adults and juveniles, should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call for service as soon as practicable.
- (b) Interview the reporting person, any witnesses, and parent(s) of missing children, 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) Obtain a detailed description of the missing person including photo(s) and videos.
- (f) Confirm the person is in fact missing by conducting an immediate and thorough search of the scene.
- (g) Verify custody status of missing children.
- (h) Identify the circumstances of the missing episode (risk factors).
- (i) Determine when, where, and by whom the missing person was last seen.
- (j) Identify the missing child's zone of safety for his or her age and developmental stage.
- (k) Make an assessment of the type of incident.
- (l) Interview individual(s) who last had contact with the missing person.
- (m) When applicable, obtain a description of the suspected abductor(s) and other pertinent information.
- (n) Identify and separately interview everyone at the scene.



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- (o) Seal/protect the scene, the missing person's home, and areas of interest as potential crime scenes as applicable.
- (p) 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.
- (q) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (r) Collect and/or review the following:
  - 1. A photograph and a fingerprint card of the missing person, if available.
  - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (s) When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier, Internet provider, or Internet history.
- (t) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the officer should notify a supervisor and proceed with reasonable steps to locate the missing person.

## **332.5.1 SEARCHES FOR MISSING CHILDREN WITH SPECIAL NEEDS**

While cases of missing children with special needs should be treated as critical incidents requiring elevated responses by law enforcement and first responders, children with autism have an unusually high mortality rate and are especially at risk. Certain exceptions may apply for those special-needs children who are considered high-functioning and therefore should be assessed accordingly weighing all risk factors.

Because children with autism often have an extremely high attraction to water, first responders and search teams should immediately check all nearby bodies of water in an effort to head-off the child. These include but are not limited to streams, ponds, lakes, rivers, creeks, storm-water retention/detention basins, and backyard and public swimming pools. The use of air units and/or canine teams should be used for the search.





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## **332.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and personally delivered to the appropriate supervisor as soon as a missing person report is ready for review.

### **332.6.1 SUPERVISOR RESPONSIBILITIES**

As may be appropriate according to the circumstances, the supervisor assigned to the report of a missing person should:

- (a) Obtain a briefing and written reports from the first responder(s) and other agency personnel at the scene.
- (b) Determine if additional personnel and resources are needed to assist in the investigation.
- (c) Consider activation of the AMBER Alert system and/or other immediate community notification methods such as an Endangered Missing Person Advisory (EMA) when appropriate. Refer to Public Alert Policy.
- (d) Take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.
- (e) Establish a command post.
- (f) Organize and coordinate search efforts. Systematic searches are common features of missing-child investigations. A supervisor should appoint a search operation coordinator who can oversee the search effort while the supervisor remains available to manage the entire investigation.
- (g) The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.
- (h) Establish a liaison with the victim family.
- (i) Confirm that all agency policies and procedures are observed.
- (j) Review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to Records Bureau and entered into the appropriate missing person networks.
- (k) Notify the Watch Commander of a report of an at-risk missing child.
- (l) Manage media relations. Many missing-child investigations, especially those involving large-scale search efforts, are likely to draw media attention.

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

### **332.6.2 RECORDS BUREAU RESPONSIBILITIES**

The receiving member shall:





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- (a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code §14211).
- (b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code §14211).
- (c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known..
- (d) Promptly enter descriptive information into the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC) computer networks (34 USC § 41308) within 2 hours of the initial call and initial the original police report.
- (e) Forward a copy of the report to the Investigation Division.

## 332.6.3 COMMUNICATIONS CENTER RESPONSIBILITIES-MISSING CHILDREN

Communications Center personnel receiving the report of a missing child shall:

- (a) **Determine if circumstances of the report meet the definition of a missing child.** By questioning the caller about the circumstances of the report, the call-taker can make a preliminary assessment about the level of risk to the missing child. This assessment shall also prepare the call-taker to promptly activate additional response protocols if needed.
- (b) **Promptly dispatch an officer to the scene of the report.** The officer who routinely patrols the vicinity of the report is best suited to handle the first response since he or she should be familiar with the area and is likely to have knowledge of unusual activities, suspicious people, known offenders, and other neighborhood dynamics.

**Note:** The National Child Search Assistance Act of 1990 mandates law enforcement's immediate response to reports of missing children and the prompt entry of descriptive information into the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC) Missing Person File. This may be accomplished through coordination with the Records Bureau.

- (c) **Notify a supervisor.** Because of the complexity of some missing child cases, especially those requiring the immediate mobilization of investigative resources, telecommunicator should verify that a supervisor has been notified whenever officers respond to such an assignment.
- (d) **Transmit the appropriate radio broadcasts and other notifications.** A critical responsibility of the telecommunicator is to obtain sufficient information from the reporting party to broadcast a radio message alerting other officers, and other agencies if necessary, about the circumstances of the missing episode. Information should include the child's height, weight, hair and eye color, clothing, and the location where the child was last seen as well as any dangers or special considerations unique to this missing child. Most importantly the radio alert should contain any information known about a possible abductor with special emphasis on the description of the suspect and vehicle used as well as direction of travel. Consideration should also be given to the use of highway surveillance or



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“road-block plans,” including those involving surrounding agencies, to apprehend a fleeing abductor.

- (e) **Search agency records for related information, specifically any records such as those pertaining to the family, the place where the child was last seen, and the child's residence.** It is essential for responding officers to know if the child or family has been the subject of previous reports that might have a bearing on this incident. Records should also be reviewed to learn if any incidents have been reported in the area that might have investigative value. Complaints of or reports about incidents such as attempted abductions, prowlers, public lewdness, loitering, and suspicious people will be of particular interest. Access should also be made to Sex Offender Registries to determine if individuals designated as sex offenders reside, work, or might otherwise be associated with the area. All available background information is critical to responding officers and investigative personnel to help evaluate the incident and interview witnesses or possible suspects. If necessary, the Records Bureau may be utilized to assist in the search of agency records.
- (f) **Safeguard all pertinent records.** The telecommunicator should also ensure records of all communication related to this incident, such as phone conversations with the reporting party and witnesses, including written notes regarding the discussion, radio broadcasts, and all subsequent notifications, are safeguarded for future investigative reference.

## 332.7 INVESTIGATION DIVISION FOLLOW-UP

As may be appropriate according to the circumstances, the investigator assigned to respond to a missing person scene, to include both adults and juveniles, or investigation:

- (a) Should obtain a briefing from agency personnel at the scene.
- (b) Should verify the accuracy of all descriptive information.
- (c) Should initiate a neighborhood investigation/canvass.
- (d) Should obtain a brief history of recent family dynamics.
- (e) Should explore the basis of conflicting information.
- (f) Should complete all remaining key investigative and coordination steps.
- (g) Should implement effective case management.
- (h) Should evaluate the need for additional resources and specialized services (Mutual Aid, FBI, U.S. Marshall's Service, NCMEC, Team Adam, etc.) (28 USC §566).
- (i) Should update descriptive information.
- (j) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph (Education Code §49068.6).
  - 2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with



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contact information if the school receives a call requesting the transfer of the missing child's files to another school.

- (k) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
- (l) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (m) 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).
- (n) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.
- (o) Shall maintain a close liaison with the National Center for Missing and Exploited Children® (NCMEC) if the person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or child care institution (34 USC § 41308).
- (p) Should make appropriate inquiry with the coroner or medical examiner.
- (q) Should obtain and forward medical records, photos, X-rays and biological samples pursuant to Penal Code §14212 and Penal Code §14250.
- (r) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code §14210).
- (s) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (t) Should monitor media relations.

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

An officer assigned to the recovery or return of a missing child shall:

- (a) Verify the located child is, in fact, the reported missing child.
- (b) Secure intervention services, if appropriate.
- (c) Arrange the return of the child to his or her legal guardian or appropriate children's shelter in the case of a runaway or missing child from within department jurisdiction who has been located and who is not wanted on a warrant or other law violation.
- (d) Place the child in custody and transport him or her to the appropriate facility for admission in the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing-person "hit" is verified.
- (e) Complete the appropriate supplemental reports and cancel all outstanding notifications.

Follow all applicable procedures required by the Temporary Custody of Juveniles Policy.



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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. If practicable, the investigator should notify the missing person's school that they have been located.

The Records Manager 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) Entries are made to remove the missing person from the applicable missing person networks.
- (c) Immediately notify the Attorney General's Office.
- (d) Notification is made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours of locating the missing person.
- (e) Notification is made to the California DOJ when the missing person is found dead or alive in less than 24 hours if the missing person is believed to have been abducted.

Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

### 332.8.1 UNIDENTIFIED PERSONS

Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.
- (d) Cancel all notifications after identification is confirmed.

### 332.9 CASE CLOSURE

The Investigation 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 was a resident of Burbank 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.



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- (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.

### 332.10 TRAINING

Subject to available resources, the Training Coordinator 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, and juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Key investigative and coordination steps.
- (g) Managing a missing person case.
- (h) Additional resources and specialized services.
- (i) Preserving scenes.
- (j) Internet and technology issues.

All communications Supervisors and operators shall complete *Missing Children: Dynamics & Response First Responders (MCDR-1)*.

The Chief of Police and Communications Manager shall complete *Missing Children: Dynamics & Response Command personnel (MCDR-2)* every 5 years.

These courses are available through the National Center for Missing and Exploited Children.



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## **332.11 AUDITS**

Communications Supervisors, the Audits and Inspections Unit, Investigation Bureau Commander, and the Support Services Bureau Commander should conduct periodic audits of missing person calls and investigations to verify policy and procedure compliance. Audit reports shall be forwarded to the Chief of Police or designee.



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CALEA

Approved: *Scott LaChasse*

Effective Date: June 28, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Public Alerts

### 334.1 PURPOSE AND SCOPE

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

### 334.2 POLICY

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

### 334.3 RESPONSIBILITIES

#### 334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Burbank Police Department should notify their supervisor, Watch Commander, or Investigation Division supervisor as soon as practicable upon learning of a situation where public notification or warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

#### 334.3.2 SUPERVISOR RESPONSIBILITIES

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





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- (d) Preparing an after-action evaluation of the investigation to be forwarded to the appropriate Division Captain.

### 334.4 AMBER ALERTS

The AMBER Alert Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies, and the wireless industry, to activate urgent bulletins in child abduction cases (also see [California Amber Alert Activation Field Guide](#)).

#### 334.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):

- (a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
- (b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
- (c) The victim is in imminent danger of serious injury or death.
- (d) There is information available that, if provided to the public, could assist in the child's safe recovery.

#### 334.4.2 PROCEDURE FOR AMBER ALERTS

The supervisor in charge shall ensure that the following procedure is followed to initiate an Amber Alert:

- (a) Prepare an initial press release 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 Media Relations Sergeant or other authorized individual to handle media liaison duties.
  - 7. A telephone number for the public to call with leads or information.
- (b) Contact the Los Angeles County Sheriff's Communications Center (SCC), Radio Room Watch Commander at (866) 527-8277. The Amber Alert Activation Form should be completed prior to the call to ensure the reporting employee has the necessary information.
  - 1. SCC will establish a conference call with the California Highway Patrol Emergency Notification and Tactical Alert Center (ENTAC). During the conference call provide information on the incident.



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2. SCC and ENTAC will determine if the incident qualifies for an AMBER alert activation. If the incident qualifies, the Los Angeles County AMBER Alert Activation Request Form should be emailed to SCC ([sccbridge@lasd.org](mailto:sccbridge@lasd.org)) or Faxed at (323) 261-4936.
3. If the incident qualifies, ENTAC will activate the Emergency Alert System (EAS), send an Emergency Digital Information Service (EDIS) Flash, BOLOs, and contact other resources such as the National Center for Missing and Exploited Children.
- (c) Forward the press release information to the Sheriff's Communications Center (SCC) so that general broadcasts can be made to local law enforcement agencies.
- (d) Enter the missing person information into the California Law Enforcement Telecommunication System (CLETS) and the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
- (e) The following resources should be considered as circumstances dictate:
  1. The local FBI office.
  2. National Center for Missing and Exploited Children (NCMEC).

### 334.5 BLUE ALERTS

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

#### 334.5.1 CRITERIA FOR BLUE ALERTS

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

- (a) A law enforcement officer has been killed, suffered serious bodily injury, or has been assaulted with a deadly weapon and the suspect has fled the scene of the offense.
- (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
- (c) A detailed description of the suspect's vehicle or license plate is available for broadcast.
- (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

#### 334.5.2 PROCEDURE FOR BLUE ALERTS

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 any other available description or photograph of the vehicle.
  2. Photograph, description, and identification of the suspect.



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3. The suspect's identity, age, and description, if known.
  4. Details regarding the location of incident, direction of travel, potential destinations, if known.
  5. Name and telephone number of the Media Relations Sergeant or other authorized individual to handle media liaison duties.
  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 Communications Center (SCC) 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.

### 334.6 ENDANGERED MISSING ADVISORIES (EMA)

An EMA is an emergency notification system for people who have been reported missing and believed to be in danger. An EMA is a tool that gives law enforcement a formal action to safely recover a child that is missing under suspicious circumstances, but does not fit the criteria for an Amber Alert.

The California Highway Patrol shall activate an EMA if requested. Upon activation of an EMA, CHP will assist this Department by issuing be-on-the lookouts, an Emergency Information Service message, or a Critical Reach flyer. CHP may also notify, if appropriate, the United States or Mexican border officials, and the National Center for Missing and Exploited Children, and any additional notifications that CHP deems necessary.

#### 334.6.1 CRITERIA FOR EMA

**ALL** of the following conditions must be met before activating an EMA (Government Code §8594.10):

- (a) The circumstances surrounding the person's disappearance would not qualify for an AMBER Alert pursuant to Government Code §8594.
- (b) The person has gone missing under unexplained or suspicious circumstances.
- (c) 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.
- (d) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.



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### 334.6.2 PROCEDURE FOR EMA

Requests for an EMA shall be made at the direction of the on-scene supervisor to the California Highway Patrol.

### 334.7 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).

#### 334.7.1 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.
- (d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- (e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### 334.8 CITY OF BURBANK MASS NOTIFICATION SYSTEM

The City of Burbank has a Mass Notification System that enables a designated operator to create a message for telephonic delivery to City residents and businesses during emergencies or other critical incidents. The system blends area or neighborhood mapping with a telephone database (corresponding telephone numbers) in order to quickly deliver messages to specific affected areas.

#### 334.8.1 USE OF THE MASS NOTIFICATION SYSTEM

Use of the City of Burbank Mass Notification System shall adhere to [Administrative Procedure V-16](#).

The System shall be maintained and operated exclusively by the City Public Information Office (PIO), except as otherwise provided herein or unless otherwise directed by the City Manager. PIO staff shall activate the System upon request of the following departments or officials:



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- (a) At the request of the Police Chief, the Deputy Chief of Police, a Police Captain, the Fire Chief, or a Fire Department Battalion Chief, in any emergency or other critical incident falling within the assigned responsibilities of their respective departments, including without limitation:
  - 1. Natural or man-made disasters such as earthquake, fire, flood, epidemic, riot, chemical or biological incidents, where notification to or evacuation of an area is necessary to protect persons or property.
  - 2. Incidents involving a barricaded suspect, hostage taking, or prisoner escape, where notification would increase safety in the affected area or neighborhood or is intended to reduce the likelihood of injury or death.
  - 3. Incidents where a timely notification may render the safe return of a missing child or at-risk adult.
- (b) At the request of the Police Chief, Fire Chief, or the General Manager of BWP for training or testing exercises to verify operational proficiency and System usefulness.
- (c) At the request of another City of Burbank department head with the approval of the City Manager or Assistant City Manager.
- (d) At the request of the City's Director of Emergency Services or the Assistant Director of Emergency Services during the time of a "local emergency" declared under Chapter 2 of Title 5 of the Burbank Municipal Code.
- (e) At the request of an authorized representative of the County Office of Emergency Management, the County Department of Health Services or the County Emergency Medical Services Agency, with approval of the City Manager, or the Assistant City Manager.
- (f) At the request of an authorized representative of another public agency with the approval of Police Chief, Fire Chief, City Manager, or Assistant City Manager.
- (g) At the request of the BWP General Manager, an Assistant General Manager of BWP, or the Manager of BWP's Energy Control Center, in the case of a power outage or an incident affecting or disrupting water service. Energy Control Center staff may activate the System directly in the case of a power outage without having to present a request to the PIO.

## **334.9 MUTUAL AID**

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigation Division Supervisor elects to use the services of the Sheriff's Department, the following will apply:

- (a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.



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- (b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.
- (c) The Media Relations Sergeant will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The Burbank Police Department shall assign a minimum of two detectives or officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

## **334.10 TRAINING**

The activation of AMBER Alert requires that designated agency personnel immediately execute predefined tasks in a coordinated and efficient manner. Therefore, it is essential that all personnel who potentially have a role in an activation are thoroughly trained in their assigned functions. Such training should be conducted regularly, particularly to ensure the preparedness of any newly assigned personnel.

## **334.11 TESTING**

Local agencies should regularly test and rehearse activation procedures in conjunction with other involved entities. This ensures that all affected individuals and organizations are clearly aware of their assigned roles and have the necessary resources available during an activation.

## **334.12 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES**

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code §8593.7).

### **334.12.1 PROCEDURE**

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code §8593.7).

### **334.12.2 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.



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(d) HazMat incidents.





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Scott LaChasse, Chief of Police

**Policy  
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Approved: *Scott LaChasse*

CALEA  
Effective Date: July 25, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Victim and Witness Assistance

### 336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 336.2 POLICY

The Burbank Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Burbank 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.

### 336.3 CRIME VICTIM LIAISON

The Investigation Bureau Lieutenant shall serve as the Department's 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 Burbank 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 or witnesses. The liaison shall complete a documented review of victim and witness assistance needs and available services at least once every two years. The memorandum shall be submitted to the Investigation Division Captain. The Department should not duplicate services offered by the Los Angeles County District Attorney's Office Victim-Witness Assistance Program.

#### 336.3.1 CRIME VICTIM LIAISON DUTIES

- (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 a person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).



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- (b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
- (c) Working with the Custodian of Records to provide copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and release policy.
- (d) Annually providing CalVCB with his/her contact information (Government Code § 13962).
- (e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).
  - 1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Burbank Police Department jurisdiction (Penal Code § 680.2).

### 336.3.2 RECORDS MANAGER DUTIES

The Records Bureau Manager shall serve as the liaison to the Victim-Witness Assistance Program. It shall be the Records Manager's responsibility to forward copies of police reports requested by the local victim centers to verify the criminal activity upon which the application for assistance is based. The Records Manager shall carry out the functions required by state law and shall assist in devising and implementing written procedures to notify and provide the required compensation information. The Records Maintenance and Release policy in this manual regarding the release of reports shall be followed in all cases (Government Code §13962(b); 2 CCR 649.35; 2 and 649.36).

### 336.4 CRIME VICTIMS AND WITNESSES

Officers should provide all victims with the applicable victim information handouts

Officers shall provide a copy of the Sexual Assault Survivor's Bill of Rights card upon the initial interaction with a sexual assault victim. Victim assistance application forms may be obtained from the CalVCB website, which is printed on the Sexual Assault Survivor's Bill of Rights card.

Officers should never guarantee a victim's or witness's safety from future harm but may make practical safety suggestions to those 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 them to the proper written Department material or available victim resources.

Officers should investigate allegations of victim or witness intimidation and take enforcement action when lawful and reasonable. Victims or witnesses who have been threatened or who, in the judgment of the officer, express specific, credible reasons for fearing intimidation or further victimization should provide appropriate services or referrals to the person. Appropriate assistance may range from contacting the Investigation Bureau to determine if protective custody may be in order or if the matter should be referred to appropriate prosecuting agency.



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## **336.4.1 VICTIMS OF HUMAN TRAFFICKING**

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim, the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

## **336.4.2 ASSISTANCE DURING PRELIMINARY INVESTIGATION**

When applicable, officers shall provide at least the following services during a preliminary investigation to assist crime victims or witnesses:

- (a) Information about applicable services such as counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy.
- (b) Advising the victim or witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates them.
- (c) Informing victims or witnesses about the case number and subsequent steps in the processing of the case.
- (d) Providing a telephone number that the victims or witnesses may call to report additional information about the case or to receive information about the status of the case.

## **336.4.3 ASSISTANCE DURING FOLLOW-UP INVESTIGATION [55.2.4(a)(b)(c)(d)(e); 55.2.5]**

When applicable, investigators shall provide at least the following services during a preliminary investigation to assist crime victims or witnesses:

- (a) Re-contacting victims or witnesses periodically to determine whether needs are being met if in the opinion of the investigator the impact of a crime on a victim or a witness has been unusually severe and has triggered above-average need for assistance.
- (b) As necessary, explaining to victims or witnesses the procedures involved in the prosecution of their cases and their role in those procedures.
- (c) Scheduling line-ups, interviews, and other required appearances at the convenience of the victim or witness. When necessary, a supervisor may authorize transportation of victims or witnesses for required appearances.
- (d) When possible and where permitted by law or rules of evidence, promptly returning victim or witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime),
- (e) Assigning a victim advocate to the victim or witness, if available and necessary, during follow-up investigation or court proceedings.
- (f) When feasible, provide notification to victims or witnesses of any arrests or changes to the status of any arrestees, especially in cases involving intimidation or threats.



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- (g) When required, ensure copies of incident and supplemental reports are forwarded to the prosecutor's office.

## 336.5 VICTIM INFORMATION

The Crime Victim Liaison (Investigation Bureau Lieutenant) 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 examination or at any other time (Penal Code §13823.95(b)).
- (e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (f) A clear explanation of relevant court orders and how they can be obtained.
- (g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
- (h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (i) Notice regarding U visa and T visa application processes.
- (j) Resources available for victims of identity theft.
- (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, § 679.02, § 679.04, § 679.05 and § 679.026).

## 336.6 REFERRAL INFORMATION FOR VICTIMS AND WITNESSES

All members who may interact with victims or witnesses of crimes shall be familiar with Crime Victim Rights and what assistance may be available to victims or witnesses of crime.



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Information about the Los Angeles County District Attorney's Office Victim-Witness Assistance Program is available on their [website](#), including information on Marsy's Law (Victim's Bill of Rights Act of 2008), or by calling their office at (800) 380-3811. A printable copy of [Marsy's Law Pamphlet](#) is also available on the website. Additional information is available on the [website](#) of the State of California Office of the Attorney General.

Members of the public or the media may call the Department's 24-hour non-emergency number (818) 238-3000 or visit the Department's [website](#) for information on the Department's Victim and Witness Assistance Program.

### 336.7 CONFIDENTIALITY

To the extent possible with applicable state or other applicable laws, members should strive to ensure the confidentiality of victims and witnesses and their roles in case development.

When appropriate and permitted, information may be released to private or public agencies for the purpose of referral for professional service in accordance with the Records Release and Security Policy.



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Approved: \_\_\_\_\_

CALEA

Effective Date: November 12, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Hate Crimes

### 338.1 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 this 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).

### 338.2 POLICY

It is the policy of this Department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with 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 shall be viewed very seriously and given high priority.

This Department will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime violators. All officers are required to be familiar with this policy and use reasonable diligence to carry out the policy.

### 338.3 DEFINITIONS

**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 victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender (CA AB 600 / CA AB 57).



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**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.

**Gender** – Gender means sex and includes a person's gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

**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.

**Hate Crime** – A criminal act committed in whole or in part because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57:

- (a) Disability
- (b) Gender
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics
  - 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) / CA AB 600 / CA AB 57.

A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Examples of hate crimes include, but are not limited to:

- Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
- Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).





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- Terrorizing a person with a swastika or burning cross (Penal Code § 11411). Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

**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, disturbing hate material in public places, and displaying hate material on private property, which is viewable by the public.

**Hate Speech** – The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy, and solicitation to commit any crime.

**Nationality** – Nationality means country of origin, immigration status, including citizenship, and national origin.

**Race or Ethnicity** – Race or Ethnicity includes ancestry, color, and ethnic background.

**Religion** – Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual orientation** – Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** – Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

## 338.4 PREVENTION AND PREPARATION

Hate crimes are not only a crime against the targeted victim(s), but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. While it is recognized that not all crime can be prevented, this Department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Officers are encouraged to establish contact with persons and groups within the community, who are likely targets of hate crimes, to form and cooperate with prevention and response networks.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when a triggering event involves serious bodily injury or death, acts of arson or attempted arson, and/or the use of explosives. The Attorney General, the Chief Deputy Attorney General for Legal Affairs, the Chief Deputy



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Attorney General for Administration and Policy shall have the authority to declare that a triggering event has occurred.

- (c) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establish relationships with formal community-based organizations and leaders.
- (f) Establishing a Human Relations Council liaison/Hate Crimes Coordinator (Intelligence Detective) to work as needed with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

Although hate incidents are not criminal events, this Department recognizes that they can be indicators of, or precursors to, hate crimes.

## **338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this Department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Officers will promptly contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) Stabilize the victim(s) and request medical attention when necessary.
- (c) A supervisor should be notified of the circumstances as soon as practicable and whenever possible, will respond to the scene.
- (d) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve/collect all available evidence (photographs/videos) that may tend to establish that a hate crime occurred. This includes, but is not limited to hate literature, spray paint cans, threatening letters, symbols used by hate groups, and desecration of religious symbols, objects, or buildings. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) Identify criminal evidence on the victim.
- (f) The assigned officers will canvass and interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b)).
  - 1. Statements of victims and witnesses should be audio or video recorded if practicable (see the use of Audio recorders Policy § 450).
- (g) Document the victim's protected characteristics in related reports.
- (h) The assigned officer should consider whether there is any indication that the suspect was motivated by the victim's disability, if one exists or is perceived.



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- (i) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation.
- (j) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate. Provide appropriate accommodations for the deaf, hard of hearing, and those with special needs (ADA standards).
- (k) The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports will be clearly marked as "Hate Crime" and, absent extenuating circumstance with prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (l) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.
- (m) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).
- (n) When appropriate, complete and submit for approval Roll Call Information or Area Check form concerning the crime.

## **338.5.1 INVESTIGATION DIVISION RESPONSIBILITY**

The assigned detective, generally the Intelligence Detective, will be responsible for following up on the reported hate crime as follows:

- (a) Respond to the scene, if requested.
- (b) Contact the victim as soon as practicable, but no later than within two working days of the incident to inform the victim about the status of the investigation, assure the victim that the case is being actively investigated, and provide periodic updates about the status of the criminal investigation. The investigator should also provide the victim his or her contact information and inform the victim of available resources.
- (c) Contact the Burbank Human Relations Council.
- (d) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate.
- (e) Coordinate with the Media Relations Sergeant (PIO) for the release of information that can be responsibly reported to the media.
- (f) Report the status or outcome of the investigation to the Investigation Division Captain.
- (g) Maintain statistical data on suspected hate crimes and tracking as indicated and provide to the Records manager for required reporting to the Attorney General pursuant to Penal Code § 13023.



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- (h) Fully investigate any report of hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

The Intelligence Detective shall maintain liaison with federal, state and local agencies for intelligence information exchange. When appropriate, share relevant information with Department personnel so that they are aware of potential problems in the community.

## **338.6 SUPERVISOR RESPONSIBILITY**

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes, including reporting to the Department of Justice (Penal Code § 13023).
- (b) Take reasonable steps to ensure all relevant facts are documented in a police report.
- (c) When practicable, express to the victim(s), the department's official position on the importance of these cases and the measure that will be taken to apprehend the perpetrators. Express the department's interest in protecting victim's anonymity (Government Code § 6254) to the extent reasonably possible.
- (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) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood patrols.
- (f) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups (generally the Intelligence Detective) are notified so that they make appropriate inquiries and entries into relevant criminal intelligence systems.
- (g) Ensure 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 (U visa, T visa, S visa).
- (h) When appropriate, direct the assigned officer to document the incident in a miscellaneous report as a hate incident.
- (i) Respond to and investigate any reports of hate crimes committed under the color of authority.



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## 338.7 TRAINING

All members of this Department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic group, including disability bias, gender bias, and religion bias (Penal Code § 422.87 / CA AB 600 / CA AB 57). In conjunction with POST training opportunities, trainers may also utilize other state and federal agencies that offer training courses, such as the U.S. Department of State.



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Michael Albanese, Chief of Police

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Approved:

CALEA

Effective Date: December 5, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Standards of Conduct

### 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Burbank Police Department and are expected of all its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to other provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or a member's supervisor.

This policy applies to all Department members.

### 340.2 POLICY

Every member of this Department shall be held accountable to conduct that reasonably conforms to the requirements set forth in City policies, Memorandums of Understanding (MOUs), and Department policies and procedures. Failure of any member to meet these requirements, whether on-duty or off-duty, may be cause for disciplinary action.

A member's off-duty conduct shall be governed to the extent that it is related to acts that may materially affect or arise from the member's ability to perform official duties or to the extent that it may be indicative of unfitness for his or her position.

### 340.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any Department supervisor or person in a position of authority, absent reasonable and bona fide justification.

#### 340.3.1 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.



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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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

### **340.4 ROLES AND AUTHORITY OF SUPERVISORS**

Commanders, managers, and supervisors have the duty to take corrective action as appropriate. Furthermore, they are required to report to the next level of authority whenever they learn through personal observation or third-party report of any violation of rules, policies, or laws or of any performance evaluated to be below standard. A report to the next level of authority should include detailed circumstances of the misconduct and a recommended course of action.

Supervisors at the level of sergeant or above, civilian supervisors and managers have the authority to handle performance issues through counseling or remedial training and take informal corrective action. Formal discipline which includes oral reprimand, written reprimand, suspension, demotion, or termination is issued at the authority of the Chief of Police or Deputy Chief, and requires a personnel investigation to be completed.

#### **340.4.1 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.





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- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

### 340.5 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.

### 340.6 CONDUCT WHICH MAY RESULT IN DISCIPLINE

Causes for disciplinary action are contained in the MOUs for the various groups of members of this Department. The lists contained in this policy fall within the causes of disciplinary action contained in the MOUs but are not intended to cover every possible type of misconduct. The lists do not preclude the recommendation of disciplinary action for specific action or inaction that is found to be detrimental to the efficient operation of this Department. Copies of the MOUs may be found on the Management Services Department's [website](#).

The following list of causes of disciplinary action constitutes a portion of the conduct standards of this Department:

#### 340.6.1 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.

#### 340.6.2 ETHICS

- (a) Using or disclosing one's status as a member of the Burbank Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.



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- (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.

### **340.6.3 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.

### **340.6.4 RELATIONSHIPS**

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this Department.
- (e) Association on a personal, rather than official, basis with persons who demonstrate recurring involvement in serious violations of state (as defined in PC 1192.7(c) /1192.8) 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 in Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670 / CA AB 958).



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## **340.6.5 ATTENDANCE**

- (a) Absence from duty assignment during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day of work.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment without reasonable excuse at the specified time and fully prepared to perform duties.
- (e) Failure to notify the Department within three calendar days of any change in residence address, main contact number, or marital status.

## **340.6.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE**

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this Department.
  - 1. Members of this Department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this Department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Department property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

## **340.6.7 EFFICIENCY**

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.



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- (e) Failure to notify the Department within three calendar days of any change in residence address or contact numbers.
- (f) Failure to notify the Management Services of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

### 340.6.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Department record, public record, book, paper or document.
- (c) Failure to participate in, or knowingly provide false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Department - related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this Department or subverts the good order, efficiency and discipline of this Department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on Department premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any Department equipment or system.
  - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on-duty at official legislative or political sessions.



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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.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.
- (i) Conduct unbecoming a public officer or employee.

## **340.6.8.1 COMPETENCY IN THE PERFORMANCE OF ONE'S DUTIES**

In assuming the responsibilities of an assigned position, all employees must maintain sufficient competency to properly perform their assigned duties. In addition to the required job knowledge and skills, employees are expected to recall and describe their interactions with the public and their observations of events in reasonably sufficient detail. Employees are expected to take sufficient notes to assist recalling of specific incidents.

Furthermore, in addition to being professional witnesses, safety requires that officers be aware of their surroundings and events occurring around them. Being perceptive also enables officers to identify suspicious conduct and enables them to be better crime fighters. The ability to observe, describe, and recall events for documentation, court testimony, or administrative investigations shall be considered a necessary competency for all officers. Accordingly, the skills of observation and recollection are critical to competent officer performance.

When an officer cannot recall an event, cannot explain his or her failure to recall the event that a reasonably competent officer would be expected to recall, and has failed to take adequate notes, the officer's performance shall be considered to have fallen below the standard expected of Burbank Police Department officers, and the officer shall be subject to corrective action, including discipline, as may be appropriate based on the circumstances. Any officer failing to meet the standard described in this subsection shall receive a below standard evaluation for the applicable evaluation period.

## **340.6.9 CONDUCT**

- (a) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this Department or the City.
- (b) Violation of any of the provisions of the Burbank Police Department Duty Manual.
- (c) Unauthorized possession of, loss of, or damage to Department property or the property of others. Includes endangering property through unreasonable carelessness or maliciousness.
- (d) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (e) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (f) Failure of any member to promptly and fully report their own or the involvement of any other member whose activities may result in criminal prosecution or discipline under this policy.



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- (g) Failure of any member to promptly and fully report activities that have resulted in official contact by any other law enforcement agency (except non-criminal traffic incidents, including traffic collisions and citations).
- (h) Criminal, dishonest, or disgraceful conduct, whether on -or off-duty, that adversely affects the member's relationship with the Department.
- (i) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the prior notification of the Chief of Police.
- (k) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action, unless the Department or City is the defendant of the action.
- (l) Except in the performance of one's official duties, fraternization with subjects arrested or being investigated by the Burbank Police Department or knowingly fraternizing with any other persons of bad character or ill repute, such as, persons associated with organized crime groups, convicted felons, career criminals, gang members or associates, or any criminal registrants. This restriction does not apply to reasonable social interactions with such persons at family functions if those persons are family member.
- (m) Conduct unbecoming a public officer or employee.
- (n) Attempted or actual theft of Department property, misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of Department property or the property of another person.
- (o) 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.

### 340.6.10 SAFETY

- (a) Failure to follow posted rules, signs, and written or oral safety instructions while on duty or within Department facilities; includes failure to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties (e.g., the essential job functions required of a law enforcement officer).



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- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating Departmental safety standards or safe working practices.
- (g) Failure to wear a seatbelt.
- (h) Failure to wear safety equipment, such as but not limited to, ballistic body armor, helmet, etc.

## **340.6.11 INTOXICANTS**

- (a) Reporting for work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness from the use of intoxicants or with odor of alcohol on the employee's breath.
- (b) Being at work, whether on or off-duty, where the employee's state of intoxication disrupts other members or the Department's operations.
- (c) Unauthorized possession or use of intoxicants (except as authorized in the performance of an official assignment; however, an employee who is authorized to consume intoxicants during a special assignment is not permitted to do so to such a degree that it may impair on-duty performance).
- (d) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties (the employee has the obligation to determine whether the use of a substance may impair the employee's ability to perform duties).
- (e) Unauthorized or unlawful possession, use of, or attempting to bring controlled substance or other illegal drug to any work site.





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Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Information Technology Use

### 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of Department information technology resources, including computers, electronic devices, hardware, software and systems.. In addition to this policy, all employees shall be familiar with and adhere to the City's [Technology Use Policy](#).

#### 342.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer System** – All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Burbank Police Department, which are provided for official use by Department employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers made available or funded by the Department or the City.

**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 and applications including "shareware." This does not include files created by the individual user.

**File (Temporary or Permanent)** – Any electronic document, information, or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, tasks, notes, letters, reports, messages, photographs or videos.

### 342.2 POLICY

It is the policy of the Burbank 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.



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## **342.3 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any Department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department including the Department email system, computer network, and/or any information placed into storage on any Department system or device. This includes records of all keystrokes or Web-browsing history made at any Department computer or over any Department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through Department computers, electronic devices, or networks.

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct provided that the social media is used solely for purposes of that investigation or a related proceeding (Labor Code § 980).

## **342.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commander's.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

### **342.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any Department computer. Members shall not install personal copies of any software onto any Department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.



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No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on Department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of Department or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

### **342,4,2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to Department-related activities. Data stored on or available through Department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or Department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

#### **342.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to Department-related activities. Internet sites containing information that is not appropriate or applicable to Department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

#### **342.4.4 OFF-DUTY USE**

Members should only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access Department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

### **3425 PROTECTION OF DEPARTMENT SYSTEMS AND FILES**

All employees have a duty to protect Department computer systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and when applicable, maintenance of the system.



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Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

### 342.6 SYSTEM INSPECTION OR REVIEW

An employee's supervisor or authorized designee has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of supervisory duties, based on cause, or when conducting an audit.

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the Department involving the employee or related to the employee's duties, an alleged or suspected violation of a Department policy, or a need to perform or provide a service when the employee is unavailable.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, authorized personnel may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

### 342.7 AGENCY PROPERTY

All information, data, documents, communications, and other electronic entries initiated on, sent to or from, or accessed on any Department computer, or through the Department computer system on any other computer, whether downloaded or transferred from the original Department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-Departmental use without the expressed authorization of an employee's supervisor.

### 342.8 PASSWORDS

All members shall maintain password configuration and security in compliance with [Administrative Procedure III](#). Passwords to Department systems shall not be written on or stored in non-secure locations (for example, under the keyboard). Employees should periodically change their passwords. The Department may conduct password audits to verify access security.



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## **342.9 EXTERNAL QUERIES**

Employees may make queries or entries into the external systems (JDIC, CLETS, NCIC, CWS) only for authorized law enforcement purposes and only in compliance with applicable policies and regulations governing their use.



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Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Report Preparation

### 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of police reports is to document sufficient information to summarize the incident, provide for effective follow-up investigation, and be the basis for successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

#### 344.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed and free from errors prior to submission. Employees are responsible to complete and submit all reports taken during their shift before going off-duty, unless a supervisor has approved deferring the report. All reports shall be submitted electronically through the Records Management System (RMS). Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be deferred.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, location, date, and time of incident, all pertinent information seen, heard, or assimilated by any other sense, any actions taken, and accurate documentation of property or evidence collected and booked into evidence. 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 necessary and specifically identified as such.

#### 344.1.2 RACE CLASSIFICATION FOR REPORTS

Race shall not be used in police reports to describe a victim unless the victim's race is pertinent to the investigation of a crime. Suspects shall be identified in reports using appropriate DOJ or Department approved classifications. If a suspect's race or ethnicity is known or if a victim or witness offers racial or ethnic descriptors, this information may be included in the report.



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## **344.2 REQUIRED REPORTING**

Reports are required in all of the following situations unless otherwise approved by a supervisor.

### **344.2.1 CRIMINAL ACTIVITY REPORTING**

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 members shall document the incident regardless of whether a victim desires prosecution. Activities to be documented in a written report include:

- (a) All arrests (except those involving field citations not requiring a booking).
- (b) All felony crimes.
- (c) Non-felony incidents involving threats or stalking behavior.
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force
  - 2. Domestic Violence
  - 3. Child Abuse
  - 4. Senior and Disability Victimization
  - 5. Hate Crimes
  - 6. Suspicious Activity Reporting
- (e) All misdemeanor crimes where the victim desires a report.
- (f) Where a misdemeanor crime has occurred and the victim does not desire a report, the incident shall be recorded on an FI card with sufficient detail.
- (g) If an officer becomes aware of a misdemeanor crime that does not involve an arrest, the officer shall document as follows:
  - 1. Document the incident on an FI card if no further action is required; or
  - 2. Complete a crime report if follow up action is warranted even if not requested by the reporting party (for example, indecent exposure, thefts, sex crimes).

### **344.2.2 NON-CRIMINAL ACTIVITY**

The following incidents shall be documented using the appropriate approved report:

- (a) Any time an officer points a firearm at any person in a non-tactical situation (refer to the Use of Force Policy).
- (b) In every case where any force is used against any person by a member of this Department (refer to the Use of Force Policy).





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- (c) Any firearm discharge (refer to the Firearms Policy).
- (d) Anytime a person is reported missing, regardless of jurisdiction (refer to the Missing Persons Reporting Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (refer to the 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.

## **344.2.3 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.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

## **344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, City Property Damage (CPD) reports shall be taken involving damage to City property or City equipment.

## **344.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to this Department shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major or serious, whereas death could result.



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- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.
- (e) A citizen is injured as a result from a fall on City property or the use of City property or equipment.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he or she deems necessary.

## **344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES**

A report shall be taken for 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).

## **344.2.7 ALTERNATE REPORTING FOR VICTIMS**

Reports that may be submitted by the public via online or other self-completed reporting process include:

- (a) Graffiti (with no suspect information and no hate crime or gang implications).
- (b) Lost or stolen plates.
- (c) Lost property.
- (d) 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.
- (e) Thefts from motor vehicles with no suspect information or evidence.
- (f) Misdemeanor vandalism with no suspect information.
- (g) Supplemental property lists.

The Records Bureau is responsible for accepting, verifying, and processing online reports.

Officers at the scene of one of the above incidents shall not refer the reporting party to an alternate means of reporting with this Department in lieu of completing a report as required by this policy. However, members may refer victims to external online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

## **344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports, or reports delayed without



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supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

### **344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports for consistency.

### **344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state, and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

### **344.3.3 TELEPHONIC REPORTS [**

Telephonic reports may be taken for crimes involving Penal Code §484, §487.1, §594, §653m (repeated calls with no conversation), and lost property when the following conditions are present:

- (a) There are no suspects or leads.
- (b) The victim or informant agrees to the telephonic report.

Telephonic reports shall also be taken for missing persons reports as required by the Missing Persons Policy, although whenever possible the report should be completed at the scene to ensure the completeness of the information.

### **344.3.4 COURTESY REPORTS**

In the event the victim of a crime that occurred within another jurisdiction contacts any member of this Department and requests that a police report be initiated, the victim should be referred to the agency with jurisdiction. If the responsible agency is unable to respond to the victim's location or if referral of the victim to that agency would prove an unreasonable inconvenience or hardship, the Watch Commander shall evaluate the situation, including the seriousness of the crime and determine if a courtesy report will be completed. The appropriate agency should be contacted as soon as practicable, based on the circumstances.

Refer to the Missing Persons and Identity Theft policies for exceptions.



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## **344.3.5 LOST OR STOLEN CELLULAR PHONES**

Lost or stolen cellular telephone reports may be taken telephonically if the reporting party has the cellular phone serial number. If the owner is desirous of a report for the sole purpose of obtaining a replacement phone, the owner shall be directed to bring in a telephone bill for verification. Once the owner has been verified, the loss may be recorded on the Burbank Police Department Cell Phone Log Form #C320-165, without further documentation.

## **344.4 REPORT CORRECTIONS**

Supervisors shall review each report for content and accuracy, including: completeness, content, clarity, neatness, objectivity, spelling, grammar, and the elements of applicable criminal codes. If a correction is necessary, the reviewing supervisor should immediately advise the reporting employee of the need for correction. The originating employee shall ensure that any report returned for correction is processed in a timely manner. After approval, the supervisor shall submit the report to the Records Bureau for processing. Reports shall not be processed without supervisory approval of each original or supplemental report. Approved reports shall be forwarded to the Records Bureau in a timely manner.

In cases where an employee's supervisor is unavailable, the reports may be reviewed and approved by the Watch Commander. Reports generated at the front counter or by Records Bureau personnel shall be reviewed and processed by the Watch Commander.

### **344.4.1 DEFERRED (HOLDOVER) REPORTS**

Occasionally, due to an unexpected workload and/or overtime management concerns, a report may be deferred but only if all of the following apply:

- (a) The deferment is pre-approved by a supervisor or is directed by supervisor.
- (b) Only if the employee is scheduled to work the following calendar day.
- (c) No suspects are in custody.
- (d) No suspects are named.
- (e) There are no significant leads for detective follow up.

If a report is deferred, the supervisor shall make an entry of the date of deferment, DR#, report classification, the officer's name, and the approved completion date of the report. The Holdover Tray in the Watch Commander's Office shall be reconciled each day by the Watch Commander for outstanding reports.

Reporting officers shall complete and submit deferred reports for approval the following day.



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## **344.5 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and processed by the Records Bureau for distribution or archiving 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.

Prior to submitting a report to the Records Bureau for processing, a supervisor may make corrections to a report without the reporting officer's knowledge if the corrections are only for grammatical or spelling errors.

## **344.6 CASE NUMBERING SYSTEM**

Separate case numbers shall be issued to each reported crime or incident. If multiple offenses are committed during a single incident, then one case number shall be issued. The number of persons involved or arrested for a crime shall have no bearing on the issuance of case numbers. Examples are as follows:

- (a) Robbery involving two victims – one case number.
- (b) Burglary of two adjacent businesses – two case numbers (each is a separate incident).
- (c) Burglary of four hotel rooms belonging to different guests – one case number (each room is a temporary lodging with the hotel as the one owner).
- (d) Burglary of four business offices in one building – four case numbers (different owners).
- (e) Two people killed in a traffic collision – three case numbers (traffic collision and two DB cases).
- (f) DUI traffic collision – one case number.
- (g) Burglary of three vehicles in a non-public parking lot – three case numbers.
- (h) Burglary of three vehicles in an open public parking lot – three case numbers.
- (i) Two occupants of a vehicle are arrested for different violations – two case numbers.

The Computer Aided Dispatch System in the Communications Center assigns a single and unique incident number to each incident. The system is also capable of assigning unique, sequential case numbers (also referred to as "DR" or Department Report numbers), starting with the two digit calendar year of issuance (e.g., 13-1). The sequential number may be preceded by zeros, a dash "-", or both.

## **344.7 REPORT DISTRIBUTION**

The Records Bureau is responsible for processing all reports and for distributing copies to other Bureaus, departments, or agencies as follows:



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- (a) Misdemeanor Report Processing – Packets scanned by Records into the designated City Attorney folder and provides a courtesy report to the assigned Detective.
- (b) Persons/Property/Juvenile/VICE/Gangs/Intelligence Reports – Placed in the designated bin for each area in the Records section for distribution to the assigned Detective(s).
- (c) DUI/Traffic Reports – Placed in the designated bin for Traffic Detective(s). If a misdemeanor, report distributed as per misdemeanor report processing.
- (d) Felony Reports – Placed in the designated felony bin for the assigned Detective(s).
- (e) Data Entry Only – Reports that require data entry only and no action by Detectives are placed in the designated data entry bin for processing/completion of data entry by Records staff.

## **344.8 REPORT ACCOUNTING SYSTEM**

The Crime Analyst responsible for preparing the monthly UCR reports and the Records Manager are jointly responsible for ensuring that all case numbers and reports are accounted for. The Records Manager shall be responsible for notifying the supervisor of any employee who has not submitted a required report.



# Burbank Police Department

Michael Albanese, Chief of Police

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Approved:

CALEA

Effective Date: March 29, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Media Relations

### 346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities.

### 346.2 POLICY

It is the policy of the Burbank Police Department to release public information consistent with Constitutional guarantees and the California Public Records Act while ensuring that such release does not compromise the integrity of an ongoing investigation or violate the privacy of those protected by statute.

### 346.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Media Relations personnel (Press Information Officer) may prepare and release information to the media in accordance with this policy and the applicable law.

#### 346.3.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the Watch Commander. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this Department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.
- (b) Release of information greater than that required by law shall be made by the Public Information Officer or a Division Commander.
- (c) Information shall not be withheld or released solely because of a victim's or arrestee's celebrity status.





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- (d) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (e) 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.

## **346.3.2 FIELD SUPERVISORS RELEASE OF INFORMATION**

In recognizing and respecting the important role that the news media plays in a free society, the Burbank Police Department will provide information to the media as required by law.

When a representative of the news media arrives at the scene of police activity by this agency and requests a statement, the following actions shall be taken:

- (a) Request the Department's PIO respond to the scene and handle the request, or;
- (b) Request that the Watch Commander respond to the scene and handle the request, or;
- (c) The on-scene supervisor will handle the request.

If (a) or (b) above cannot be accomplished within a reasonable time, the on-scene supervisor will handle the request. On scene supervisors should not refuse to make a comment without providing another resource that can readily address the media's request.

## **346.4 MEDIA ACCESS**

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

- (a) The media representative shall produce valid press credentials (issued by LAPD, LASD, or CHP) that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) The media shall be given reasonable access to disaster and accident scenes (not declared a crime scene) as long as they do not hamper, deter, or interfere with law enforcement or public safety functions.
- (c) Should conditions require the restricted access of a scene by the media, small groups may be escorted through the scene or they may be required to select a representative to be escorted through the scene for pool coverage.
- (d) If the scene is on private property, media representatives have no right of access greater than that of the general public and are therefore subject to any public access restrictions of the owner or person in charge of the property.



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- (e) At the scene of an emergency or tactical operation, the media shall be allowed access to a reasonable location determined by the Incident Commander. Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  - 1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Department Media Relations Office or other designated spokesperson.
  - 2. Whenever the presence of media or other aircraft pose a threat to public or officer safety, or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).
- (f) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code §3303(e)).
- (g) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Media Relations Sergeant.

Media personnel do not have the right to enter a crime scene without the authorization of the Incident Commander.

## **346.4.1 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person, or is otherwise prohibited by law.



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## **346.5 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain records of significant law enforcement activities that shall be made available, upon request, to media representatives through the Records Bureau. The records will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except juveniles, victims protected by law, and confidential informants) 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).
- (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. To accomplish this objective, a Daily Arrest Log is automatically generated, approved by a Records Supervisor, and posted three days following the arrest on the Department's website. The Daily Arrest Log will be maintained on the website for at least 30 days and then archived by the Records Bureau in the appropriate network drive.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court.

The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Division Commander or his/her designee (Welfare and Institutions Code § 827.5).

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code §6250, et seq.)

### **346.5.1 RESTRICTED INFORMATION**

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Department or posted on the Department's social media platforms. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:



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- (a) Confidential law enforcement information prohibited from release by Departmental policy.
- (b) Identity or any personal information regarding a juvenile arrestee or suspect.
- (c) Identity of a suspect prior to an arrest, unless the Investigation Division Commander determines that such release will benefit the investigation.
- (d) References to any investigative procedures (e.g., fingerprints, polygraphs, pretext calls, lab tests, etc.).
- (e) Any references to confessions, admissions, or statements made by suspects or arrestees unless authorized by the Chief of Police or designee.
- (f) Any opinion as to a suspect's guilt or innocence.
- (g) Criminal history information.
- (h) Results of any examinations, or tests performed by a suspect.
- (i) Any photographs (e.g., booking photographs), except in certain circumstances where such release is approved by the Chief of Police, Detective Bureau Commander or designee. These circumstances include incidents which may aid in the apprehension of a fugitive, when there is an imminent threat to an individual or to public safety, when an individual is suspected of committing a violent crime, or in furtherance of an urgent and legitimate law enforcement interest (e.g., assist with locating a critical missing person).
- (j) The identity, testimony, or credibility of any prospective witnesses.
- (k) Information received from other law enforcement agencies without their prior authorization to release that information.
- (l) Information regarding an in-custody death shall not be released except to persons who have a legally recognizable interest in the death, and after consultation with the City Attorney's Office.
- (m) Information that may tend to identify an individual in Welfare and Institutions Code §5150.
- (n) Any information that is known to be inadmissible in court.
- (o) Confidential peace officer personnel information (see Peace Officer Personnel Files Policy). The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.
- (p) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code §20012)
- (q) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (r) Information obtained in confidence, while serving in a law enforcement capacity.
- (s) Information pertaining to pending litigation involving this Department.
- (t) Any information that is otherwise privileged or restricted under state or federal law. (Government Code §6254(k)).



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- (u) Internal Affairs investigations and operationally sensitive matters shall be referred to the Chief of Police.
- (v) Recordings of communications or dispatch information, including 911 calls.

## **346.6 PRESS CONFERENCES**

Media conferences shall be held only in connection with major events of concern to the community and coordinated through City News Service. The Chief of Police shall be informed of all media conferences. The Press Information Officer (PIO) shall facilitate the media conference, which may include the Chief of Police or designee.

## **346.7 MEETINGS WITH THE MEDIA**

In an effort to maintain positive relations with the media, the Chief of Police or designee and the PIO should meet with media representatives as necessary to discuss issues or concerns of mutual interest. Any proposed or anticipated changes to Department policies or procedures dealing with the media should be addressed during those meetings.



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Scott LaChasse, Chief of Police

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CALEA

Approved: *Scott LaChasse*

Effective Date: April 14, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Extra-Duty Assignments

### 347.1 PURPOSE AND SCOPE

This Policy is to establish guidelines for administering Department sponsored extra-duty assignments.

### 347.2 POLICY [22.3.5(a)(b)]

Extra-duty assignments consist of the performance of police functions by personnel who are off-duty. Department approved off-duty assignments are limited to production work on public property and other events in public places where public safety may be enhanced by police presence. Compensation for the police services will be paid directly to the City of Burbank by the entity requesting police services and employees will be compensated by the City.

Employees who work extra-duty assignments shall recognize that although they are working "off-duty," they are functioning as recognized sworn members of the Burbank Police Department. Although the nature of the assignment is considered "off-duty" and is in addition to their regular full time assignments, employees are required to comply with all Department policies and procedures, including the rules of conduct.

Only employees below the rank of Captain who are on full-duty status without any administrative restrictions may work extra-duty assignments. Probationary employees shall not work extra-duty assignments unless approved by the Chief of Police in advance.

#### 347.2.1 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Investigation Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work extra-duty assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

### 347.3 FILM PERMITS

The City of Burbank issues a film permit as a contract between the City and the production company. The permit provides specific allowances and restrictions for the productions. The film permit requires the production company to abide by the provisions of the permit and the City agrees to provide police and other necessary municipal services to facilitate filming.





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## **347.3.1 FILM COORDINATOR [22.3.5(d)(e)]**

The Burbank Police Film Coordinator works under the Traffic Bureau Commander. The Film Coordinator is responsible to work with production companies in their requests for film permits and to coordinate extra-duty assignments. Once the permit has been obtained, the Film Coordinator is responsible for assigning officers to the permit based on various factors including, but not limited to, the length of the permit, the area covered in the permit, the amount of equipment or people anticipated to be at the production, and the need for vehicle and/or traffic control. The Film Coordinator shall also be responsible for the documentation related to extra-duty assignments.

## **347.3.2 SELECTION OF OFFICERS**

The Film Coordinator maintains specific calendars for various available extra-duty assignments. Qualified employees may place their names on these calendars indicating a desire to work an extra-duty assignment on that day. Employees shall not sign up on days they know they have a conflict with another duty related obligation such as a subpoena or training.

The Film Coordinator shall be responsible for maintaining a rotation file for assigning employees to ensure fairness in assignments.

Reserve officers who have achieved at least a Level II status may work extra-duty assignments to fill vacancies when regular officers are not available. Depending on the nature of the assignment, reserve officers may be required to work with a regular officer.

## **347.4 OFFICER RESPONSIBILITY [22.3.5(c)]**

Assigned officers shall enforce all aspects of any applicable permits and shall protect the public and the property and interests of the City. Officers have full peace officer powers while working extra-duty assignments and all Department regulations, rules, and expectations apply. Assigned officers are expected to stay alert and continually monitor activities of the assignment. Idling, attending to personal business, or other inattention to the task at hand is unacceptable and could result in the loss of the privilege to work extra-duty assignments.

Officers are required to have a copy of the permit in their possession to allow for a review of the permit with the Location Manager and enforcement of its conditions. Officers are responsible to intervene and take corrective action for any condition which places the public in danger (i.e., bright lights directed towards oncoming traffic, traffic control devices obscured by production equipment, traffic hazards, etc.).

Officers shall not participate in the production or make any of their equipment available for production purposes.

Meals and snacks may be provided during the assignment. Employees are authorized to accept meals and snacks as part of the provisions of the assignment. However, the assigned officers should be prepared to make arrangements for their own hydration and meals without having to leave their assigned post.





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At the conclusion of the assignment, officers shall submit an overtime compensation request with the actual hours worked indicated on the form. The request shall be submitted with the extra-duty assignment roster attached (refer to the Overtime Compensation Requests Policy).

## **347.4.1 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.

## **347.5 TRAFFIC CONTROL**

Some permits will allow for intermittent traffic control (ITC). At the officer's discretion, vehicular traffic can be held for up to three minutes. The best practice is for the assigned officers to coordinate ITC with the 1st AD (Assistant Director) in order to understand the needs of the production to avoid unnecessarily disturbing the flow of traffic. The officer is not required to provide full three minutes if doing so creates a dangerous roadway condition. Conversely, the officer can provide more than three minutes in light traffic situations.

### **347.5.1 PUBLIC WALKWAYS**

All public sidewalks are to remain clear of production company equipment unless otherwise indicated on the permit. This includes equipment that may be on a parkway or in the street but hangs over the sidewalk in such a way that it creates a hazard for pedestrians. Cables and wires crossing sidewalks shall be ramped. The production company will generally place production assistants at necessary locations in order to direct or temporarily hold pedestrian traffic. The assigned officer shall ensure pedestrians are not being directed into the street or unnecessarily inconvenienced.

### **347.5.1 ENFORCING TEMPORARY NO PARKING SIGNS**

The production company may request temporary parking restrictions around the production site. The areas to be posted will be listed on the permit. In most cases, the production company will post the signs the day before the filming and the locations manager will alert area residents of the restriction.

Per Vehicle Code § 22561(m), "Temporary No Parking Signs" must be posted 24 hours in advance by law enforcement to be enforced. Officers are encouraged to attempt to locate the owner of vehicles parked within these signs and ask them to move.

## **347.6 NON-PERMITTED ACTIVITY**

Production companies may request to engage in activity outside the permit. Although assigned officers have some discretion regarding these requests, officers shall use discretion with the understanding that the permit process involves various City entities with significant experience in the related issues. Officers may be held accountable for any decision to deviate from permitted activities.



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The most common non-permitted activity request is for additional time. Permitted hours are from 0700 to 2200. This includes arrival and departure from the impacted neighborhoods. Production companies may get permission to start early or end late based on a percentage of signatures from area residents. Any deviation from permitted hours will be indicated on the permit.

Assigned officers may allow for a one hour extension, subject to complaints from neighbors. The assigned officers should ascertain if the extension request includes departure of all personnel and equipment from the area. Unless pre-approved and included in the permit, in no circumstance shall the assigned officers allow a production company to extend beyond 2200 hours in a residential neighborhood without the Watch Commander's approval.

For any non-permitted activity, the 1st AD should contact the Film Coordinator directly and request an addendum to the permit. The assigned officers can contact the on-duty Watch Commander for additional guidance.

## **347.7 PRODUCTION VEHICLE PARKING**

Although the production company may have posted the area for their vehicles, they are still required to obey the provisions of the Vehicle Code and Municipal Code regarding parking, with some exceptions. The assigned officers may allow temporary wrong way parking in order to facilitate loading/unloading. Production trailers and generators may be left unattached as long as they are otherwise compliant with parking restrictions. Red zones and fire hydrants will be strictly enforced.

## **347.8 REVOCATION OF A FILM PERMIT**

An officer working an extra-duty assignment has the authority to revoke the permit and stop activities. Officers should understand that revocation is a serious step and should only be done as a last resort. Prior to revocation, the assigned officers should contact the Traffic Bureau Sergeant or Lieutenant or the Watch Commander in their absence. Permits may be revoked if the company or organization fails to comply with the limitations or conditions of the permit or if its members engage in illegal activity.

## **347.9 PRECEDENCE OF SUBPOENAS**

Employees shall not sign-up for extra-duty assignments or leave their name on any extra-duty assignment list when they have been served a "Be There" or "On Call" subpoena for the same date. Employees receiving a subpoena that conflicts with an accepted extra-duty assignment for the same date shall immediately notify the Department's Film Coordinator of the conflict so another employee may be hired to fill that position. Court commitments take precedence over extra-duty assignments.



# Burbank Police Department

Scott LaChasse, Chief of Police

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*Scott LaChasse*

CALEA

Effective Date: December 5, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Subpoenas and Court Appearances

### 348.1 PURPOSE AND SCOPE

The procedures in this policy have been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed and present a professional appearance.

#### 348.1.1 DEFINITIONS

**On-Call** – When an employee is not required to be in court but is required to remain available subject to being called to court by phone. An employee may be placed on call by a prosecutor after appearing in court. Any employee on-call may be directed to appear in court within a reasonable time. On call generally applies to one court session

**e-Subpoena** – A valid subpoena delivered and served electronically. E-Subpoenas will be managed by the Subpoena Control Office using an electronic subpoena management system.

**Trailing Subpoena** – When an employee remains on on-call status for additional court sessions until notified otherwise.

**Mandatory Appearance** – Subpoenas marked by the issuing agency or Subpoena Control as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

### 348.2 COURT SUBPOENAS

Employees who receive subpoenas related to their employment with this Department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.



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## **348.2.1 SERVICE OF SUBPOENA**

Service of a subpoena requiring the appearance of any Department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee, by delivery of two copies of the subpoena on the employee's supervisor or other authorized Department agent (Government Code §68097.1 and Penal Code §1328(c)), or by a Department implemented electronic subpoena delivery system.

## **348.2.2 VALID SUBPOENAS [74.1.1]**

No subpoena shall be accepted for an employee of this Department unless it has been properly served and verified to have originated from a recognized legal authority. The Subpoena Control Office shall ensure the validity of each subpoena received and shall verify that valid subpoenas have the necessary elements, including:

- (a) Date and time received.
- (b) Type of legal process, civil or criminal.
- (c) Source of the subpoena.
- (d) Name of the plaintiff/complainant or defendant/respondent.
- (e) Employee being served.
- (f) Court docket number.
- (g) Appearance date.

## **348.2.3 DEPARTMENT ACCEPTANCE OF SUBPOENAS**

The Subpoena Control Office, and authorized Records Bureau personnel, shall be responsible for the Department acceptance, tracking, and service of all subpoenas. All subpoenas originating from the Los Angeles County District Attorney's Office may be served and accepted using the electronic e-Subpoena System. For all subpoenas, the following general guidelines shall apply:

- (a) Only the employee named in a subpoena, his or her immediate supervisor, or the Department Subpoena Control Office shall be authorized to accept service of a subpoena. (Penal Code §1328(c)). Any authorized employee accepting a hard-copy subpoena shall immediately provide a copy of the subpoena to the Department Subpoena Control Office for tracking and record keeping. The Subpoena Control Technician or other authorized person shall maintain a log (either hard-copy or electronic) of all Department subpoenas and shall provide a copy of the subpoena to each involved employee, either hard-copy or electronic.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check work schedules to determine the availability of the named employee for the date listed on the subpoena. The supervisor shall promptly provide a copy of the subpoena to the named employee. If a subpoena is served by a supervisor, the



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supervisor shall inform the Subpoena Control Office of the service, including information about (a)-(d) below as applicable.

Regardless of the method of service, the Subpoena Control Office shall be responsible for maintaining a record of the service or attempted service of each subpoena. The record should include (as applicable):

- (a) Date, and if available, time of service.
- (b) Name of employee serving or attempting service.
- (c) Method of service.
- (d) Reason for non-service and employee responsible for returning the subpoena to the issuing agency.

### 348.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations, and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If the named employee is unable to appear in court as directed by a subpoena due to illness or injury, the employee shall, at least one hour before the appointed date and time, notify the Subpoena Control Office or the Watch Commander of his or her absence. It shall then be the responsibility of the Subpoena Control Office to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he or she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code §1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he or she may refuse to accept service (Penal Code §1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he or she will be unable to deliver a copy of the subpoena to the individual named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code §1328(f)).

### 348.2.6 COURT ON-CALL

To facilitate standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.



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If an employee on standby or on-call changes his or her location during the day, the employee shall notify the Subpoena Control Office of how the employee can be reached by telephone or may ensure that their current cellular phone number is on file with the Subpoena Control Office. In any case, it is the employee's responsibility to be readily accessible and reachable by the Subpoena Control Office while on-call. Employees are required to remain on standby each day the case is trailing. In a criminal case, the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status. The Subpoena Control Office, supervisors, or the case investigator may make the notifications on behalf and at the request of the prosecutor.

## **348.2.7 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Burbank Police Department are required by law to comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

## **348.2.8 FAILURE TO APPEAR**

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

## **348.3 E-SUBPOENA SYSTEM**

All Los Angeles County District Attorney (DA) subpoenas may be delivered and served using an electronic subpoena system. The system will be administered by authorized persons assigned to the subpoena control function.

All felony court subpoenas will be entered into the system by the DA's Office. All other subpoenas (Traffic Court, CA Attorney misdemeanor cases, DMV hearings) may be manually entered into the e-Subpoena System to serve employees electronically and to maintain electronic records involving subpoenas.

## **348.4 E-SUBPOENA SYSTEM PROCEDURES**

### **348.4.1 SUBPOENA CONTROL RESPONSIBILITIES**

The Subpoena Control Office will be responsible for administering the e-Subpoena System, including:

- (a) Reviewing the electronic subpoena folder to ensure timely service.
- (b) Resolving pending or unmatched subpoenas.
- (c) Manually entering subpoenas into the system.
- (d) Maintaining and updating electronic records involving subpoenas.
- (e) Making appropriate notifications if an employee cannot be served or is not available.





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- (f) Reviewing any subpoena notes entered or updated by employees or supervisors (the system will automatically notify Subpoena Control of any new or updated notes).

If the Subpoena Control Office receives an urgent subpoena that cannot be delivered to the employee electronically in a timely manner, the Subpoena Control Technician shall attempt service by telephone (home or cell). The Subpoena Control Technician shall fully document the attempt or service in the e-Subpoena System.

If a trailing case is postponed and new subpoenas are not issued by the prosecuting agency, the Subpoena Control Office shall "Call Off" employees on the original subpoena and shall use the "Copy Subpoena" feature of the system to re-subpoena officers with the new date. Other procedures shall be followed to ensure timely and proper service, as required or applicable.

The Subpoena Control Office shall notify via email the direct supervisor of any employee who does not acknowledge the receipt of any subpoena in a timely manner.

### **348.4.2 SUPERVISOR RESPONSIBILITIES**

Supervisors should regularly review the electronic subpoena system Subpoena Review Folder to ensure employees within their groups are acknowledging receipt of subpoenas in a timely manner and to intervene when necessary to ensure compliance with this policy and valid subpoenas. Supervisors shall immediately notify the Subpoena Control Office via email of any subpoena in the system that cannot be delivered in a timely manner due to the unavailability of an employee. If necessary, the supervisor should also call Subpoena Control as a follow up to the email.

### **348.4.3 EMPLOYEE RESPONSIBILITIES**

Employees will be notified via their Department email when an e-subpoena is available for review and receipt in the e-Subpoena System. Upon receipt of such notification, employees shall log on to the e-Subpoena System as soon as possible and acknowledge service of the subpoena, no later than the employee's first workday after receiving the email notification. Additionally, employees shall log on to the system on their first workday following any break or leave and shall acknowledge service of any pending subpoenas requiring acknowledgement.

If an employee receives a subpoena for a time period when the employee is going to be unavailable, the employee should acknowledge receipt of the subpoena in the e-Subpoena System and shall follow the procedures in §348.9 to be excused. The employee's supervisor shall be responsible for notifying the Subpoena Control Office (as described in §348.4.2) in the employee's absence.

### **348.4.4 SMS NOTIFICATIONS**

Any employee who has a Department issued cellular phone will receive notifications of new subpoenas or cancellations via SMS text messaging. All other employees may voluntarily provide a cellular phone number to the Subpoena Control Office if they wish to receive SMS text notifications. This Department does not require employees to review or acknowledge email or text messages on





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days off and no compensation will be provided for accessing or reviewing the electronic subpoena system while off duty.

## **348.4.5 E-SUBPOENA PURGING AND ACHIEVING**

Electronic subpoenas will be archived 30 days after the court date. Archived subpoenas will be available for review in the "Subpoena Archive Folder." The Records Bureau Manager shall be responsible for purging electronic subpoenas and records in accordance with the approved retention schedule.

## **348.5 CIVIL SUBPOENAS**

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties (as directed by the current Memorandum of Understanding).

The Department will seek reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

### **348.5.1 PROCEDURE**

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

### **348.5.2 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

### **348.5.3 PARTY MUST DEPOSIT FUNDS**

The party in the civil action that seeks to subpoena an officer must deposit the statutory fee of \$275 (Government Code §68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance. Statutory fees may also be collected for non-sworn employees subpoenaed for civil actions, as permitted by law.

## **348.6 OVERTIME APPEARANCES**

If the officer appeared on his or her off-duty time, he or she will be compensated in accordance with the current employee Memorandum of Understanding.



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## **348.7 COURTROOM PROTOCOL**

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

### **348.7.1 PREPARATION FOR TESTIMONY**

Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

Officers receiving a traffic citation subpoena shall prepare themselves in compliance with the Traffic Citations Policy §516.3

### **348.7.2 COURTROOM ATTIRE**

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

### **348.7.3 COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard. Officers should avoid walking in the "well" (area between the judge's stand and the counsel tables), as this is considered disrespectful to the court.

## **348.8 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, shall notify their immediate supervisor without delay. The supervisor shall then notify the Chief of Police, District Attorney's Office in criminal cases, or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

- (a) Providing testimony or information for the defense in any criminal trial or proceeding.
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees.
- (c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.



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## **348.9 REQUEST TO BE EXCUSED FROM SUBPOENA**

The Department recognizes that subpoenas may, at times, conflict with an officers scheduled vacation or with training courses. While every effort should be made to attend court, the below listed procedure shall be used by employees requesting to be excused from a subpoena. It is the employee's responsibility to make the required contacts and notifications. Leaving voicemail or email messages for the prosecuting attorney or the investigating officer without an affirmative response to the requesting officer is not sufficient notification for the purposes of this subsection.

- (a) Officers shall first attempt to contact the prosecuting attorney to request to be excused.
- (b) If the actual prosecuting attorney is not available by phone, the officer should contact the witness coordinator. Current witness coordinator telephone numbers will be maintained in PEN by the Subpoena Control Office.
- (c) Officers shall then notify the investigating officer assigned to the case.
- (d) Once an excuse is granted by the prosecuting attorney (either in person, by phone, or by email) and the investigating officer has been notified and has acknowledged receipt of notification, officers are required to submit a memorandum to their Division Commander explaining the reason they cannot appear in court, whether release was obtained from the case prosecutor, and if they notified the assigned investigator.

Only the Division Commander may excuse an employee from a subpoena. Detectives shall not excuse employees from subpoenas or change the employee's status from "Be-there" or "On-Call" unless doing so on behalf and at the request of the prosecutor.

### **348.9.1 REQUEST TO BE EXCUSED FROM TRAFFIC COURT**

Officers requesting to be excused from Traffic Court shall submit a memorandum to their Division Commander for approval as soon as possible. If approved, the Division Commander will forward the approved memorandum to the Subpoena Control Office for processing and City Attorney notification.

Requests for a traffic case to be continued must be submitted at least 15 days prior to the court date.

Traffic subpoenas issued for officers who have retired or separated from the Department should not be entered into the e-Subpoena system and no further action will be required by the Subpoena Control Office involving those subpoenas.

## **348.10 CONFLICTING SUBPOENAS**

In the case of conflicting subpoenas, it is the employee's responsibility to notify the prosecuting attorneys in an effort to reconcile the conflict. In any case, the employee shall make sure the prosecuting attorney for the case in which the employee will not be attending is aware of that fact.



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## **348.11 CIVILIAN WITNESS SUBPOENAS [74.2.1]**

The service of subpoenas that require personal service of civilian witnesses shall be handled by the case investigator or as assigned by the appropriate detective bureau supervisor. All such subpoenas will be forwarded by the Subpoena Control Office to the assigned investigator for service. Civilian witness subpoenas shall not be entered into the e-Subpoena System.

The Subpoena Control Office will be responsible for mailing civilian witness subpoenas that do not require personal service.



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*Scott LaChasse*

CALEA

Effective Date: June 28, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Reserve Officers

### **350.1 PURPOSE AND SCOPE [16.3.1]**

Burbank Police Department reserve officers supplement and assist full-time police officers in their duties. The Reserve unit provides professional, sworn volunteer reserve officers who augment regular staffing levels as required by the Department.

### **350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS [16.3.2; 16.3.9]**

The Burbank 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. Applicants must meet the same qualifications as that for a full-time police officer to be selected for the Reserve Program.

#### **350.2.1 PROCEDURE [16.3.3]**

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment. Reserve applicants must complete the same testing requirements set forth by the Department for police recruits.

Before appointment to the Police Reserve Unit, a candidate must have completed, or be in the process of completing, a POST approved academy. In no case shall a reserve officer be assigned in any capacity in which the reserve officer is allowed to carry a weapon or is in a position to make an arrest prior to completing POST approved academy training.

#### **350.2.2 APPOINTMENT [1.1.1]**

Candidates who are selected for appointment to the Police Reserve Unit shall be sworn in by the Chief of Police and take an oath of office to observe and obey the federal and state constitutions and to carry out their duties to the best of their abilities.

#### **350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS [22.2.5]**

All reserve officer appointees are issued a uniform allowance upon completion of the Reserve Academy and 500 hours of service, which includes credit for academy hours. Reserves shall receive



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a uniform allowance upon completion of every 1,000 hours of service. Reserves receive annual shooting pay and an annual operational expense allowance. No other compensation is provided to reserve officers.

### 350.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

When authorized, qualified, non-sworn employees of this Department may also serve as reserve officers. However, the Department shall not utilize the services of a reserve or volunteer in such a manner that it violates employment laws or labor agreements (e.g., a Jailer working as a reserve officer to perform Jailer duties). The Reserve Coordinator shall consult Management Services prior to an employee serving in a reserve or volunteer capacity (29 CFR §553.30).

### 350.2.5 RESERVE OFFICER LEVELS [1.2.1]

Reserve officer "Levels," duties, and authority are defined by the California Penal Code §832.6 and by POST.

**Level I** – Designated Level I Burbank reserve officers are granted full peace officer powers both on- and off-duty. Designated Level I reserve officers may be assigned to tasks routinely performed by full-time officers, including supervising Level II reserve officers.

**Non-Designated Level I** – Non-Designated Level I Burbank Reserve Officers are granted full peace officer powers only while on-duty during a specific assignment. Non-designated Level I reserve officers may be assigned to tasks routinely performed by full-time officers.

**Level II** – Level II Burbank reserve officers are granted full peace officer powers only while on-duty during a specific assignment. They may perform general law enforcement assignments only while under the immediate supervision of a peace officer who has satisfactorily completed the POST Basic Course for peace officers. "Immediate supervision" is defined as the supervisor continually being in the physical proximity of, and available to, the reserve officer. However, allowances are permitted for necessary temporary separation, such as traffic control or crime scene containment.

### 350.3 DUTIES OF RESERVE OFFICERS [1.2.1; 16.3.1]

Reserve officers assist full-time officers in the enforcement of laws and in maintaining peace and order within the community. Reserve officers will generally be assigned to augment the Patrol or Traffic Bureaus. However, reserve officers may be assigned to other areas within the Department as needed. Upon appointment, reserve officers are required to work 16 hours per month.

#### 350.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all Departmental policies and procedures, including the Reserve Program Manual. A copy of the policies and procedures will be made available to each reserve officer upon appointment and they shall become thoroughly familiar with these policies.



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Whenever a rule, regulation, or guideline in this manual refers to a full-time officer, it shall also apply to a reserve officer unless by its nature it is inapplicable.

### **350.3.2 RESERVE OFFICER ASSIGNMENTS**

All reserve officers will be assigned to duties by the Reserve Coordinator, Reserve Captain, or their designees.

### **350.3.3 RESERVE COORDINATOR**

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

Some of the responsibilities of the Reserve Coordinator are as follows:

- (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) Overall monitoring of the Reserve Program.
- (g) Maintaining liaison with other agency reserve programs.

### **350.4 FIELD TRAINING**

Upon completion of a POST reserve academy, a reserve officer's initial field training will be completed under the immediate supervision of a peace officer who minimally possesses a Basic POST Certificate.

#### **350.4.1 TRAINING OFFICERS**

Officers of this Department, who have been selected as Field Training Officers (FTOs) are eligible to train reserve officers during Phase I of their training program.

#### **350.4.2 PRIMARY TRAINING OFFICER**

Upon completion of the Academy, reserve officers will be assigned to a training officer. The training officer will be selected by the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with a training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.





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### **350.4.3 FIELD TRAINING MANUAL [33.2.4]**

Each new reserve officer will be issued a Field Training Manual at the beginning of the Primary Training Phase. This manual is an outline of the subject matter and the skills necessary to properly function as an officer with the Burbank Police Department. Reserve officers shall become knowledgeable of the subject matter as outlined. They shall also become proficient with those skills as set forth in the manual.

### **350.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE**

At the completion of the Primary Training Phase (Phase I), the FTO will meet with the Reserve Coordinator and Reserve Captain. The purpose of this meeting is to discuss the progress of the reserve officer in training.

Reserve officers trainees who progress satisfactorily will proceed to Phase II of the training. If they do not progress satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

### **350.4.5 SECONDARY TRAINING PHASE**

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. Reserve officers in Phase II will no longer be required to ride with an FTO. 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 by the Patrol sergeants, the FTO, and the Reserve Program Coordinator. Emphasis should be placed on the completion of the officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to the assigned FTO for Phase III of the training.

### **350.4.6 THIRD TRAINING PHASE**

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer should return to the 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 FTO will meet with the Reserve Coordinator and Reserve Captain. Based upon the reserve officer's evaluations and input from the FTO, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed the formal training. Reserve officers who have progressed satisfactorily will then graduate from the formal training process. If the progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

### **350.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS**

Reserve officers who have satisfactorily completed all three phases of formal training will have had a minimum of 284 hours of on-duty training. They will no longer be required to ride with an FTO and



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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.

### 350.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained Level II status shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6(a)(2)). 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 Captain responsible for the Reserve Program.

#### 350.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may be relieved of the "immediate supervision" requirement with prior authorization of the Reserve Coordinator and with the approval of the Reserve Program Captain. Level I Reserve Officers may function under the authority of Penal Code §832.6(a)(1) only for the duration of the authorization.

In the absence of the Reserve Coordinator and the Reserve Program Captain, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code §832.6(a)(1) for specific purposes and duration.

#### 350.5.2 CONTINUED PROFESSIONAL TRAINING [16.3.5]

All reserve officers must comply with the ongoing requirements for Continuing Professional Training (CPT) as established by POST Regulations.

#### 350.5.3 IDENTIFICATION OF RESERVE OFFICERS [16.3.4; 22.2.7]

All Reserve Officers will be issued a uniform badge, a flat badge, and a Department identification card. The identification card will be the standard identification card and will indicate the status as a reserve officer. This card shall also indicate the "Level" of the reserve officer and whether the officer is HR 218 compliant (CCW authorization).

#### 350.5.4 UNIFORM [16.3.4]

Reserve officers shall conform to all uniform regulations and appearance standards of this Department. With the exception of the badges, uniforms and equipment for reserve officers shall be the same as those for full-time officers performing like functions.

#### 350.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer becomes the subject of a complaint or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Reserve Program Captain.



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Reserve officers are considered at-will employees. Government Code §3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Disciplinary Policy.

### **350.5.6 RESERVE OFFICER EVALUATIONS** [16.3.8; 35.1.2; 35.1.3; 35.1.5]

While in training, reserve officers will be continuously evaluated using standardized daily and weekly observation reports. Reserve officers will be considered probationary employees until all of the training has been completed. Probationary reserve officers will receive a quarterly written evaluation by the Reserve Captain. Reserve Officers having completed their field training are no longer considered probationary and will be evaluated annually in writing by the Reserve Captain using performance dimensions applicable to the duties and authorities granted to that reserve (see Evaluation of Employees Policy).

### **350.6 FIREARMS REQUIREMENTS** [1.2.2]

Penal Code §830.6(a)(1) designates reserve officers as having peace officer powers during their assigned tour of duty, provided they qualify or fall within the provisions of Penal Code §832.6.

#### **350.6.1 CARRYING WEAPONS**

Penal Code §830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on duty. Reserve officers must comply with all firearm related directives in regards to qualification standards and weapon inspections for any weapon to be carried on or off duty.

#### **350.6.2 CONCEALED FIREARMS PROHIBITED** [1.3.9]

Reserve officers shall not carry a concealed firearm while in an off-duty capacity, other than to and from work, unless the reserve officer possess a valid CCW permit. If a reserve officer is assigned to a plainclothes detail, 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.

Reserve officers may only carry firearms (other than the assigned duty weapon) that are registered to the reserve officer, inspected by the Rangemaster, and verified to conform to Departmental standards. Reserve officers shall demonstrate proficiency with any authorized weapon.

A Level I reserve officer 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, the Reserve Program Captain, and the administrative staff. Reserve applicants must meet the following minimum criteria:

- (a) Three years of experience as a reserve police officer.



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- (b) 1600 hours of service with the Burbank Police Department.
- (c) Level of weapon proficiency certified by the Department Rangemaster.
- (d) Recommendation of the Reserve Captain and Reserve Program Coordinator.

When considering issuance of 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 for four years as long as the reserve officer remains in good standing with the Burbank Police Department Reserve Officer Program.

### **350.6.3 RESERVE OFFICER USE OF FORCE AND FIREARMS TRAINING [16.3.6]**

All reserve officers are required to be trained on the Use of Force Policy and to maintain proficiency with firearms used in the course of their assignments. The frequency of the training and proficiency testing shall be the same as for full-time officers.

### **350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan, to be included in the Reserve Program Manual, outlining an emergency call-out procedure for reserve personnel.

### **350.8 RESERVE OFFICER MEETINGS**

All reserve officer meetings will be scheduled and conducted by the Reserve Captain. All Reserve Officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Captain or Disciplinary action may be taken.

### **350.9 LIABILITY PROTECTION [16.3.7]**

Reserve Officers are provided with public liability protection equal to that of full-time officers.



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Approved: *Scott LaChasse*

Effective Date: November 12, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Outside Agency Assistance

### 352.1 PURPOSE AND SCOPE [2.1.3; 2.1.4]

The purpose of this policy is to provide guidance to officers in the request of or answering a request for assistance involving another law enforcement agency.

It is the policy of this Department to provide assistance whenever possible to another law enforcement agency when they request assistance with an arrest or detention of any person. Any assistance rendered will be consistent with the applicable laws of arrest and detention policies of this Department. This Department may also request an outside agency to provide assistance.

### 352.1 DEFINITION

**High Risk Entry** – In deciding whether an entry is “high risk,” the following should be considered:

- (a) A hostage is believed to be at the location.
- (b) The suspect is believed to be armed or an automatic, assault, or high-powered weapon or ballistic protection is believed to be at the location.
- (c) The suspect is wanted for armed assault on a police officer or has a violent criminal history.
- (d) The location is heavily barricaded.

### 352.2 ASSISTING OUTSIDE AGENCIES [2.1.3]

Generally, calls for assistance from other agencies shall be directed to the Watch Commander for approval. The Watch Commander should attempt to gather as much information as possible including whether any of the personnel from the outside agency are in plain clothes. Inter-agency operations involving plain clothes officers from either agency may be very hazardous. Adequate coordination between the agencies is essential for proper identification.

When an authorized employee of an outside agency requests the assistance of this Department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. In the event that an outside agency requests immediate assistance within the City of Burbank or a Burbank police officer observes an officer from another agency in need of assistance, the Burbank police officer shall immediately provide that assistance necessary to ensure the safety of the outside agency officer and the public. The involved Burbank officer shall notify the Communications Center



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as soon as possible of the circumstances and request any required additional resources. A field supervisor shall immediately respond to the location of the incident and take appropriate action. Arrestees may be temporarily detained by this Department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this Department provide transportation of arrestees to other county facilities.

Whenever any law enforcement agency notifies the Burbank Police Department of the intent to execute a search or arrest warrant or conduct some other type of tactical operation or investigation within our jurisdictional boundaries and requests our assistance, the following procedure shall apply:

- (a) A Burbank Police Department field supervisor, or the appropriate bureau supervisor, shall review the requesting agency's operational plan and ensure that the requestor's plan is tactically sound and in conformance to the policies of this Department.
- (b) The Watch Commander or Bureau Lieutenant shall be responsible for approval or denial of the requests.
- (c) Members of this Department shall not be involved in any "High Risk" entries planned by another agency without the written approval of a Burbank Police Department Division Commander.
- (d) Members of this Department may assist with perimeter control in such situations with supervisor approval.

When such assistance is rendered, a case number will be issued to document actions taken by Burbank Police Department personnel.

Probation violators temporarily detained by this Department will not ordinarily be booked at this Department.

## **352.3 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES [2.1.3]**

If assistance is needed from another agency, the officer requesting assistance shall first notify a supervisor. During an emergency, officers shall request assistance via the radio and shall provide sufficient information to the Communications Center to determine the level of assistance needed and from what agency.

The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

If necessary, the requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. Reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to personnel who do not have compatible radios.



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## **352.4 MUTUAL AID [2.1.3(a)(b)(c)(d)(h)]**

The Burbank Police Department may have written agreements to provide and request mutual aid in emergency situations. The authority of California peace officers extends to any place in the State with the prior consent of the Chief of Police per Penal Code §830.1(a). The Emergency Services Act (Government Code §8655) provides law enforcement agencies limited immunity from liability when responding to a mutual aid request.

The Chief of Police or designee is responsible for entering into such agreements and for the review and revision of such agreements as necessary.

Mutual aid response within the State of California is based on four governmental levels of increasingly justifiable mutual aid support. The levels are cities, operational areas, mutual aid regions, and the state.

To facilitate coordination of mutual aid, the State of California is geographically divided into seven law enforcement mutual aid Regions. Each mutual aid Region is comprised of multiple Operational Areas and has a Regional Law Enforcement Mutual Aid Coordinator. The Regional Law Enforcement Mutual Aid Coordinator is granted the authority to coordinate the mutual aid response of law enforcement resources within the Region to support a mutual aid request from a jurisdiction within the Region.

The Burbank Police Department is a member of Region-I, Operational Area-C. The Region-I Law Enforcement Coordinator is the Los Angeles County Sheriff's Department Emergency Operations Bureau (323.526.5000).

All requests for mutual aid shall be made by the Watch Commander or designee with the Region-I Law Enforcement Coordinator. The Chief of Police or designee may request mutual aid prior to an activation of an EOC or formal declaration of local emergency.

### **352.4.1 LAW ENFORCEMENT MUTUAL AID PLAN [2.1.3(e)(f)]**

The [California Law Enforcement Mutual Aid Plan](#) and the [Mutual Aid Plan Quick Reference Guide](#) are available in the California Office of Emergency Service website.

## **352.5 REQUESTING FEDERAL LAW ENFORCEMENT OR STATE NATIONAL GUARD ASSISTANCE [2.1.4]**

The Regional Law Enforcement Coordinator will also assist in seeking assistance of state and federal resources. All such requests for mutual aid shall be made with the Region-I Law Enforcement Coordinator.





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Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Registered Offender Information

### 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Burbank 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.

### 356.2 POLICY

It is the policy of the Burbank 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.

### 356.3 REGISTRATION

The Investigation Division Lieutenant shall be responsible for the administration of 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. Employees 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 and §290 et seq; Penal Code §186.30 and §186.32).

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.

#### 356.3.1 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



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law (Penal Code §457.1 and §290 et seq; Penal Code §186.30 and §186.32).

### **356.4 MONITORING OF REGISTERED OFFENDERS**

The Investigation Bureau Lieutenant should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his or her registration requirements after the initial registration, including reviewing of information on the California DOJ website for sex offenders and contacting a registrant's parole or probation officer.

Unobtrusive methods to confirm residence, such as an Internet search or drive-by of the declared residence, may also be utilized.

Any discrepancies should be reported to the California DOJ.

The Investigation Bureau Lieutenant should also establish a procedure to routinely disseminate information regarding registered offenders to Burbank Police Department personnel, including timely updates regarding new or relocated registrants.

### **356.5 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 Burbank Police Department's website. Information on sex registrants placed on the Burbank Police Department website shall comply with requirements of Penal code §290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law (Penal Code §290.45, §290.46, §457.1), and in compliance with a California Public Records Act (Government Code §6250-6276.48) request.

#### **356.5.1 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.



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- (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).

## **356.5.2 RELEASE NOTIFICATIONS**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code §290.45).



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Scott LaChasse, Chief of Police

**Policy  
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CALEA

Approved: *Scott LaChasse*

Effective Date: November 12, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Major Incident Notification

### 358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this Department in determining when, how, and to whom notification of major incidents should be made.

### 358.2 POLICY [41.2.4]

The Burbank 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 are properly addressed.

### 358.3 MINIMUM CRITERIA FOR NOTIFICATION [11.4.5]

Most situations where the media may show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- (a) Homicides.
- (b) Traffic accidents with fatalities.
- (c) Officer involved shooting – on or off duty (refer to the Officer Involved Shootings and Deaths Policy for special notifications).
- (d) Significant injury or death to employee – on or off duty.
- (e) Death of a prominent Burbank official.
- (f) Arrest of a Department employee or prominent Burbank official.
- (g) Aircraft crash with major damage, injury, or death.
- (h) In-custody deaths.

### 358.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable efforts to obtain as much information on the incident as



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possible before notification. The Watch Commander shall attempt to make the notifications as soon as practical. Notification should be made by calling the office number first if during work hours, or if after hours, by calling the city cell phone number first, then the home phone number.

## **358.4.1 TELEPHONE NOTIFICATION MATRIX**

The [Telephonic Notification Matrix](#) provides a list of events, notification recipients, and priority levels. The Watch Commander is responsible to make telephonic notifications to the Command Staff and the City Manager as provided by the Telephonic Notification Matrix.

## **358.4.2 DETECTIVE NOTIFICATION**

If the incident requires that a detective respond from home, the on-call detective supervisor shall be contacted who will then contact the appropriate detectives.

## **358.4.3 TRAFFIC BUREAU NOTIFICATION**

In the event of a traffic fatality or major injury, the Traffic Bureau Lieutenant should be contacted for investigator callout authorization. The Watch Commander shall notify the investigator following callout authorization.

## **358.4.4 MEDIA RELATIONS SERGEANT (PIO)**

The Media Relations Sergeant shall be called after members of the Command Staff have been notified and if it appears the media may have a significant interest in the incident.



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CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Death Investigation

### 360.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from a natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The importance of thorough death investigations cannot be over emphasized.

### 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. The first officer arriving at the scene shall make a determination as to whether a criminal act may have been committed. If so, the officer shall:

- (a) Initiate appropriate action against possible suspects involved in the criminal act and render the location safe.
- (b) Ensure the area is secure and restrict the entry of unauthorized and unnecessary persons.
- (c) Preserve the crime scene.
- (d) When possible, detain all suspects.
- (e) Ensure all potential witnesses are identified.
- (f) Request that a supervisor respond.

The responsibility of the initial investigation and crime scene rests with the primary officer assigned to the incident. Upon the arrival of investigative personnel, the officer shall relinquish the investigation to personnel of the Investigation Division. The officer may remain on scene to assist, however.

Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Only in those situations where death is obvious is an officer allowed to pronounce death. A supervisor shall be notified in all death investigations. The on-scene Sergeant shall make an appropriate entry on the Sergeant's log. If the death was the result of an accident or a criminal act, the Watch Commander shall also make an entry on the Watch Commander's Log.



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## **360.2.1 CORONER REQUEST [41.2.4]**

Government Code §27491 and Health & Safety Code §102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

- (a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.).
- (b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code §1746 in the 20 days prior to death.
- (c) Physician unable to state the cause of death. Includes all sudden, unexpected and unusual, deaths and fetal deaths when the underlying cause is unknown.
- (d) Known or suspected homicide.
- (e) Known or suspected suicide.
- (f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- (g) Related to or following known or suspected self-induced or criminal abortion.
- (h) Associated with a known or alleged rape or crime against nature.
- (i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
- (k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery or in a recovery room.
- (o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- (p) All deaths of unidentified persons.
- (q) All deaths of state hospital patients.
- (r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- (s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.





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Immediate notification to the Coroner is required (Health and Safety Code §102850) for all deaths:

- (a) Following an injury or an accident which are suspected suicides.
- (b) Without medical attendance, during the continued absence of the attending physician and surgeon.
- (c) Where the attending physician and surgeon or the physician assistant is unable to state the cause of death.
- (d) Under circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

The notification to the Coroner should include the status of the investigation as it relates to the investigators readiness for the arrival of the Coroner and processing of the body.

The officer at the scene shall make the Coroner's notification if a phone is available. If a phone is not available, the Communications Center or the Watch Commander may be requested to make the call. In the event of a detective call-out, the Coroner's notification may be made by the responding detective or detective supervisor.

## **360.2.2 SEARCHING DEAD BODIES**

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code §27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

## **360.2.3 DEATH NOTIFICATION [55.2.6; 81.2.11]**

When practical, and if not handled by the Coroner's Office, notification to the next of kin of the deceased person shall be made, in person, by the officer or supervisor assigned to the incident, after consulting with the Watch Commander. Before notification, whenever possible, every effort should be made to ascertain the age and health of the recipient of the death notification. Efforts should be made to secure the company of a relative or a friend to be with and support the recipient. The information should be made forthrightly, but with consideration for the next of kin. Whenever possible, the information should be given in the recipient's home or a private place. A Departmental Chaplain may be used to assist sworn personnel, whenever possible.



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Unless otherwise directed by the Coroner's Office or Investigative personnel, whenever next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next of kin.

### 360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

### 360.2.5 DEATH REPORTING

A thorough investigation of the scene and the circumstances surrounding the death shall be made. The supervisor and officer handling the investigation shall examine the deceased for signs or evidence of foul play. When the Coroner's Office is involved, the names and ID numbers of the assigned personnel and the Coroner Case number shall be included in the report. If a mortuary service handles the removal of the body, the following information shall be included in the report:

- Name, address and phone number of the mortuary.
- Name of all mortuary representatives.
- Location that the body was removed to.

In cases where the Coroner's office is not involved, the officer shall confirm that a mortuary will remove the body. Property worn by the deceased, such as jewelry, shall be documented in the report.

All incidents involving a death shall be documented in a report.

### 360.2.6 SUSPECTED HOMICIDE

If a call-out is initiated for a homicide, OIS, complex or other significant event, it shall be the responsibility of the on-call supervisor to notify the Crimes vs. Persons Lieutenant and the Investigation Division Captain. If a call-out of investigative personnel is initiated, the on-call supervisor will notify the on-call Detectives and if necessary, the Forensic Specialist.

It shall be the responsibility of the Watch Commander to make all other notifications as required by Major Incident Notification Policy (§358.3.1) and the corresponding Telephonic Notification Matrix.

It is not necessary to telephonically advise on-call personnel of a case unless a request for a call-out is being made. In such cases, an e-mail to the appropriate personnel should suffice.



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## 360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

## 360.2.8 DECEDENT PROPERTY – CORONER CASES

Upon arrival of the Coroner, the investigating officer may request that the Coroner refrain from willfully disturbing the body or related evidence until the crime scene is completed. The Coroner may take charge of all personal effects, valuables, and the property of the deceased. The primary officer or the Investigating Officer shall obtain an itemized receipt from the Coroner's Deputy for all property removed from the scene by the Deputy. This receipt shall be attached to the report completed by the officer. Items removed from the scene may include the following:

- (a) SUICIDE NOTES – The original suicide note may accompany the body to the Coroner's Office. If investigative personnel desire a copy, it should be obtained from the Coroner's Office. If the original note is desired for Forensic Services study, authorized personnel may obtain it from the Coroner's office. To ensure that suicide notes are in fact the authentic writing and signature of the deceased, investigating officers will attempt to obtain an exemplar for comparison, which will accompany the suicide note and the deceased.
- (b) POISONS AND DRUGS – All poisons and drugs (and their containers) suspected of being connected with a suicide shall accompany the body to the Coroner.
- (c) FIREARMS – The Coroner's Office will not take custody of a firearm used in a suicide or homicide. The investigating officer may retain all firearms suspected of being used in the commission of a suicide or homicide.
- (d) PERSONAL PROPERTY OF THE DECEASED – Property or evidence related to the investigation and for any subsequent prosecution in a criminal death may be held by this Department. The Investigating Officer shall ensure coordination with the Coroner's Office concerning retention of crime scene evidence.

## 360.2.9 APPARENT NATURAL DEATHS

A thorough investigation of the scene, body and the circumstances surrounding the death shall be made. The supervisor and officer handling the investigation shall examine the deceased for signs or evidence of foul play. Property worn by the deceased, such as jewelry, shall be documented in the report.

In cases where the Coroner's office is not involved, the officer shall confirm that a mortuary will remove the body. When responsible and capable next of kin are at the scene, officers may leave the location upon completion of the investigation and the approval of the on scene supervisor. Officers may not leave the location in case of any of the following:

- (a) The body is in public view.



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- (b) Requested by the next of kin to remain.
- (c) Directed by a supervisor to remain.

## **360.2.10 HOSPICE CASES**

Hospice is a program in which a terminally ill patient elects to die with dignity, receiving no further treatment for the illness other than medication to reduce suffering. In most cases, these patients see their physician at least once every twenty days, and they are attended by a registered or licensed vocational nurse. A full report shall be prepared in Hospice cases. The handling officer should ensure that remaining medication is destroyed, usually by the nurse in the presence of the officer.

## **360.2.11 DEAD BODIES AT PROVIDENCE SAINT JOSEPH'S MEDICAL CENTER (SJMC)**

There are many cities that surround SJMC, therefore it is important that the proper law enforcement agency handle the death investigation and report. In the best interests of the deceased, and the immediate family, the appropriate law enforcement agency must be contacted to handle the death investigation.

The Burbank Police Department will have jurisdiction of an apparent natural death investigation and report when:

- (a) The patient was transported from a location in Burbank.
- (b) The patient walked into the Emergency Department without vehicular transportation.

If an apparent natural death occurs in the SJMC Emergency Department, the law enforcement agency having jurisdiction from where the patient was transported shall be contacted to handle the death investigation (e.g., the Glendale Police Department, the Los Angeles Police Department, the Los Angeles County Sheriff's Department, etc.).

The responsibility to investigate accidental or intentional deaths rests with the law enforcement agency that has jurisdiction where the event causing the death occurred. The appropriate law enforcement agency shall be called to handle the death investigation.

The notification of next of kin is normally the responsibility of the Coroner or SJMC. Under the direction of the Coroner, the Department should assist in this process if requested.

If a jurisdictional dispute cannot be resolved, the Burbank Police Department shall respond and assume responsibility for the initial report/investigation.

Regardless of the jurisdictional responsibility for the death, if there is an immediate or foreseeable danger at SJMC related to the death of a patient (i.e., gang related, domestic violence, or any other circumstance in which violence at SJMC is reasonably anticipated, etc.), the Burbank Police Department should respond when requested.



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## **360.2.12 DEPARTMENT FOLLOW UP**

The Records Bureau shall be responsible for forwarding a copy of the report to the Chief's office for consideration of sending a sympathy card to the next of kin.

The Chief of Police may then send a sympathy card that includes the name of the responding officers to the next of kin.



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Scott LaChasse, Chief of Police

**Policy  
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*Scott LaChasse*

CALEA

Effective Date: August 16, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Identity Theft

### 362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

### 362.2 REPORTING [42.2.8(a),(c),(d)]

- (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 or working in the City of Burbank. Whenever possible, the officer taking the report should attempt to determine the jurisdiction where the crime occurred. When the victim lives or works within this jurisdiction but the crime is known to have occurred in another jurisdiction, a courtesy report shall be completed. The Records Bureau shall promptly forward a copy of the report to the appropriate agency.
- (b) If the crime of identity theft did not occur in this jurisdiction and the victim does not live or work in the City of Burbank, the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides, works, or where the crime actually occurred. If the person insists that this Department accept the report, a courtesy report should be completed.
- (c) When a courtesy report is received from another agency for a crime which occurred in this jurisdiction, an officer, a cadet, or a records technician shall initiate a Burbank Police crime report and attach the courtesy report.
- (d) If the reported crime involves "Criminal Identity Theft," the officer completing the report should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. Criminal Identity Theft occurs when a suspect in a criminal investigation identifies himself or herself using the identity of another, innocent person. 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 or by visiting the [website](#) of the Office of the California Attorney General.



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Scott LaChasse, Chief of Police

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### **362.2.1 REPORTING FORMS** [42.2.8(b),(c)]

Victims of identity theft must submit completed BPD Financial Crime Report (C320-0379) and ID Theft Victim's Account Information Request (C320-0380) forms to file an Identity Theft Report. The forms shall be available at the Front Counter and from Patrol personnel. A copy of the BPD Identity Theft quick reference guide shall also be provided with the forms.

### **362.3 INVESTIGATION**

Identity theft investigations shall be conducted pursuant to the Investigation, Custodial Interrogation, and Prosecution and the Case Assignment Policies.

### **362.4 PUBLIC INFORMATION** [42.2.8(e)]

The Community Outreach and Personnel Service Bureau (COPS) shall be responsible for providing public information on the prevention of identity theft crimes. The information may be provided via Community Bulletins or during live presentations. The Department's website should also provide information on prevention and resources to assist identity theft victims.

The COPS Bureau shall be responsible for creating and updating the identity theft prevention pamphlets and for the identity theft information made available on the Department's website. Any updates shall be reviewed by the Property Bureau supervisor to ensure the information is in compliance with current law and Department procedures.





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
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CALEA

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Private Persons Arrests

### 364.1 PURPOSE AND SCOPE

This policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code §837.

### 364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code §836(b) expressly mandates that all officers shall make a good faith effort to inform 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 affect a private person's arrest and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

### 364.3 ARRESTS BY PRIVATE PERSONS

Penal Code §837 provides that a private person may arrest another:

- (a) For a public offense committed or attempted in his or her presence.
- (b) When the person arrested has committed a felony, although not in his or her presence.
- (c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person to be 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.



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## **364.4 OFFICER RESPONSIBILITIES** [1.2.5; 1.2.6; 1.2.7; 82.2.1(c)]

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code §847).

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest, and protect the public safety.
  - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code §849(b)(1). The officer must include the basis of such a determination in a related report.
  - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
  - 1. Take the individual into physical custody for booking.
  - 2. Release the individual pursuant to a Notice to Appear.
  - 3. Release the individual pursuant to Penal Code §849.

## **364.5 REPORTING REQUIREMENTS** [1.2.5; 82.2.1(a)(b)]

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.



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Scott LaChasse, Chief of Police

**Policy  
366**

CALEA

Approved: *Scott LaChasse*

Effective Date: July 25, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Anti-Reproductive Rights Crimes Reporting

### 366.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code §13775 et seq.).

### 366.2 DEFINITIONS

Penal Code §423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.
- (b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.
- (c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

### 366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL [82.1.4]

- (a) Upon the receipt of the report of an ARRC, the Crime Analysis Unit it shall be responsible for completing an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.



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- (b) By the tenth day of each month, it shall be the responsibility of the Crime Analysis Unit to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.
1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
  2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by copies of the related Data Collection Worksheets.



# Burbank Police Department

Scott LaChasse, Chief of Police

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368**

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Limited English Proficiency

### 368.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC §2000d).

#### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized Interpreter** – A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or Interpretation** – The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English Proficient (LEP)** – Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified Bilingual Employee** – A designated employee of the Burbank Police Department who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees 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).



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## **368.2 POLICY**

It is the policy of the Burbank 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 employees.

The Department will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

## **368.3 LEP COORDINATOR**

The COPS Bureau Lieutenant shall act as the LEP Coordinator. The responsibilities of the LEP Coordinator include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Burbank Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.
- (c) Ensuring that a list of all qualified bilingual employees and authorized interpreters is maintained and available to the Watch Commanders and the Communications Center. The list should include information regarding the following:
  1. Languages spoken.
  2. Contact information.
- (d) Ensuring signage in the most commonly spoken languages is posted in appropriate areas stating that interpreters may be available free of charge to LEP individuals.
- (e) Reviewing existing and newly developed documents to determine which should be translated and into which languages.
- (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 certify individuals as qualified bilingual employees 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.
- (k) Developing effective outreach programs to LEP communities within the City.



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## **368.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that employees 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 those four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Department employees 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 employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

## **368.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Burbank Police Department employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept Department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

## **368.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to employees and other appropriate individuals, as necessary.

## **368.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.





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## **368.8 QUALIFIED BILINGUAL EMPLOYEES**

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established City procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services must demonstrate knowledge of the functions of an interpreter or translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual employees 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 employee from this Department is not available, personnel from other City departments or neighboring agencies, who have the requisite skills and competence, may be requested.

## **368.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the Department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the Department that demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this Department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

### **368.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual employees of this Department or personnel from other agencies or City departments.



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- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this Department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to Department guidelines.

## **368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication or in interpretation or translation (as noted above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Department employees must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

## **368.10 CONTACT AND REPORTING**

While all law enforcement contacts, services, and individual rights are important, this Department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any employee of this Department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

## **368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Burbank Police Department will take reasonable steps and will work with the Management Services Department to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.



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## **368.11.1 EMERGENCY CALLS TO 911 AND BUSINESS PHONE LINES**

Department employees will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known, and a qualified bilingual employee is available in the Communications Center, the call shall immediately be handled by the qualified bilingual employee.

If a qualified bilingual employee is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual, and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual employee to the assignment, if available, and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals using business phone lines seeking routine access to services and information by utilizing the resources listed in this policy.

## **368.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd or traffic control, and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Officers and supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that officers are able to effectively communicate the reason for a contact, the need for information, and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available and if the circumstances will allow, officers should obtain the assistance of a qualified bilingual employee or an authorized interpreter before placing an LEP individual under arrest.

## **368.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual employee is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made in accordance with the Use of Audio Recorders Policy. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.



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If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized Department employee or allied agency interpreter.
- An authorized telephone interpreter.
- Any other authorized or available interpreter.

Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

The use of an LEP individual's bilingual friends, family employees, children, neighbors, or bystanders may be used only when a qualified bilingual employee or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

## **368.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual employees or, if none are available or appropriate, authorized interpreters shall be used during custodial interrogations. Miranda warnings shall be provided to suspects in their primary language by the qualified bilingual employee or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations shall be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation, Custodial Interrogation, and Prosecution Policy.

## **368.15 BOOKINGS**

When gathering information during the booking process, employees should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Employees should seek the assistance of a qualified bilingual employee whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

## **368.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding employees of this Department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints about the availability of interpreters or translated forms will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Any notice required to be sent to an LEP individual as a complaining party pursuant to the



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Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

## **368.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this Department are important to the ultimate success of more traditional law enforcement duties. This Department will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

## **368.18 TRAINING**

To ensure that all employees who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access Department-authorized telephonic and in-person interpreters and other available resources.

The Training Coordinator shall be responsible for ensuring new employees receive LEP training. Those who may have contact with LEP individuals shall receive refresher training on the role of the interpreter and ethical responsibilities at least once every two years. Failure to complete this training may result in removal from the program. The Training Coordinator shall maintain records of all LEP training provided in accordance with established records retention schedules.



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Approved: *Scott LaChasse*

CALEA  
Effective Date: January 15, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Communications with Persons with Disabilities

### 370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 370.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary Aids** – Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY), videophones (video relay service or VRS); or a qualified interpreter.

**Disability or impairment** – A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified Interpreter** – A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

### 370.2 POLICY

It is the policy of the Burbank Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects, and arrestees have equal access to law enforcement services, programs, and activities. Members must make efforts to communicate effectively with individuals with disabilities.



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The Department will not discriminate against or deny any individual access to services, rights, or programs based upon disabilities.

## **370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR**

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The COPS Bureau Lieutenant shall act as the Department's ADA Coordinator.

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

- (a) Working with the City ADA coordinator regarding the Burbank Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include contact information and information about availability.
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## **370.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).





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- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

### 370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Burbank Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

### 370.6 TYPES OF ASSISTANCE AVAILABLE

Burbank Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.



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A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

### **370.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

### **370.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

### **370.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a



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telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### **370.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### **370.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### **370.12 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.



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All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

### **370.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **370.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speech-read by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.



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### 370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### 370.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

### 370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. A copy of complaints will also be referred to the Department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department unless approved by the Chief of Police or Deputy Chief.



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### 370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### 370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Coordinator shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### 370.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.





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Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Mandatory Employer Notification

### 372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

### 372.2 POLICY

The Burbank Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

### 372.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense enumerated below, the Chief of Police or designee is required to report the arrest as follows:

#### 372.3.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Chief of Police or designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

#### 372.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district





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employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

### **372.3.3 ARREST OF PRIVATE SCHOOL TEACHER**

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d) (12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private the private school authority employing 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).

### **372.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR**

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense listed enumerated in Health and Safety Code § 11591.5 or Health and Safety Code § 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 (Penal Health and Safety Code § 11591.5; Penal Code § 291.5).

### **372.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES**

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).



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CALEA

Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Biological Samples

### 374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

### 374.2 POLICY [83.2.7]

The Burbank 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.

### 374.3 PERSONS SUBJECT TO DNA COLLECTION [83.2.7]

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.

Additional information (including collection training) may be obtained from the California Office of the Attorney General:

<http://oag.ca.gov/bfs/prop69/faqs>

[http://oag.ca.gov/sites/all/files/pdfs/bfs/69IB\\_121508.pdf?](http://oag.ca.gov/sites/all/files/pdfs/bfs/69IB_121508.pdf?)

### 374.4 PROCEDURE [83.2.7(b)]

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.



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## **374.4.1 JAILER RESPONSIBILITIES [83.2.7(b)]**

- (a) Verify that the individual is required to provide a sample pursuant to Penal Code §296 or §296.1.
- (b) Contact the Records Bureau and request a query to verify that biological sample has not been previously collected. There is no need to obtain a biological sample if one has been previously obtained.
- (c) If a sample collection is required, use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination. Offender data collection shall be recorded by either following DOJ training and procedures for electronic submission utilizing LiveScan or by completing the manual data submission process, described in-part below:
  - 1. Complete the appropriate information on the DNA Collection Card (including right thumbprint and signature of the subject) and buccal swab handle.
  - 2. Attach a copy of the completed DNA Collection Card to the Booking Form.
  - 3. After collecting the sample, place the buccal swab in the envelope provided with the kit and place the barcode number (if available) across the flap of the envelope.
  - 4. Place the small buccal swab envelope and the original Collection Card in the provided larger envelope but **DO NOT SEAL** either envelope.
  - 5. Forward the DNA sample packet to the Watch Commander for verification.

## **374.4.2 WATCH COMMANDER RESPONSIBILITIES [83.2.7(b)]**

- (a) Upon receipt of the unsealed DNA collection packet from the Jail, verify the content of both envelopes to ensure the completeness of the packet.
- (b) Seal envelopes and forward the packet to the Records Bureau for mailing.

## **374.4.3 RECORDS BUREAU RESPONSIBILITIES [83.2.7(b)(d)]**

- (a) At the request of the Jail, 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.
- (b) Retrieve the sealed envelope received from the Watch Commander and place it in the designated receptacle in the Record Bureau copier room for mailing to the DOJ.

## **374.4.4 JAIL MANAGER RESPONSIBILITIES [83.2.7(c)]**

- (a) Ensure that all Jailers or those employees responsible for biological sample collections are properly trained both on the policy and the procedures for collection.
- (b) Order DNA Collection Kits to ensure a sufficient supply is always maintained in the Jail.



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## **374.5 USE OF FORCE TO OBTAIN SAMPLES**

If a person refuses to cooperate with the sample collection process, Jailers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. If the subject continues to refuse, Jailers should contact the Watch Commander.

Force will not be used in the collection of samples except as authorized by court order and only with the approval of the Watch Commander. 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.

The Watch Commander or designee will read Penal Code §298.1(a) to the arrestee. The admonishment should be audio or video taped as evidence. If the arrestee continues to refuse, the Watch Commander shall direct the Jailer to add Penal Code §298.1(a) as an additional charge to the booking.

The Watch Commander shall review and approve any plan to use force and be present to document the process. Any use of force shall comply with Use of Force Policy.

### **374.5.1 VIDEO RECORDING**

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (Title 15 CCR §1059).

### **374.5.2 CELL EXTRACTIONS**

If the use of force includes a cell extraction, the extraction should 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 (Title 15 CCR §1059).



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## **374.6 LEGAL MANDATES AND RELEVANT LAWS**

California law provides for the following:

### **374.6.1 DOCUMENTATION RELATED TO FORCE**

The Watch Commander shall prepare prior written authorization for the use of any force (Title 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. This requirement may be satisfied by making an entry in the Watch Commander's log and attaching a copy of the entry to the subject's booking form.

### **374.6.2 BLOOD SAMPLES**

A blood sample should only be obtained under this policy when:

- (a) The California DOJ requests a blood sample and the subject consents, or
- (b) A court orders a blood sample following a refusal.

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)).

The Watch Commander should make arrangements to transport the subject to either SJMC or an LA County facility with the resources for the blood withdrawal.

### **374.6.3 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.



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CALEA

Approved: \_\_\_\_\_

Effective Date: June 6, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Chaplains

### 376.1 PURPOSE AND SCOPE

The Burbank Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families, and members of the public. The chaplain position is an auxiliary position with no law enforcement authority.

### 376.2 POLICY

It is the policy of this Department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

### 376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for Department personnel when dealing with the public concerning incidents such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and similar situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Department.
- (c) By providing counseling, spiritual guidance, and insight for Department personnel and their families when and where appropriate.
- (d) By being alert to the spiritual and emotional needs of Department personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

### 376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must possess and display good character, judgment, and have a good reputation in the community.



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- (b) Must be ecclesiastically certified or endorsed, ordained, licensed, or commissioned by a recognized religious body and serving as staff at a church, synagogue, mosque, other house of faith, or faith-based institution.
- (c) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (d) Must possess a valid California Driver's License.
- (e) Must be willing to interact with anyone in the community regardless of race, ethnicity, religion, gender, sexual orientation, or criminal history.

## **376.5 SELECTION PROCESS**

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a Department chaplain:

- (a) Complete the appropriate written application.
- (b) Submit a written recommendation from their church elders, board, or council.
- (c) Participate in an interview with Chief of Police and Chaplain Supervisor.
- (d) Successfully complete a background investigation that includes review of any criminal record and verification of at least three personal references.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

## **376.6 DUTIES AND RESPONSIBILITIES**

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of Department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the Department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.
- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the field, diffusion of a conflict or incident, when requested.
- (f) 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 Department's mission.
- (g) Assisting Patrol officers in making death notifications to community members.
- (h) 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 personnel.





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- (i) Attending roll call, when appropriate.
- (j) Routinely visiting employees in their work areas to enhance professional relationships.
- (k) Counseling officers and other personnel with personal problems, when requested.
- (l) Attending Department functions such as academy graduations, ceremonies, and social events and offering invocations and benedictions, as requested.
- (m) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (n) Providing liaison with various religious leaders of the community.
- (o) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
- (p) Participating in in-service training classes.
- (q) Willingness to train to enhance effectiveness.
- (r) In cases that are beyond the chaplain's ability to assist, or require specialized attention, the chaplain may make referrals to appropriate support services.
- (s) Must be a member in good standing with the International Conference of Police Chaplains (ICPC).

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. 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.

Prayers or invocations at Department events shall be conducted in a manner that ensures the prayer or invocation is non-sectarian, non-proselytizing, and it does not advance a particular religious belief or faith over another, or disparages any others.

Chaplains may not accept gratuities for any service or follow-up contacts that were provided while functioning as a chaplain for the Burbank Police Department.

## **376.7 CLERGY-PENITENT CONFIDENTIALITY**

No person who provides chaplain services to members of the Department may work or volunteer for the Burbank 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 privilege and shall inform Department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege (California Evidence Code §1030-1034). In such cases, the chaplain should consider referring the member to a non-Department counseling resource.



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No chaplain shall provide counsel to or receive confidential communications from any Burbank Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

## **376.8 COMMAND STRUCTURE**

- (a) COPS Bureau is delegated the responsibility for the Chaplain Program.
- (b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Liaison Officer.
- (c) Generally, the Chaplain Liaison Officer shall serve as the liaison between the Chaplain Program and the Chief of Police. The Senior Chaplain will arrange for regular quarterly meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Program, coordinate activities that may concern the members of the Chaplain Program and arrange for training classes for chaplains.
- (d) Chaplains shall complete a "Waiver of Liability" form each year.
- (e) Chaplains agree to accept and cooperate with the policies and procedures of the Burbank Police Department.
- (f) The Chaplain Liaison Officer will receive copies of commendations or complaints regarding the chaplain's performance and actions. The Chaplain Liaison Officer will collect this and other information regarding the chaplain's performance and actions and document as appropriate.
- (g) Egregious, aggravated, and/or repeated flagrant violations of policy may result in the suspension of the chaplain or the requested termination of his/her services.

## **376.9 OPERATIONAL GUIDELINES**

- (a) Generally, chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain should serve with Burbank Police Department personnel a minimum of eight hours per month.
- (c) Chaplains shall be permitted to ride with officers during any shift and observe Burbank Police Department operations, provided the Watch Commander has been notified and approved of the activity. The chaplain shall be under the officer's supervision at all times.
- (d) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (e) In responding to incidents, a chaplain shall never function as an officer.
- (f) 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.
- (g) Chaplains shall serve only within the jurisdiction of the Burbank Police Department unless otherwise authorized by the Chief of Police or designee.



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- (h) Each chaplain may request from the Watch Commander access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.
- (i) A chaplain shall not be used to interview suspects as an agent of the Department.
- (j) A chaplain shall not release any information to the news media, insurance agencies, or any other person or entity, on anything which has been brought to his attention, or in which he has participated while functioning as a police chaplain.
- (k) The chaplain's purpose is to provide spiritual guidance and support to persons who choose to avail themselves of it. The chaplain is not to proselytize or promote any particular religious belief or system of beliefs.

## **376.9.1 UNIFORMS**

The Police Department will issue a uniform and associated equipment to chaplains. These articles shall remain the property of the Police Department and shall be returned to the Police Department upon the chaplain's separation from service. When not in uniform, chaplains shall wear appropriate business or business casual attire. An identification card will be issued to chaplains that shall be worn in an easily visible location.

## **376.10 TRAINING**

The Department will establish a minimum number of training hours and standards for Department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, response to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Coordinator.



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*Scott LaChasse*

CALEA

Effective Date: December 5, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Peer Support and Employee Assistance Programs

### 377.1 PURPOSE AND SCOPE [22.2.3]

The Burbank Police Department Peer Support Program and the City Employee Assistance Program (EAP) are established for the purposes of providing Department personnel with access to services to help them preempt and resolve emotional or other difficulties. The Department recognizes that the duties and responsibilities of law enforcement personnel are often emotionally demanding and difficult. It is common for employees to experience stress and related emotional difficulties.

### 377.2 POLICY [22.2.3]

It is the policy of this Department that the Peer Support Program provides support, training, and resources to assist Department employees and their families in managing professional and personal crises. The program is also aimed at enhancing the mental and emotional wellness of employees so they will be better prepared to more effectively process the stress and emotional trauma prevalent within the law enforcement profession.

### 377.3 DEFINITIONS

For the purposes of the Peer Support Program the following definitions apply:

**CRITICAL INCIDENT** – Any event that has emotional power to overwhelm an individual's usual ability to cope and which may interfere with the capabilities of a person's coping mechanism immediately or in the future.

**DEBRIEFING** – A discussion of a critical incident relating to the feelings and perceptions of those directly involved prior to, during, and after a stressful event; intended to provide support, education and an outlet for views and feelings associated with the event. Debriefings should consist of at least two Peer Support Team Members and a mental health professional. Debriefings are neither counseling nor an operational critique of the incident.



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**DEFUSING** – A brief discussion between person(s) involved in a critical incident and a peer support team member immediately following an incident. The purpose of a defusing is to restore the employee's cognitive functioning and to prepare him/her for future stress reactions resulting from the incident.

**MENTAL HEALTH PROFESSIONAL** – A licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

**PEER SUPPORT MEETING** – A discussion between a peer support person and an employee, an employee's family member, or significant other involving a stressful incident or situation. These meetings can also be offered by a mental health professional.

**PEER SUPPORT TEAM** – A group composed of trained peer supporters and a mental health clinician focused on providing assistance to employees during and after a critical incident.

**PEER SUPPORTER** – A trained employee who provides support and assistance to fellow employees experiencing personal or professional problems. This is accomplished primarily through listening, assessing, assisting with problem-solving, making referrals for additional resources, and conducting follow-up as needed.

**WELLNESS COMMITTEE** – The Wellness Committee was formed in July 2011 as a result of the POST Management Team Building Workshop. The purpose of the committee is to develop and implement programs that support Department employees in their efforts to maintain their own mental and physical wellbeing in light of the stressors faced by law enforcement personnel.

## **377.4 PROGRAM GOALS [22.2.3]**

The Peer Support Program goals are as follow:

- (a) Provide emotional support during and after times of personal or professional crisis to employees who express a need for assistance.
- (b) Develop peer supporters who can identify personal conflicts and provide guidance or referral to professional/alternate resources as required.
- (c) Maintain an effective peer support training and response program.
- (d) Support those who have had family tragedies.
- (e) Check on injured or ill employees to provided support where desired and needed.
- (f) Promote a team/family environment and unity within the Department.
- (g) Coordinate employee/family events and activities to build a well-rounded family support system for Department employees.



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## **377.5 REQUIREMENTS**

Candidates for the Peer Support Team shall meet the following requirements:

- (a) Possess an excellent service record and be in good standing within the Department.
- (b) Be empathetic and possess exceptional interpersonal and communication skills.
- (c) Be nonjudgmental.
- (d) Be able to offer optional resources and coping mechanisms.
- (e) Be motivated and willing to manage time effectively to allow minimal impact on a team member's normal duties.
- (f) Be willing to attend and successfully complete training programs.
- (g) Attend scheduled meetings.
- (h) Be willing to be called in after hours to respond to a critical incident.
- (i) Be motivated and eager to make a difference in the lives of fellow employees and their family members.

## **377.6 SELECTION PROCESS**

All interested employees who wish to serve as a peer supporter must submit a memorandum stating their interest through their chain-of-command to the Peer Support Program Coordinator.

Candidates will be selected by the Peer Support Program Coordinator with final approval by the Deputy Chief. The selection will be based on the candidate's motivational and communication and listening skills. A review of the candidate's background and Department personnel file may be considered.

## **377.7 CONFIDENTIALITY**

Communication between the Peer Supporter and a person is not legally protected or confidential. Peer Supporters are expected to provide emotional support and assistance and not solicit or receive information concerning civil, criminal or administrative misconduct. The Department has other resources to appropriately investigate potential misconduct.

Peer Supporters should inform the employee, prior to any discussions, that conversations are not legally protected or confidential.

In cases where a concern or question regarding confidentiality arises, the Peer Supporter must immediately contact the Program Coordinator who will take appropriate action. If a Peer Supporter begins to receive information from an employee concerning misconduct, the Peer Supporter should immediately stop the employee from divulging any further information. The Peer Supporter should remind the employee of the limitations of confidentiality provided by the program/policy. The Peer Supporter may continue the interaction with the employee under the guidelines of the program. If necessary, the Peer Supporter may terminate the employee interaction and refer the employee to



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other appropriate resources (Employee Assistance Program, Labor Union, a clergyman, or a mental health professional).

Under the gravest circumstances in which an employee discloses that a life-threatening incident may, or has occurred, the Peer Supporter shall notify his or her supervisor or the watch commander immediately.

## **377.8 DUTIES AND RESPONSIBILITIES [22.2.4]**

Employees experiencing emotional stress may initiate contact with a Peer Supporter person at any time.

### Initiation of Defusings

Defusing is a shortened version of debriefing provided within hours of a traumatic event. They are usually 20-45 minutes in length and provided by Peer Support Team Members.

The Goals of Defusing are as follow:

- (a) Mitigate the impact of the event
- (b) Reduce cognitive, emotional and physiological symptoms
- (c) Accelerate the recovery process
- (d) Assess the need for debriefings and other services.
- (e) Identify individuals who may need additional assistance.

### Initiation of Debriefings

A debriefing may be held within 24 to 72 hours after conclusion of a critical incident. They are usually one to three hours in length and involve at least two Peer Support Team Members, a mental health professional, and all of employees involved in the critical incident.

Debriefing procedures should be activated when the following types of critical incidents occur or as needed:

- (a) Death or serious injuries to a police Department employee.
- (b) Death or serious injury of an infant or child.
- (c) Mass casualty incidents e.g., airline crash, bus crash, large structural fires.
- (d) Major disasters.
- (e) Prolonged search and rescue incidents.
- (f) Any incident or situation deemed appropriate by a Division Commander.

In cases of officer involved shootings, affected employees will be debriefed and handled according to established procedures (refer to the Officer Involved Shooting Policy).





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Attendance at debriefings shall be mandatory for all employees involved in the critical incident.

The Goals of Debriefings are as follow:

- (a) Lower tension and mitigate a small group's reaction to a traumatic event.
- (b) Facilitation of normal recovery processes of normal people within a small group who are having normal reactions to an abnormal event.
- (c) Identification of people within a group who might be in need of additional individual support.

## Responsibilities

- (a) Supervisors: The supervisor of any police employee involved in a stressful incident is responsible for notifying a Peer Support Team member of the incident as soon as possible, giving information about the situation and the identities of the involved employees.  
  
Supervisors should remain alert to possible after-effects of involvement with a stressful event, and when necessary notify a Peer Support Team Member.
- (b) Peer Support Team Members: Peer Support Team Members upon notification are responsible for promptly contacting the employee(s) involved in the incident. Following initial contact, the Peer Support Team Member will contact the Peer Support Team Coordinator to advise him/her of the situation and to determine if a defusing or debriefing is required.

## **377.9 TRAINING**

The Peer Support Program Coordinator will see that proper training is maintained to ensure proficiency of the team to include in-service seminars and team meetings.

- (a) The Peer Support Team will meet quarterly to review incidents (types and numbers), scheduled training and discuss problems or successes encountered by the team. Active members' work schedules may be adjusted to minimize overtime.
- (b) The Peer Support Team will strive to read, study, and learn about police stressors and the processes that alleviate stress from critical incidents.
- (c) Peer Support Team members should attend a "Basic Peer Support" class and a "Basic Critical Incident Stress Management (CISM) class as soon as practical, followed by attendance at an "Advanced Critical Incident Stress Management" class at an appropriate time.
- (d) Peer Support Team members shall receive additional training in the following areas:
  - 1. Effective listening.
  - 2. Critical incident stress management.
  - 3. Debriefing and diffusing techniques.
  - 4. Post-traumatic stress.
  - 5. Problem-solving skills.



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6. General assessment skills.
  7. Referral and follow-up.
- (e) The California Peer Support Association offers a training conference each year. A select number of members may be budgeted to attend each year. Those in attendance shall provide training for team members unable to attend.

## **377.10 INTERNAL INVESTIGATIONS**

Occasionally, a Peer Supporter may assist an individual who is, or becomes, the subject of an internal administrative investigation. Peer supporters may not hamper or impede the actual investigation, nor may they attempt to protect the individual from the department's investigation.

The Peer Supporter's role in disciplinary situations should be one of support and assistance to individuals through the stress they may face during the disciplinary process. If a Peer Supporter has any questions or concerns regarding these situations, they should consult with the Program Coordinator for guidance and assistance.

## **377.11 COMMAND STRUCTURE**

The Wellness Committee is delegated the responsibility for overseeing the Peer Support Program.

The Chief of Police shall appoint a Peer Support Program Coordinator. The Peer Support Program Coordinator shall be responsible for:

- (a) General supervision of the program.
- (b) Recruitment and selection process for peer support applicants
- (c) Promoting employee awareness of the program.
- (d) Preparing and disseminating to all employees a current list of qualified Peer Supporters and a referral list of professional counseling services.
- (e) Identifying and coordinating the appropriate training for the Peer Support Program.
- (f) Maintaining monthly statistical data of reported contacts by Peer Support staff for program evaluation purposes.
- (g) Acting as the liaison for peer support referrals, and being responsible for assigning Peer Supporters to assist employees consistent with the particular need.
- (h) Providing guidance and assistance to Peer Support personnel when problems or questions arise.
- (i) Developing resources to assist employees when problems are identified.



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Scott LaChasse, Chief of Police

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## 377.12 OPERATIONAL GUIDELINES

The following guidelines provide the Peer Supporter's formal authority to obtain certain organizational resources and support he/she needs to assist fellow employees:

- (a) The Peer Supporter is authorized to use Department facilities to meet with employees, with appropriate prior approval as necessary.
- (b) The Peer Supporter is permitted to consult with employees on duty with advance notice to the Program Coordinator and approval from the Peer Supporter's immediate supervisor (No more information than necessary will be disclosed to the supervisor).

## 377.13 UNIFORMS

At all Peer Support "call-outs", functions, and events, casual business attire (Dockers/polo shirt) may be worn. The Peer Support "call-out" jacket may be worn during "call-outs".

## 377.14 EMPLOYEE ASSISTANCE PROGRAM [22.2.6]

In addition to the services available through the Peer Support Program, Department employees and their families have access to comprehensive and confidential contracted services offered by the City's Employee Assistance Program (EAP).

To obtain program services, employees may contact LifeMatters 24 hours a day, every day of the year at (800) 367-7474 or by visiting [mylifematters.com](http://mylifematters.com) (the password for employees is "burbank" and for supervisors "burbank2").

### 377.14.1 SUPERVISORY REFERRALS

When supervisors recognize changes employee job performance, work habits, or attitudes, they may recommend counseling through the City's EAP program to assist employees with any personal issues. Supervisors should be prepared to describe the services offered through the City's EAP and should offer to assist contacting the City's EAP provider. Employees may decline recommended referrals to EAP without penalty. Voluntary participation in the EAP program is strictly confidential and the provider will not release any information about an employee without the employee's signed consent.

The Training Coordinator shall be responsible for ensuring that all supervisors receive training in EAP services, supervisor's role and responsibilities, and identification of behaviors that would indicate the existence of employee issues or problems that could impact job performance.

### 377.14.2 MANDATORY REFERRALS

The Chief of Police or designee may require an employee to participate in EAP services for fitness for duty evaluations, due to performance deficiencies, or as a result of an employee's involvement in a critical incident. Although the case specifics will remain confidential, the EAP provider will update the Chief of Police or the Management Services Director with progress reports.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
380**

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Child and Dependent Adult Safety

### 380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code §833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and the Senior and Disability Victimization Policies.

### 380.2 POLICY

It is the policy of this Department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Burbank 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.

### 380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code §13517.7(b)(1)):

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.



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Officers should take reasonable steps to accomplish the arrest of a parent, guardian, or caregiver out of the presence of his or her child or dependent adult unless doing so will endanger personnel. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he or she will receive appropriate care.

### **380.3.1 AFTER AN ARREST**

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate. 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 recipients due to calls from unknown numbers.
  - 1. 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 or she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 2. Except when an existing court order limits contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian, or caregiver.
- (b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (c) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
- (d) 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.



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## 380.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code §851.5(c)).

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county, or state services agency.

## 380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name.
2. Sex.
3. Age.
4. Special needs (e.g., medical, mental health).
5. How, where, and with whom or which agency the child was placed.
6. Identities and contact information for other potential caregivers when practicable.
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 employee will document the following information:

1. Name.
2. Sex.
3. Age.
4. Whether he or she reasonably appears able to care for him or herself.
5. Disposition or placement information if he or she is unable to care for him or herself.

## 380.3.4 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.

## 380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other



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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's 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.

### **380.5 TRAINING**

The Training Coordinator is responsible to ensure that all personnel of this Department who may be involved in arrests affecting children or dependent adults receive POST-approved training on effective safety measures when a parent, guardian, or caregiver is arrested (Penal Code §13517.7).





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
382**

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Service Animals

### 382.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

#### 382.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** – A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR §35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

#### 382.2. POLICY

It is the policy of the Burbank Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

### 383.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.



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The following examples are some of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 382.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Burbank Police Department affords to all members of the public (28 CFR 35.136).

#### 382.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

#### 382.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.



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## **382.4.3 REMOVAL**

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this Department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

## **382.4.4 COMPLAINTS**

When handling calls of a complaint regarding a service animal, members of this [department/ office] 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 (i.e., Penal Code 365.5), 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). If demanded and elements of the crime exist, a police report for violation of Penal Code §365.5 should be taken for filing consideration or mediation by the City Attorney's Office.



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Scott LaChasse, Chief of Police

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Approved: *Scott LaChasse*

Effective Date: May 15, 2019

## CHAPTER 3 – GENERAL OPERATIONS

# BUSINESS CARDS

### 383.1 PURPOSE AND SCOPE

The Burbank Police Department is committed to a community-based policing strategy that promotes excellent community relations. Employees demonstrate professionalism and respect by providing their Department issued business card as outlined in this Directive.

Business cards are useful to initiate and maintain partnerships with the community which serves to achieve positive impact on crime and traffic matters, consistent with the Department's Mission.

The purpose of the policy is to establish guidelines for issuance and usage of BPD business cards.

### 383.2 POLICY

Business cards have been obtained by the Department and issued to all sworn and non-sworn employees to be provided to citizens as specified by this policy.

Unapproved or personal use of a Department business card is prohibited and may lead to disciplinary action.

### 383.3 USAGE

Police employees shall provide business cards to members of the community in the following situations:

- (a) Upon request (providing action does not interfere with the officer's performance of his/her duty),
- (b) At the completion of a citizen contact resulting in a police report.



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1. The employee should provide the person with his/her business card which will include the "DR" number and/or incident (event) number,
  2. A Citizen Information Card (C320-214) may be left instead of a business card in these cases.
- (c) For all follow-up activities (interviewing victims, witnesses, etc.),
1. Investigative personnel are exempt from this requirement when working in an undercover capacity, or if the display of a business card could compromise the safety of the witness/victim, or the integrity of the investigation.
- (d) Upon completion of a Business or Citizen Outreach Contact yellow card (C320-420) (unless refused),
- (e) For any other circumstances where appropriate.

When multiple officers are involved in an incident, only one officer with the highest level of engagement (contact or interaction) is required to provide a business card.

If more than one agency is involved, the primary agency shall be responsible for any business card distribution if applicable.

If there is any question or doubt as to the appropriateness of business card usage, officers shall consult their immediate supervisor.

## **383.4 PROHIBITED USE**

Employees shall not distribute or otherwise use or display business cards for the purpose of personal gain or favor.

California Penal Code § 146(d) makes it a misdemeanor for employees to sell or give to another a membership card, badge, or other device, where it can be reasonably inferred by the recipient that display of the device will have the result that the law will be enforced less rigorously as to such person than would otherwise be the case.



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## **383.5 PROCEDURE**

### Employee Responsibility

All sworn and designated non-sworn employees may receive an initial allotment of business cards and should immediately provide them as appropriate. It is the employee's responsibility to re-order cards before exhausting their supply as outlined in this Directive.

Any employee with adequate justification and supervisory approval may request business cards.

Nothing precludes an officer from designing his/her own business card as long as it conforms to the above specifications and has been approved by his/her commanding officer.

### Supervisor Responsibility

Supervisors should evaluate the justification of subordinates ordering business cards and facilitate employees' receipt of new business cards as outlined in this Directive.

### Record Bureau Manager's Responsibility

The Records Bureau Manager, or designee, will maintain a record of all completed requests for business cards. This information will be available to the Division Commanders upon request.

The Records Bureau Manager is responsible for rejecting orders for business cards that do not meet the standards established by this policy (i.e., missing required content upon the business card, unapproved formatting or symbols, etc.).

## **383.6 ACQUISITION OF BUSINESS CARDS**

Employees may send a memo to their immediate supervisor requesting business cards. As approved by a supervisor, an employee may request more cards than the standard order by providing the reason for the request.

Supervisors will forward the request to the Warrant Office and may authorize additional cards on sufficient cause.

The Warrant Office will complete and forward the standard City request to Reprographics. When the cards arrive, the Warrant Office will distribute the cards to the employee and maintain a record of the completed business card order. Business card orders generally take two weeks to fill.



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## 383.7 BUSINESS CARDS – FORMATTING AND LANGUAGE GUIDELINES

The front of the business card must contain the Burbank Police Department seal (or an image of the Department badge).

The card shall also contain the BPD main telephone number (818) 238-3000 and website address [www.Burbankpd.org](http://www.Burbankpd.org).

The following is an example of the front of an authorized business card:



The back of the business card must contain the following information:

- (a) The upper portion must contain appropriately identified spaces for the date, time, DR/incident #, and,
- (b) Each card must state the following information verbatim: If you wish to comment on the level of service you received, please call the main Burbank Police Department phone # (818) 238-3000 and ask to speak to a supervisor.
- (c) The last item shall be the Departmental recruitment website address.





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The following is an example of the back of an authorized business card:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ DR/Incident #: \_\_\_\_\_

If you wish to comment on the level of service you received,  
please call the main Burbank Police Department phone #  
(818) 238-3000 and ask to speak to a supervisor.

If interested in exploring a career in law enforcement visit

[www.burbankpd.org/recruitment/](http://www.burbankpd.org/recruitment/)

## 383.8 AUDITS

Audits of the use of Department business cards may be conducted by Internal Affairs, any Division Commander, or as directed by the Chief of Police.



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Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Volunteer Program

### 384.1 PURPOSE AND SCOPE [16.4.1]

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 in the day-to-day delivery of law enforcement services. Volunteers also bring new skills and expertise to the Department and prompt new enthusiasm.

#### 384.1.1 DEFINITION OF VOLUNTEER [16.4.1]

A non-sworn individual who performs a service for the Department without promise, expectation, or receipt of compensation for services rendered. The following positions are considered volunteer positions: unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support, and youth explorers.

### 384.2 VOLUNTEER MANAGEMENT

#### 384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administrative 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.



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- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.
- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

### 384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity 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.

### 384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.
- (b) Employment.
- (c) References.
- (d) Credit check.

A polygraph examination may be required of each applicant depending on the type of assignment.

### 384.2.4 SELECTION AND PLACEMENT

Unless exempted by the Chief of Police, successful completion of the Department's Community Academy is a prerequisite for becoming a volunteer. Service as a volunteer with the Department shall



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begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive copies of relevant manuals 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.

### **384.2.5 TRAINING [16.4.2]**

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

### **384.2.6 FITNESS FOR DUTY**

No volunteer shall report to work or be on-duty when his or 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.



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## **384.2.7 DRESS CODE**

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

## **384.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

## **384.4 CONFIDENTIALITY**

With appropriate security clearance and approval of a Division Commander, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in



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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 Chief of Police or designee.

### **384.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

#### **384.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing and department approved driver safety course.
- (b) Verification that the volunteer possesses a valid California Driver License.
- (c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

#### **384.5.2 RADIO AND MDC USAGE**

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

### **384.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an



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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.

### **384.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

### **384.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.





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Scott LaChasse, Chief of Police

**Policy  
386**

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Off-Duty Law Enforcement Actions

### 386.1 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 Burbank Police Department with respect to taking law enforcement action while off-duty. Since the employee may be considered a representative of the Burbank Police Department, and may subject the City of Burbank to liability, it is policy that all such actions will be reported and reviewed.

Nothing in this policy is intended to interfere with an officer exercising their rights afforded by the United States Constitutional or the Peace Officers' Bill of Rights when facing administrative or criminal investigation.

#### 386.1.1 DEFINITIONS

An **off-duty incident** is any time an off-duty employee:

- Is detained or arrested for a crime, other than a minor traffic violation.
- Becomes involved in a physical confrontation and may be known to be an employee of the Department.
- Identifies himself or herself, either verbally or by displaying a badge, ID, or other items, as a police officer for purposes of utilizing peace officer powers or represents himself or herself as an employee in an official capacity.
- Is involved in the pursuit, detention, or arrest of a suspect in any crime.
- Discharges a firearm; other than intentionally doing so at a range, or when engaged in a lawful sporting use of the firearm.
- Uses or displays a firearm to gain compliance from a person in any situation.

### 386.2 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,



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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 or 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.

### 386.3 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's Firearms and Qualification 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.

### 386.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC, or baton.
- (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.



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## **386.4.1 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 or herself as a Burbank Police Department officer until acknowledged. Official identification should also be displayed.

## **386.4.2 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.

## **386.4.3 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.

## **386.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he or she needs to maintain an undercover capability.

## **386.5 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 document the incident in the form of a memorandum to the appropriate Division Commander.
- The Watch Commander shall direct the employee to prepare a memorandum to his or her Division Commander explaining the circumstances and action taken.
- The employee shall complete the memorandum and submit it upon his or her next regular work shift. If immediate documentation is necessary, the Watch Commander will direct the employee to complete the memorandum at a time that is appropriate.
- If the off-duty incident involving the employee results in the employee's arrest or could result in disciplinary action, all provisions of the Peace Officers' Bill of Rights and City policy shall be followed.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
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Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 3 – GENERAL OPERATIONS

# Illness and Injury Prevention

### 388.1 PURPOSE AND SCOPE

The health and safety of the members of the Burbank Police Department is important to executive and management staff and is critical to the operation of this Department and the delivery of services to the community.

The purpose of this policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the Burbank Police Department, in accordance with the requirements of 8 CCR 3203. This policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring that these guidelines and directives are implemented.

This policy does not supersede, but supplements any related Citywide safety efforts.

### 388.2 RESPONSIBILITY

The COPS Bureau Lieutenant, acting as the Department's IIPP administrator, has the authority and responsibility for implementing the provisions of this policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

### 388.3 COMPLIANCE

Supervisors are responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all members. Supervisors should take reasonable steps to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

- (a) Informing workers of the provisions of the IIPP.
- (b) Recognizing employees who perform safe work practices.



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- (c) Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.
- (d) Ensuring that the member's evaluation process includes the member's safety performance. Ensuring the Department's compliance with mandates regarding:
  - 1. Bloodborne pathogens (8 CCR 5193)
  - 2. Airborne transmissible diseases (8 CCR 5199)
  - 3. Heat illness (8 CCR 3395)
  - 4. Respiratory protection (8 CCR 5144)
  - 5. Fire Prevention Plan (8 CCR 3221)
  - 6. Emergency Action Plan (8 CCR 3220)
  - 7. Hazards associated with wildfire smoke (8 CCR 5141.1)

Supervisors are responsible for training, counseling, instructing, or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when reasonable and appropriate under the Conduct Policy.

All members should use safe work practices, follow all directives and policies, and assist in maintaining a safe work environment.

## **388.4 COMMUNICATION**

Supervisors shall establish and maintain communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

- (a) The COPS Bureau Lieutenant will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  - 1. New worker orientation, including a discussion of safety and health policies and procedures.
  - 2. Regular employee review of the IIPP.
  - 3. Workplace safety and health training programs.
  - 4. Provide the locations for the Automated External Defibrillator (AED) device (Detective Bureau Hallway, Watch Commander Officer, Gym).
  - 5. Safety meetings.
  - 6. Posted or distributed safety information.
  - 7. A system for workers to anonymously inform management about workplace hazards.
  - 8. Establishment of a labor/management safety and health committee, which will:
    - a. Meet regularly.



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- b. Prepare a written record of the safety and health committee meeting.
- c. Review the results of periodic scheduled inspections.
- d. Review investigations of accidents and exposures.
- e. Make suggestions to management for the prevention of future incidents.
- f. Review investigations of alleged hazardous conditions.
- g. Submit recommendations to assist in the evaluation of employee safety suggestions.
- h. Assess the effectiveness of the Department's efforts to meet the following mandates:
  - 1. Bloodborne pathogens (8 CCR 5193)
  - 2. Airborne transmissible diseases (8 CCR 5199)
  - 3. Heat illness prevention (8 CCR 3395)

## **388.5 HAZARD ASSESSMENT AND INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards utilizing the applicable sections of the Hazard Checklist to ensure a thorough inspection. These checklists should be tailored to each job site with the assistance of the City of Burbank Safety Office and can be found on the City of Burbank Employee Network. Monthly safety inspections shall be completed for each work site (Police Department, Police Range, Animal Shelter, Off Site Storage Facility) by the Bureau Commander or designee, utilizing the Hazard Checklist. Any hazard identified during such inspections shall be brought to the attention of the COPS Bureau Lieutenant and Public Safety Facility Technician.

The Public Safety Facility Technician is responsible for the inspection and maintenance of the AED's located throughout the Department.

### **388.5.1 COPS BUREAU LIEUTENANT DUTIES**

The COPS Bureau Lieutenant shall ensure an identified hazard is corrected for each inspection where a hazard has been identified.

### **388.5.2 PATROL OFFICERS INSPECTION DUTIES**

Officers are charged with daily vehicle inspection of an assigned vehicle and of personal protective equipment prior to working in the field. Officers shall notify a supervisor if an unsafe condition cannot be immediately corrected.

### **388.5.3 SUPERVISOR ASSESSMENT DUTIES**

Supervisors should inform the COPS Bureau Lieutenant when the following occurs:



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- New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- New and/or permanent or intermittent workers are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
- Whenever workplace conditions warrant an inspection.

The COPS Bureau Lieutenant will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

## **388.6 ACCIDENT/EXPOSURE INVESTIGATIONS**

Members must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. 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 visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident or exposure.
- Corrective action to prevent the accident or exposure from reoccurring.
- A record of the investigation, findings, and corrective actions taken.

## **388.7 HAZARD CORRECTION**

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.

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered when reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers 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.





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All significant actions taken and dates they are completed shall be documented on an Identified Hazard and Correction Form. This should be forwarded to the COPS Bureau Lieutenant via the chain of command.

## **388.8 TRAINING AND INSTRUCTION**

The Training Coordinator shall ensure that all members, including supervisors, are trained on general and job-specific, workplace safety and health practices. Training shall be provided as follows:

- To all new members for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
- To all members given new job assignments for which training has not previously been provided.
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- Whenever the Department is made aware of a new or previously unrecognized hazard.
- To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
- To all members with respect to hazards that are specific to each member's job assignment.
- An explanation of the Department's IIPP, emergency action plan, and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
- The use of appropriate clothing, including gloves, footwear, and personal protective equipment.
- Information about chemical hazards to which members could be exposed.
- The availability of toilet, hand-washing and drinking-water facilities.
- Provisions for medical services and first aid, including emergency procedures.
- Steps to prevent heat illness (8 CCR §3395).

## **388.9 RECORDKEEPING**

The COPS Bureau Lieutenant will do the following to implement and maintain IIPP records:

- (a) Make available the Hazard Identification and Correction Form to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.
- (b) Document the safety and health training of each member.
- (c) Retain inspection records and training documentation for a minimum of one year.



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## 388.10 TRAINING SUBJECTS

The Training Coordinator should ensure that training is provided on the following topics:

- Driver safety.
- Safe procedures for handling, cleaning and/or storing weapons.
- Good housekeeping and fire prevention.
- Back exercises/stretching and proper lifting techniques.
- Lock-out/tag-out procedures.
- Hazardous materials.
- Building searches.
- Slips and falls.
- Ergonomic hazards, including working in a stooped posture for prolonged periods.
- Personal protective equipment (8 CCR 3380).
- Respiratory equipment.
- Hazardous chemical exposures.
- Hazard communication.
- Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation.
- Bloodborne pathogens and other biological hazards.
- AED use.
- Other job-specific hazards.



# Burbank Police Department

Michael Albanese, Chief of Police

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Approved: \_\_\_\_\_

Effective Date: October 7, 2021

## CHAPTER 3 – GENERAL OPERATIONS

# Department Use of Social Media

### 389.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure use of social media on behalf of the Department is consistent with the Department's mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by Department members (see 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).

#### 389.1.1 DEFINITIONS

**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.

### 389.2 POLICY

The Burbank Police Department may use social media as a method of effectively informing the public about Department services, issues, investigations, other relevant events, and as a way of engendering openness and transparency.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 389.3 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 only use Department-approved equipment during



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the normal course of duties to post and monitor Department related social media, unless they are specifically authorized to do otherwise by their supervisor.

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.

## **389.4 AUTHORIZED CONTENT**

Only content that is appropriate for public release, that supports the Department mission and conforms to all Department policies regarding the release of information may be posted.

Examples of appropriate content include, but is not limited to:

- (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) News releases.
- (h) Recruitment of personnel.
- (i) Records or documents which are legislatively mandated by law.

### **389.4.1 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 Media Relations Sergeant or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

## **389.5 PROHIBITED CONTENT**

Content that is prohibited from posting, 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.



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- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise the safety and security of Department operations, members of the Department, victims, suspects or the public.
- (e) Any content posted for personal use.
- (f) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Burbank Police Department or its members.
- (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.

## **389.6 MONITORING CONTENT**

The Chief of Police will appoint the Audits and Inspections 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.

## **389.7 RETENTION OF RECORDS**

The Administrative Division Commander should work with the Records Bureau Manager 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.

## **389.8 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.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
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Approved: *Scott LaChasse*

CALEA

Effective Date: December 5, 2013

## CHAPTER 3 – GENERAL OPERATIONS

# Crime Prevention and Community Relations

### 391.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the Department's crime prevention procedures and programs to encourage community involvement and relationship-building with the Police Department to address crime and quality of life concerns within the community.

### 391.2 POLICY

It is the policy of the Burbank 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.

### 391.3 MEMBER RESPONSIBILITIES

Crime prevention and education is a shared responsibility of all members of the Burbank Police Department. All members are expected to provide useful crime prevention information to community members in the course of their duties. The information may be provided in person, over the phone, by distributing crime prevention literature, through the Department's website, or social media channels.

As time and circumstances permit, members should make casual and consensual contacts with community members to promote positive community relationships. Members should be reasonably familiar with the schools, businesses, and community groups in their assigned areas. Members should also work with the Community Resource Officer (CRO) coordinator to identify issues and solve problems related to community relations and public safety.

Notwithstanding the above, the Community Outreach and Personnel Services (COPS) has primary responsibility for the Department's overall crime prevention activities, including a documented evaluation of crime prevention programs at least once every two years.



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## **391.4 CRIME PREVENTION AND COMMUNITY INVOLVEMENT ACTIVITIES**

Crime prevention efforts require integrated and coordinated Departmental response. As such, the Department's crime prevention activities should involve various functions of the Department, including the Patrol Bureau, Investigation Bureaus, COPS Bureau, and the Crime Analysis Unit. To meet the Department's crime prevention goals, the relevant units shall participate in weekly crime control meetings to engage in an interactive process to identify crime trends and their sources and to formulate collaborative mitigation strategies to target crime types, geographic areas, or both based on crime data provided and analyzed by the Crime Analysis Unit.

The crime control meetings should be supplemented with the regular distribution of crime prevention reports and bulletins.

### **391.4.1 COMMUNITY OUTREACH**

To help promote positive relations with the community, the COPS Bureau will administer the following programs:

- (a) Volunteer Program – The program gives qualified individuals the opportunity to lend their time and skills to help the Department.
- (b) Citizen's Community Academy – The program is designed to familiarize citizens with the Department's community policing philosophy, internal policies, and the guiding principles of law and ethical conduct governing the delivery of police services within the community.
- (c) Youth Academy – The program is designed to educate young men and women on how to pursue a career in law enforcement or other areas of public service.
- (d) Neighborhood Watch – The program allows members of the community to take an active role in the safety of their neighborhoods through vigilance and cooperation with the Police Department.
- (e) Police Explorer Program – The program allows youth to provide service to the community through community events and outreach efforts.

Additionally, the CRO assigned to the COPS Bureau, will be responsible for helping establish Neighborhood Watch groups where needed and the coordination of the below listed community events designed to promote community involvement in crime prevention activities, police-community partnerships, and neighborhood camaraderie:

- (a) National Night Out
- (b) Shop with a Cop
- (c) Special Olympics Tip a Cop
- (d) Police-Fire Service Day
- (e) DEA Drug Take Back
- (f) Neighborhood Watch Meetings
- (g) Coffee with a Cop





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The community relations coordinator or designee will also organize surveys to measure the condition of the Department's relationship with the community on a bi-annual basis. The survey questions should be designated to evaluate perceptions of overall performance, overall competence of department members, attitude and behavior of department members, level of community trust, and safety and security concerns.

### **391.4.2 INFORMATION SHARING**

The community relations coordinator or designee should work with the Media Relations Sergeant 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
- (d) Community newsletter

### **391.4.3 COMMUNITY COMPLAINTS**

All community complaints received by this Department, including those received from the City's Community Assistance Coordinator, should be forwarded to the Executive Secretary for logging and assignment.

The member assigned to the complaint will be responsible for contacting the complainant upon receipt of the complaint and when necessary, after the disposition of the complaint. If a complaint requires action by another Department or agency, the assigned member shall either forward the complaint to the appropriate destination or inform the complainant, including how to contact the Department or agency of jurisdiction.

When completed, the disposition of complaints, including those forwarded to another department or agency of jurisdiction, shall be sent to the Executive Assistant to update the disposition of complaints on the log.

### **391.5 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)**

Crime prevention through environmental design is an approach to deter or prevent crime and criminal behavior through environmental design. This multi-disciplinary approach considers environmental conditions and the opportunities they offer to deter criminal or other unintended and undesirable behaviors. CPTED attempts to influence offender decisions that precede criminal acts by using elements of the environment to control access, enhance perceived risk of detection and apprehension, and encourage the maintenance of property by the owners.



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The Media Relations Supervisor will be responsible for the Department's CPTED function as it pertains to the initial review of plans submitted by the Building Division of the Community Development Department. The Media Relations supervisor shall review site plans submitted by the Building Department to identify problem areas and make documented crime prevention recommendations, which may include:

- (a) Changes to the physical design and layout
- (b) Modifications to laws, rules, regulations, policies, and procedures
- (c) Target hardening (barriers, improved lighting, electronic alarms)
- (d) Security enhancements (CCTV)
- (e) Crime prevention education and awareness

The Media Relations supervisor should receive training on CPTED strategies and concepts, understanding site plans, and conducting site plan reviews.

## **391.6 CRIME STOPPERS**

The Burbank Police Department participates in the Los Angeles Regional Crime Stoppers program which allows members of the community to submit anonymous information about criminal activity.

Information received by Crime Stoppers is sent to the Department via email. The Media Relations Supervisor is responsible for administering the program, including:

- (a) Logging of received "tips" or information. Forwarding the information (Crime Stoppers "Fact Sheet") to the appropriate bureaus for review, as necessary.
- (b) Completing and submitting the Crime Stoppers disposition forms to the program by the due date.

Department personnel shall give no less importance or lower priority to information received through Crime Stoppers as through any other source. The information should be reviewed and evaluated for possible immediate or future action. Department personnel shall not suggest or request that information be submitted through Crime Stoppers instead when the information is reported directly to any Department member.

## **391.7 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.



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Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

### **391.8 TRANSPARENCY**

The Department should periodically publish statistical data and analysis regarding the Department's operations (e.g., policies, internal affairs, crime statistics). The reports should not contain the names of officers, suspects, victims, or case numbers.

### **391.9 TRAINING**

Subject to available resources, members should receive training related to this policy, including training topics such as:

- (a) Effective social interaction and communication skills
- (b) Cultural, racial and ethnic diversity relations
- (c) Building community partnerships
- (d) Community policing and problem-solving principles
- (e) Enforcement actions and their effects on community relations



# Burbank Police Department

Michael Albanese, Chief of Police

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Approved:

A handwritten signature in black ink, appearing to read "M. Albanese".

CALEA

Effective Date: August 22, 2019

## CHAPTER 3 – GENERAL OPERATIONS

# Gun Violence Restraining Orders

### 392.1 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).

#### 392.1.1 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).

### 392.2 POLICY

It is the policy of the Burbank 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.

### 392.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).



# Burbank Police Department

Michael Albanese, Chief of Police

## Policy 392

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 form (Penal Code § 18122 / CA SB 538; Penal Code § 18140).

### 392.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

- (a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.
- (b) When responding to any call involving violence, potential violence, or the threat of violence when a firearm is present or when one of the involved parties owns or possesses a firearm.
- (c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (Penal Code § 18108).

### 392.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

- (a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
- (b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
- (c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
- (d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
- (e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
- (f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager 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.



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All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

### **392.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS**

An officer requesting a temporary emergency gun violence restraining order, shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

### **392.5 SEARCH WARRANTS**

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Arrest and Search Warrants Policy. Additionally, (Penal Code § 1542.5):

- (a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.
- (b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:
  - 1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
  - 2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.
- (c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe should be done in the owner's presence, safety permitting.

### **392.6 RECORDS MANAGER RESPONSIBILITIES**

The Records Manager 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



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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).

## **392.7 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.

## **392.8 RELEASE OF FIREARMS AND AMMUNITION**

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

## **392.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR**

The Chief of Police will appoint a gun violence restraining order coordinator from the Investigations Division. The coordinator will work in conjunction with the Mental Health Evaluation Team (MHET). 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.





# Burbank Police Department

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3. A gun violence restraining order issued after notice and hearing.
- (b) Developing and maintaining the below listed factors to consider when assessing the need to seek an order:
1. Whether threats have been made, and if so, whether the threats are credible and specific.
  2. Whether the potential victim is within close proximity.
  3. Whether the person has expressed suicidal tendencies.
  4. Whether the person has access to firearms.
  5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation or monitored release.
  6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
  7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
  8. Whether the person has any history of drug or alcohol abuse.
- (c) Developing and maintaining the below listed procedures for the receipt and service orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160:
1. Evaluation of an order to determine appropriate service and necessary precautions.
  2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.
  3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
  4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
  5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.
- (d) Coordinating with the Training Coordinator 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.



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1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

## **392.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS**

The Investigation Division supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

## **392.11 POLICY AVAILABILITY**

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

## **392.12 TRAINING**

The Training Coordinator should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 400

CALEA

Approved: *Scott LaChasse*

Effective Date: November 12, 2013

### CHAPTER 4 – PATROL OPERATIONS

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division of the Department to ensure cooperation and information sharing among all agency functions and personnel.

### 400.2 PATROL FUNCTION

Officers will generally patrol in clearly marked vehicles, in assigned patrol jurisdictional areas of Burbank, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws, and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol Division and other divisions within the Department, as well as other outside governmental agencies.
- (h) The application of resources to specific problems or situations within the community, which may be improved or resolved by a specified Patrol Mission and problem solving strategies
- (i) Traffic direction and control.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 400

### **400.2.1 PRELIMINARY AND FOLLOW UP INVESTIGATIONS**

As first responders, patrol officers are responsible for the preliminary investigation of crimes, including interviewing reporting parties, witnesses, and suspects. With the approval of a supervisor or the Watch Commander, officers may conduct limited follow up investigations. Detectives are responsible for all necessary follow up investigations and the final disposition of all cases.

Patrol officers should consider a detective callout for homicides, suspicious deaths, officer involved shootings, and any other serious felony that requires immediate and extensive follow up.

### **400.2.2 TERRORISM**

It is the goal of the Burbank Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or a Field Interview Card (FI). The supervisor should ensure that all terrorism related reports and FI cards are forwarded to the Intelligence Officer in a timely fashion.

### **400.3 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain cooperation and information flow between the various Divisions of the Burbank Police Department.

#### **400.3.1 CRIME ANALYSIS UNIT**

The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Crime Analyst for distribution to all Divisions within the Department through daily and special bulletins.

#### **400.3.2 CRIME REPORTS**

A crime report may be completed by any patrol officer who receives criminal information. The report shall be processed and forwarded to the appropriate Bureau for retention or follow-up investigation.

#### **400.3.3 PATROL BRIEFINGS**

Patrol, detective, special unit supervisors, and members of the Crime Analysis Unit are expected to share information as much as possible, including at the weekly Crime Control meetings. Supervisors and officers will be provided an opportunity to share information at the daily briefings as time permits. Whenever possible, representatives from other Bureaus shall attend Patrol briefings to enhance the exchange of information.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 400

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### 400.3.4 INFORMATION CLIPBOARDS

Information clipboards should be maintained in the Patrol Briefing Room to be available for review by officers from all Divisions within the Department. The information clipboards should include Patrol area checks, wanted persons, and new or revised written directives.

### 400.3.5 BULLETIN BOARDS

A bulletin board shall be kept in the Patrol and Investigation Division Briefing Rooms for display of suspect information, intelligence reports, and photographs. New Department Directives and new or revised policies should be discussed at briefings and shift meetings, as appropriate.

## 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. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety or 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.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
402**

Approved: *Scott LaChasse*

CALEA  
Effective Date: February 15, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to Department members that affirms the Burbank Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specific 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-based policing*– An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

### 402.2 POLICY

The Burbank Police Department is committed to providing law enforcement services to the community with due regard and sensitivity for the racial, cultural or other differences of those we serve. It is the policy of this department to provide professional law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

Race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

### 402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.



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### 402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

- (a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.
- (b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

### 402.4 MEMBER RESPONSIBILITIES

Every member of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

If a detained person voices that they have been detained as the result of biased-based policing, the detaining officer shall immediately request a supervisor respond to the scene. The detained person should be told a supervisor has been requested however, shall not be delayed any longer than necessary to complete the investigation at hand (e.g., arrest, F.I. card, citation, etc.). If by the end of the detention the supervisor has not arrived, the detained person should be told they are free to leave and the time of advisal noted on the Officer's Daily Log.

#### 402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

### 402.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with Personnel Complaint Procedure Policy.

Supervisors shall take appropriate action when they become aware of any instance of bias-based policing.





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## Policy 402

When directed, supervisors shall initiate an investigation of any actual or alleged violations of this policy.

The Audits and Inspections Unit will periodically review PUMA recordings used to document contacts between officers and the public to ensure compliance with this policy.

Recordings that capture a potential instance of bias-based policing shall be forwarded by the Audits and Inspections Unit to the Division Commander of the affect employee.

Supervisors should ensure that no retaliatory action is taken against any member of this Department who discloses information concerning bias-based policing.

### 402.6 ADMINISTRATION

Annually, the Internal Affairs Lieutenant shall review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

This report should not contain any identifying information regarding any specific complaint, member of the public or officers. It should be reviewed by the Chief to identify any changes in training or operations that should be made to improve service.

Supervisors of Department employees who regularly interact with the public (or supervisors as directed by the Chief or designee) should review the annual report and discuss the results with those they are assigned to supervise.

#### 402.6.1 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Internal Affairs Bureau Lieutenant or the authorized designee shall ensure that all data required by the California 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).

### 402.7 TRAINING

All sworn members of this department must attend POST approved training on the subject of biased based policing.

All members of this Department are encouraged to familiarize themselves with and exhibit the highest degree of professionalism and tolerance for racial and cultural differences among members of this community.

Each member of this Department who received initial POST approved bias-based policing training will thereafter be required to complete an approved refresher course annually, if deemed necessary in order to keep current with changing racial, identity, and cultural trends (Penal Code §13519.4(i)).



# Burbank Police Department

Michael Albanese, Chief of Police

**Policy  
403**

Approved: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Michael Albanese".

CALEA

Effective Date: November 16, 2021

## CHAPTER 4 – SUPPORT SERVICES

# Racial and Identity Profiling Act (RIPA)

### 403.1 PURPOSE AND SCOPE

On or before January 1, 2022, the Department will begin to collect data on all stops conducted by peace officers within the Department. Commencing on or before April 1, 2023, the Department is required to annually report to the California Attorney General data on all stops conducted by peace officers within the Department during the preceding calendar year (Government Code § 12525.5).

#### 403.1.1 DEFINITIONS

The following definitions relate to terms used within this policy:

**Peace Officer** – *Any sworn Department Member working outside a custodial setting.*

**Stop** – *Any detention of a person and/or search, including a consensual search, of the person's body or property in the person's possession or control.*

**Search** – *Any search of a person's body or property in the person's possession or under his or her control, and includes a pat down search of a person's outer clothing as well as a consensual search.*

### 403.2 DATA COLLECTION

Peace officers within the Department **shall** complete all applicable data fields in the Department's AB 953 RIPA Stop form for each stop. All RIPA reports **shall** be completed and approved in the Veritone application system by a supervisor by end of watch or, if exigent circumstances exist, as soon as practicable.

The data fields include, but are not limited to the following:

1. The time, date, duration, and location of the stop.
2. The reason for the stop.
3. The result of the stop, such as, no action, warning, citation, property seized or arrest.
4. If a warning or citation was issued, the warning provided, or violation cited.
5. If an arrest was made, the offense charged.
6. The perceived race or ethnicity, gender, and approximate age of the person stopped, provided



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Michael Albanese, Chief of Police

## Policy 403

that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information **shall not be** requested from the person stopped. When reporting the required data elements, the peace officer shall make his or her determination based on personal observation only. For motor vehicle stops, this section only applies to the driver, unless any actions specified under subsection 7 apply in relation to a passenger, in which case the characteristics specified in this section shall also be reported for him or her.

7. Actions taken by the peace officer during the stop, including, but not limited to, the following:
  - (a) Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.
  - (b) Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.
  - (c) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

Stops involving multiple peace officers shall only require reporting by one peace officer. In most cases, this shall be the peace officer making initial contact.

**Exceptions to Completion Requirements.** Officers are not required to complete a RIPA form in the following circumstances:

1. Detentions that occur during public safety mass evacuations, including bomb threats, gas leaks, flooding, earthquakes, and other similar critical incidents;
2. Detentions that occur during an active shooter incident, such as when an individual is actively engaged in killing or attempting to kill people in a populated area;
3. Detentions or searches that occur during or as a result of routine security screenings required of all persons to enter a building, school or special event, including metal detector screenings and any secondary searches that result from that screening;
4. Detentions that occur during a crowd control situation in which pedestrians are directed to remain at a location or routed to a different location for public safety purposes;
5. Interactions during which persons are detained at a residence only, so that officers may check for proof of age for purposes of investigating underage drinking;
6. Checkpoints or roadblocks in which an officer detains a person as the result of a blanket regulatory activity that is not based on an individualized suspicion or personal characteristic;
7. Passenger(s) of traffic stops who are not the subject of an investigation or enforcement action [(e.g., any person(s) being asked to exit the vehicle simply because it is being impounded)];
8. The targeted subject(s) of a warrant, search condition, home detention, or house arrest while in their residence; or,
9. Consensual encounters that do not result in a search or detention.



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## Policy 403

**Multiple Officers:** When there are multiple officers at the scene and interacting with the detained or searched person(s):

- (a) Only one officer shall submit the RIPA form;
- (b) The officer with the highest level of engagement (contact or interaction) is responsible for completing the RIPA form.

**Supervisor's Responsibilities:** Supervisors shall be responsible for:

- (a) Reviewing RIPA forms **in a timely manner** to ensure that officers are properly completing the RIPA form in accordance with AB 953.
- (b) Editing or directing the completing officer to revise the narrative portions of the RIPA form, when appropriate.

**Watch Commander's Responsibilities:** Watch commanders shall be responsible for ensuring that supervisors review RIPA reports for completeness and accuracy **in a timely manner**.

All RIPA reports **shall** be completed by end of watch or, if exigent circumstances exist, as soon as practicable.

### 403.3 REPORTING TO THE CALIFORNIA ATTORNEY GENERAL

The Professional Standards Bureau Lieutenant is the custodian of all data collected. The Professional Standards Bureau Lieutenant or his/her authorized designee shall ensure data is collected and reported in accordance with Government Code section 12525.5 and that all data collected is used strictly within the scope of compliance with this policy. The data provided to the California Attorney General shall not include the name, address, social security number or other unique personal identifying information of persons stopped, searched, or subjected to a property seizure, and shall not include any unique identifying information of the peace officer collecting the data.

All RIPA data collected is public record and open to public inspection. No identifying information about the peace officers collecting the data shall be publicly disclosed.

Department Members, other than the Professional Standards Bureau Lieutenant, or his/her designee, may not access the Department's server to view RIPA data without authorization from the Chief of Police or designee. The RIPA data collected shall not be used for disciplinary purposes or for use in performance evaluations.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
404**

CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Shift Briefing

### 404.1 PURPOSE AND SCOPE [41.1.2]

Roll Call is generally conducted at the beginning of the officers' assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call. Officers may conduct Roll Call, however, for training purposes with supervisor approval.

Roll Call should accomplish at least the following basic tasks:

- (a) Notifying officers of new or revised policies or directives.
- (b) Notifying officers of schedules and assignments.
- (c) Briefing officers regarding crime analysis information, area checks, daily patrol activities, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on case law, recent legislation, and other related subjects.
- (f) On-going review of critical policies.

### 404.2 PREPARATION OF MATERIALS

Supervisors conducting shift briefings are responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to officer in case of absences or for training purposes.

### 404.3 OFFICER RESPONSIBILITIES AT ROLL CALL

Officers are expected to be in the briefing room at the designated start time wearing the appropriate uniform. Officers are expected to be attentive and are responsible for gathering all necessary information to address crime and other community concerns. At a supervisor's direction, officers may provide roll-call training. At the direction of the Watch Commander, officers may conduct roll-call in the absence of a supervisor.

Disruptive behavior during briefings is prohibited.



# Burbank Police Department

Scott LaChasse, Chief of Police

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404**

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## **404.4 ROLL CALL INFORMATION SHEET**

The Roll Call Information Sheet (Form C320-56) is designed to provide patrol officers with information regarding a specific officer safety concern or additional beat information regarding criminal activity. The form can be completed by any employee and submitted to the Watch Commander for approval. Forms should include all pertinent information, including photos and other attachments. The reporting party information should include a cell phone and an email address, if possible.

Once approved, the original form should be placed on the designated clipboard in the briefing room. Copies should be routed to the Watch Commander's Office, the Communication Center, and Air Support.

Supervisors should read Roll Call Information Sheets at all briefings and note assigned officers on the form. When no further action is necessary, supervisors shall make an appropriate notation on the form and forwarded it to the Patrol Division secretary for filing. These forms shall be retained in accordance with the City's retention policy.

### **404.4.1 AREA CHECKS**

Officers shall check assigned Area Check locations at least once during their shift, unless preempted by field activities. When unable to do so, officers should notify a supervisor who may direct another officer to the assignment. Assigned Officers should make contact with the reporting parties of Area Checks when possible or appropriate. Officers assigned Area Checks based on a Roll Call Information Sheet shall document actions taken in the designated area of their Officer's Daily Logs.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
406**

Approved: *Scott LaChasse*

CALEA

Effective Date: November 12, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Crime and Disaster Scene Integrity

### 406.1 PURPOSE AND SCOPE [42.2.1(c); 46.1.4]

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 406.2 POLICY

It is the policy of the Burbank 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.

### 406.3 SCENE RESPONSIBILITY [42.2.1(c); 46.1.4(c)]

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

### 406.4 FIRST RESPONDER CONSIDERATIONS [42.2.1(b); 46.1.3; 46.1.4(a)(d)(e)]

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.





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- (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.

### 406.2.3 MAJOR INCIDENT ENTRY LOG

As soon as safe and practical, the Officer in Charge of a major incident shall ensure that a Major Incident Entry Log (Form C320-337) is initiated and maintained throughout the event. Upon completion of the log, the assigned officer shall prepare a supplemental report documenting his/her actions. The Major Incident Entry Log shall be attached to the original or supplement report and submitted to the Watch Commander for approval. The log shall be filed with the original report in the Records Bureau.

### 406.5 SEARCHES [1.2.4]

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### 406.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

### 406.6 EXECUTION OF HEALTH ORDERS [46.1.3(g)]

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).

### 406.7 TEMPORARY FLIGHT RESTRICTION

Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration



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(Federal Aviation Regulations § 91.137). All requests for TFR should be routed to the Bob Hope Airport FAA Control Tower.

## **406.8 MEDIA ACCESS**

Refer to the [Media Relations Policy](#).



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CALEA

Approved: *Scott LaChasse*

Effective Date: April 18, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Special Weapons and Tactics

### 408.1 PURPOSE AND SCOPE

The primary purpose of the Special Weapons and Tactics (SWAT) team is to preserve life. SWAT is comprised of two specialized teams: the Crisis Negotiation Team and the Special Weapons and Tactics Team. The unit has been established to provide specialized support in managing high-risk operations where critical or prolonged negotiations or special tactical deployment methods beyond the capacity of field officers or detectives is necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code §13514.1).

#### 408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The SWAT policy is divided into Administrative and Operational Policy and Procedures sections. Since response varies greatly from incident to incident and critical events often demand on scene evaluation, the Operational Procedures outlined in this policy serves as a guideline to Department personnel allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive with few exceptions.

#### 408.1.2 SPECIAL WEAPONS AND TACTICS TEAM DEFINED

The Special Weapons and Tactics Team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to assume responsibility for critical incidents that are hazardous, complex, or unusual, and exceed the capabilities of first responders or investigative units. Examples of such incidents include, but are not limited to, hostage taking, barricaded suspects, snipers, terrorist acts, and other high-risk incidents. As a matter of Department policy, the team may also be used to serve high-risk search and arrest warrants where public and officer safety concerns warrant the use of the SWAT Unit.

The Special Weapons and Tactics Team will respond to contain barricaded suspects or hostage situations, to prevent the loss of life and property, and when possible, manage the incident to its conclusion. If the Special Weapons and Tactics Team is unable to handle the incident, or if additional resources are necessary, tactical teams from outside law enforcement agencies may be contacted to assist in the resolution of the incident.



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### 408.2 COMPOSITION/TRAINING

#### 408.2.1 COMPOSITION

The Special Weapons and Tactics Team is comprised of a number of specially selected and trained personnel. The members will be drawn from regular and reserve officers; however, the role of a reserve officer will be limited during an operational deployment (e.g. command post operations, CNT, TEMS). The SWAT team will include a Tactical Team, K-9 Unit, Negotiation Team, Air Support Unit, and Command Post Personnel.

The Negotiation Team may be utilized for any incident (including non-critical incidents) where negotiation expertise may help resolve the situation.

#### 408.2.2 TRAINING [22.3.2; 33.6.1; 33.6.2]

Training shall be coordinated by the Tactical Commander. The Special Weapons and Tactics Team shall maintain proficiency through direct training in tactics and use of specialized equipment. The Special Weapons and Tactics Team tactical component will normally be required to train at least 16 hours a month as a team. Every year the team should participate in 40-hour in-service training, focusing on core competencies. Outside classes will also be incorporated to provide a more comprehensive range of training.

Team members shall maintain a state of operational readiness. Training is a core component of maintaining operational readiness in order to achieve the department's mission, while limiting liability. The command groups to whom team members report for their primary assignment should give priority to SWAT training when scheduling personnel. Team members should not miss more than 40 hours in any twelve month period. Any member who has missed more than 40 hours of training during the course of a twelve-month period shall be evaluated by the SWAT command staff to determine if a conflict exists, which may be detrimental to the member's performance. Should such a conflict exist, the SWAT command staff will determine the appropriate action to be taken, which may include de-selection from the team. Exceptions to this requirement may be made by the SWAT Captain or Tactical Commander.

All tactical team members shall attend a basic 80-hour special weapons and tactics course. All members of the negotiation team shall attend a basic 40-hour negotiators course.

All members of the tactical team shall be required to maintain a satisfactory level of personal physical fitness. Each individual shall successfully complete a timed SWAT physical fitness obstacle course semi-annually. This test will be announced in accordance with the team-training schedule. Failure to meet this qualification will result in a team member's placement on a 180 day non-operational status, unless the failure to meet the qualification was due to an injury incurred either during or prior to the test, in which case the team member will be required to meet the qualification during the next scheduled test after returning to full-duty. The team member will be retested within that 180 day period. Upon successfully meeting this qualification and upon completing any training on core competencies missed during the non-operational period, the team member will return to active status. Failure to pass upon retest shall be grounds for de-selection from the team. Members may participate in on-duty physical fitness conditioning per the [BPOA MOU](#) agreement (Article III, §Q).



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Additional training will normally be completed, adhering to the following schedule, except in extraordinary circumstances:

- (a) Annual: Joint Training with Air Support, Tactical Team with Less Lethal Force Training, Noise-Flash Device, Chemical Agent Training, and Breeching/Avon Rounds.
- (b) Semi-Annual: Scenario-based Tactical Team with Negotiation Team and Support Personnel Training.
- (c) Monthly: Rifle, Shotgun (For personnel issued a shotgun otherwise quarterly), and Handgun Training; Training in core competencies as outlined in the annual SWAT training calendar.
- (d) Monthly: Sniper/Long Rifle Training.

### 408.2.3 TRAINING NEEDS ASSESSMENT

The Tactical Commander shall conduct an annual SWAT Training needs assessment to ensure that essential training is conducted within Department policy, and the training guidelines as established by POST (11 CCR §1081). The needs assessment shall be reviewed by the SWAT Captain to ensure all of the annual critical training goals are achieved.

### 408.2.4 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

## 408.3 POLICY

It shall be the policy of this department to maintain a SWAT Team and to provide the equipment, manpower, and training necessary to maintain a team. The SWAT Team should develop sufficient expertise to perform three basic operational functions:

- (a) Command and Control.
- (b) Containment.
- (c) Entry/Apprehension/Rescue.

### 408.3.1 POLICY CONSIDERATIONS

With the concurrence of the Chief of Police the SWAT Captain will determine the type and extent of Special Weapons and Tactics Team missions and operations appropriate to this Department. The SWAT Captain should consider the team's capabilities and limitations and should assess the team's readiness annually.



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At the discretion of the SWAT Captain, or in his/her absence the Tactical Commander, the LASD Special Enforcement Bureau will be requested to manage an incident when the circumstances exceed the ability or resources of this Department.

### **408.3.2 OPERATIONAL GUIDELINES**

This Department shall develop a separate written set of operational guidelines contained within the SWAT Manual which should address, at minimum, the following:

- (a) Specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

### **408.3.3 OPERATIONAL PROCEDURES**

This Department shall develop a separate written set of operational procedures in accordance with the SWAT Team's capability, using sound risk management practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. The operational procedures should include, at minimum, the following:

- (a) Operational command and control structure.
- (b) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
  - 1. All SWAT members should have an understanding of operational planning.
  - 2. SWAT training should include planning for both spontaneous and planned events.
  - 3. SWAT should incorporate medical emergency and fire contingency planning as part of their operational plan.
- (c) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
  - 1. When possible, briefings should include the specialized units and supporting resources.
- (d) Protocols for a sustained operation which may include relief, rotation of personnel, and augmentation of resources.



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- (e) A threat assessment to be completed prior to initiating a tactical action plan as a means to determine the appropriate response and resources necessary, including the use of SWAT.
- (f) The appropriate role for a trained negotiator.
- (g) A standard method of threat assessment in determining whether or not a warrant should be categorized as high-risk.
- (h) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (i) Post incident scene management including:
  - 1. Documentation of the incident.
  - 2. Transition to investigations and/or other units.
  - 3. Debriefing after every deployment of SWAT.
    - a. After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training and equipment needs, and risk management issues.
    - b. In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
    - c. When appropriate, debriefing should include specialized units and resources.
  - 4. Command Staff debrief to evaluate critical decision-making and incident command issues.
  - 5. After Action Report.
- (j) Risk management analysis.
- (k) Standardization of equipment deployed.

## 408.4 UNIFORMS, EQUIPMENT, AND FIREARMS

### 408.4.1 UNIFORMS

SWAT personnel should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

### 408.4.2 EQUIPMENT [46.2.3]

SWAT members should be adequately equipped to meet the specific missions identified by the agency. Such as:

- Armored vehicle(s).
- Equipment truck.





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- High risk safety equipment.
- Specialized weaponry.

Current members of the SWAT team, who have received appropriate training, should be utilized to deploy or use any of the SWAT team's equipment, weaponry, or vehicles.

At the discretion and approval of the SWAT Captain or Tactical Commander, vehicles or equipment may be loaned to allied law enforcement agencies. The vehicle or equipment shall be inspected upon its return and prior to being placed back into Department service.

In order to ensure the loaned equipment is used appropriately and in accordance with Burbank Police Department policy, an element of SWAT personnel, consisting minimally of two SWAT team members, will accompany any SWAT vehicles or equipment loaned to allied law enforcement agencies.

Equipment needs should be continually evaluated to ensure they are contemporary within the SWAT community.

#### **408.4.3 FIREARMS [1.3.9; 22.2.5; 46.2.3]**

Weapons and equipment used by SWAT and the supporting members shall be agency-issued or approved, including any modifications, additions, or attachments. Such approval shall be obtained from the SWAT Captain or designee and the Department Rangemaster.

#### **408.5 MANAGEMENT/SUPERVISION OF THE SWAT TEAM**

The SWAT Captain is generally the Patrol Division Captain unless otherwise selected by the Chief of Police.

##### **408.5.1 SWAT COMMAND AND CONTROL STRUCTURE**

The SWAT tactical component is comprised of an authorized strength of at least twenty-one personnel plus support team members:

- (a) SWAT Captain.
- (b) Tactical Lieutenant/Commander.
- (c) Assistant Tactical Commander (sergeant).
- (d) Sergeant Team Leaders.
- (e) Team Members.

The SWAT team is comprised of several components. These components may be separate or integrated with other components:

- (a) Sniper team.
- (b) Entry team.
- (c) Arrest/Rescue team.



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- (d) Perimeter team.
- (e) Less Lethal team.
- (f) Crisis Negotiation team (CNT).
- (g) Tactical Emergency Medical Support team (TEMS).
- (h) K-9 Unit.

Members of the Crisis Negotiation Team should be selected based on operational needs, communications skills, and language skills:

- (a) SWAT Captain
- (b) CNT Lieutenant/Commander
- (c) Assistant CNT Commander
- (d) Negotiators

In a SWAT deployment, the CNT Commander will subordinate to the Tactical Commander and/or Assistant Tactical Commander. In the absence of the Tactical Commander and Assistant Tactical Commander, the CNT Commander may assume command over tactical operations dependent upon prior tactical experience and the approval of the SWAT Captain.

Personnel assignments are determined based on experience, qualifications, and ability to function within that team. Generally, sergeants will be assigned as team leaders of the various teams. The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team, which will include deployment, training, first-line participation, and other duties as directed by the SWAT Captain. In the event that the supervisor possesses a particular skill set necessary for operational needs, he/she may be assigned to act outside of his/her normal supervisory function.

Personnel assignments are determined based on experience, qualifications, and ability to function within that team. Generally, sergeants will be assigned as team leaders of the various teams. The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team, which will include deployment, training, first-line participation, and other duties as directed by the SWAT Captain.

The Tactical Team supervisors' primary responsibility is to supervise the operations of the various components of SWAT, which will include deployment, training, first-line participation, and other duties as directed by the SWAT Captain.

### **408.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and affect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The below procedures serve as directives for the administrative operation of the Crisis Negotiation Team.



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### 408.6.1 SELECTION OF CNT PERSONNEL [33.6.2; 46.2.4]

Interested sworn personnel, who are off probation, shall submit a memorandum of interest to their appropriate Division Commander. A copy will be forwarded to the SWAT Captain and the CNT Commander. Qualified applicants will then be invited to an oral interview. The oral board will consist of the CNT Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training, or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection. Selected personnel must successfully complete a 40-hour CNT training course.

### 408.7 SWAT ADMINISTRATIVE PROCEDURES

SWAT was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics. Examples include such situations as where suspects have taken hostages or barricaded themselves as well as prolonged or high-risk situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The below procedures serve as directives for the administrative operation of SWAT (see the SWAT Manual).

#### 408.7.1 SELECTION OF SWAT PERSONNEL [46.2.2]

The Burbank Police Department SWAT Team will select prospective members from the ranks of the Department. Personnel are assigned to SWAT as a collateral duty and receive no additional compensation. Applicants must meet the following criteria in order to be considered for assignment to SWAT:

- (a) Must be intelligent, articulate, disciplined, of even temperament, and of unquestionable integrity.
- (b) Must demonstrate experience reflecting sound judgment and ability to function in stressful situations.
- (c) Must have a minimum of two years of law enforcement experience, one of which is with the Burbank Police Department at the time of appointment.
- (d) Must have satisfactory job performance in present and previous assignments and demonstrate productivity, initiative, and motivation in all work assignments.



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- (e) Must possess good writing skills. Must be in good physical condition. Must demonstrate proficiency with departmental weapons.
- (f) Must have the ability to work harmoniously within structured team environment and be compatible with the existing team personnel.

All applicants must pass a departmentally administered selection process designed to determine suitability for assignment to SWAT. This selection process is outlined in the SWAT manual. Once accepted and assigned to SWAT, personnel must maintain acceptable standards of performance in both their regular and SWAT assignments.

### 408.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Captain and the Tactical Commander. The performance and efficiency level, as established by the Tactical Commander, will be met and maintained by all SWAT members. Any member of SWAT who performs or functions at a level less than satisfactory may be subject to de-selection from the team.

### 408.8 OPERATION GUIDELINES FOR SWAT [46.2.1(b)]

The following procedures serve as guidelines for the operational deployment of SWAT. The Tactical Team and the Crisis Negotiation Team may be activated together or independently. This shall be at the discretion of the SWAT Captain or the Tactical Commander.

#### 408.8.1 ON-SCENE DETERMINATION [46.2.1(b)]

The supervisor in charge on the scene of a particular event will assess whether SWAT should be requested. Upon final evaluation by the Watch Commander, he/she will notify the SWAT Captain for approval, or in his or her absence the Tactical Commander.

#### 408.8.2 APPROPRIATE SITUATIONS FOR USE OF SWAT [46.2.1(b)]

The following are examples of incidents which may result in the activation of SWAT:

- (a) Barricaded suspects.
  - 1. Has committed a crime.
  - 2. Is armed.
  - 3. Has taken refuge inside a building, room, or a vehicle.
    - a. This could include suspects in an open-air environment, depending upon other factors associated with the incident.
  - 4. Refuses to surrender.
  - 5. Has expressed suicidal ideations posing a threat to the community or officers.
- (b) Hostage situations.



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1. The illegal detention of one or more persons against their will by threat of force or fear.
  - (c) High risk arrest and/or search warrant service.
  - (d) Terrorist incidents.
  - (e) Special protection details.
  - (f) Civil unrest.
  - (g) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

### **408.8.3 OUTSIDE AGENCY REQUESTS** [46.2.1(c)]

Deployment of the Burbank Police Department Special Weapons and Tactics Team in response to requests by other agencies must be authorized by a Division Commander.

### **408.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS** [46.2.1(c)]

Members of the Burbank Police Department SWAT Team shall operate under the policies, procedures, and command of the Burbank Police Department when working in a multi-agency situation.

### **408.8.5 MOBILIZATION OF SWAT** [46.2.1(c)]

The On-Scene supervisor shall make a request to the Watch Commander for the deployment of SWAT. The Watch Commander shall then notify the SWAT Tactical Commander. The Tactical Commander shall notify the SWAT Captain. In the event that the Tactical Commander is unavailable, the Watch Commander shall notify the SWAT Captain directly. A current mobilization list shall be maintained in the Watch Commander's office by the Tactical Commander. The Watch Commander will then notify the Patrol Division Commander as soon as practical.

The on-scene supervisor should advise the SWAT Tactical Commander with as much of the following information as is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

If SWAT activation is authorized by the SWAT Tactical Commander, he/she shall notify the SWAT Captain. The Tactical Commander shall then call selected officers to respond, or direct the watch



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commander to do so. In the case of non-emergency SWAT deployments, the SWAT Captain or Tactical Commander should be contacted with as much advance notice as possible.

### **408.8.6 FIELD UNIT RESPONSIBILITIES [46.2.1(a)]**

While waiting for SWAT, field personnel should do the following (if safe, practical, and sufficient resources exist):

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post and staging area outside of the inner perimeter.
- (c) Establish a react team. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a deadly threat or behavior.
- (d) Evacuate any injured persons or citizens in danger.
- (e) Establish an incident log.
- (f) Assign an intelligence officer to secure preliminary suspect and location information.
- (g) Assign a logistics officer to record personnel assignments and location.
- (h) Attempt to establish preliminary communication with the suspect. Once the SWAT Team has arrived, all negotiations should generally continue with timely updates provide to the Tactical Commander and CNT personnel. If directed by the Tactical Commander, preliminary communication by field personnel may be halted to allow the negotiators and SWAT time to set up.
- (i) Be prepared to brief the SWAT Captain and Tactical Commander of the situation.
- (j) Plan for, and stage, anticipated resources, including EMS personnel if applicable.

### **408.8.7 ON-SCENE COMMAND RESPONSIBILITIES [46.2.1(a)(b)]**

The Incident Commander is responsible for the overall command of an incident or operation, including all tactical and support resources committed to the incident. The Patrol Supervisor or Watch Commander will normally be the incident commander unless relieved. He/she would normally coordinate the outer perimeter, traffic/crowd control, and press relations.

The SWAT Team Tactical Commander is responsible for overseeing the tactical operation, having authority over all units and/or elements directly committed to the objective site, including the Negotiation Team. This normally includes the inner perimeter. He/she is responsible for the planning, coordination and initiation of a tactical plan to resolve the incident. Additionally, the SWAT Captain will have the responsibility and authority to approve the operational plan and deployment of any extraordinary equipment or resources to manage the incident. This includes but is not limited to the deployment of chemical agents or light/sound diversionary devices.

The first SWAT Supervisor on scene will assume the role of tactical commander, and coordinate the SWAT response and deployment with the Incident Commander. He/she shall remain responsible for the tactical component until relieved by a superior SWAT officer. The First Non-Supervisory Team





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Member on scene will generally be responsible for gathering intelligence, and assessing the immediate needs to manage the crisis. The Second Non-Supervisory Team Member on scene will generally be responsible for team logistics, including rapid deployment of the team, until relieved by a supervisor. If the first team members on scene are snipers, they should deploy and advise the command post of their position. The logistics officer or supervisor should deploy additional arriving members.

### **408.8.8 COMMUNICATION WITH CNT PERSONNEL [46.2.1(c)]**

All non-CNT personnel should refrain from non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost concentration by involved personnel and, as a result, no one should interrupt or communicate with CNT personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

### **408.8.9 POST OPERATION RESPONSIBILITIES**

- (a) SWAT personnel should conduct a post-incident walkthrough with the Incident Commander to memorialize any risk management considerations.
- (b) The appropriate bureau (Patrol or Detective) will prepare the original crime reports and any follow-up reports.
- (c) A member of SWAT will prepare a supplemental crime report for attachment to the original crime report detailing follow-up activities of SWAT necessary for the criminal prosecution of the suspect(s).
- (d) After every call-out, a team supervisor will be responsible for generating a SWAT After Action Report detailing the activities of the SWAT, for review and approval of the Command Staff.
- (e) A post deployment debriefing should take place as soon as practical after the incident, with as many team members as possible present.
- (f) When other bureaus or details are involved in an incident, their representative(s) should participate in the briefing session.
- (g) The SWAT After Action Report should be reviewed and approved by the SWAT Captain and the Deputy Chief.
- (h) The Assistant Tactical Commander will maintain an archive of SWAT After Action Reports, which shall be retained indefinitely as determined by the Chief of Police.

### **408.9 SWAT MANUAL**

A current copy of the SWAT Team Manual will be maintained on the Department network. All SWAT team members are responsible for knowing its contents. This Manual will contain the organizational and operational procedures of the team. The team staff members should review the Manual in January of each year, to ensure that the contents are kept current. Team members should review the Manual upon any updates or at least annually.





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Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Ride-Along Policy

### 410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

Department employees, Chaplains, and volunteers are not ride-alongs for the purposes of this policy. Employees and volunteers should contact the Watch Commander to accompany an officer on patrol.

The Patrol Division Commander shall assign a Watch Commander as the Ride-Along Coordinator.

#### 410.1.1 ELIGIBILITY

The Burbank Police Department Ride-Along Program is offered to those who reside or work in the City of Burbank. Participants must be at least fourteen years of age. Applicants who are fourteen, but under eighteen years of age may ride when accompanied by a qualified parent or guardian. Participants may not ride alone with a host officer of the opposite sex with the exception of family members. Applicants may ride only once every two years. Every reasonable 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:

- (a) Being under 14 years of age
- (b) Prior criminal history
- (c) Gang membership or association
- (d) Pending criminal action
- (e) Poses a security risk
- (f) Pending lawsuit against the Department
- (g) Denial by any supervisor
- (h) Participation in a ride-along in the previous twenty four months



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 410

### 410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 11:00 a.m. to 3:00 p.m., or 6:00 p.m. to 10:00 p.m., Monday through Thursday. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

### 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Ride-Along Coordinator. The participant will complete a ride-along application/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 (B320-10).

All requests for a ride-along from elected officials, political candidates, reporters, or celebrities shall be forwarded to the Chief of Police. The Chief will determine if the request will be granted, and if so, how it will be facilitated.

If approved, the Ride-Along Coordinator will schedule a date, based on availability, at least one week after the date of application. A copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise the applicant of the denial.

#### 410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every two years.

#### 410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in clean attire such as a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts, halter or low cut tops, and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or field supervisor may refuse a ride along to anyone not properly dressed.

#### 410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this Department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.



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### 410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Burbank Police Department) (CLETS Policies, Practices and Procedures Manual §1.6.1.D.3.).

### 410.3 HOST OFFICER'S RESPONSIBILITY

The host officer shall not allow or facilitate ride-alongs unless they have been officially authorized by the Department. Prior to accepting a ride-along, it is the responsibility of the host officer to ensure that the proper screening of the ride-along has been conducted and that the ride-along has signed the required liability waivers. The waiver forms shall be forwarded to the Watch Commander prior to the ride-along.

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. The host officer should conduct a building tour; including Records, Communications Center, Jail, Gymnasium and Squad Room. The host officer shall include the ride-along's name in an entry upon his/her daily log for the start time and end time of the ride-along.

The host officer is responsible to advise the ride-along of the appropriate conduct described in §410.4 and to ensure that the ride-along is appropriately attired per §410.2.2.

Officers shall consider the safety of the ride-along at all times. In the event of a dangerous or potentially dangerous encounter, the host officer shall make every reasonable effort to keep the ride-along a safe distance from the scene. The ride-along should be dropped off at a safe, well-lighted location prior to responding. When selecting a suitable location, host officers will evaluate the time of day, the location where the ride-along is being left, and the relative safety of the location. The host officer shall notify the desk of the location of the ride-along and shall make arrangements to reunite with the ride-along as soon as possible after the incident. The ride-along may be continued or terminated at this time.

A host officer with a ride-along shall not become involved in a pursuit except in exigent circumstances where no viable alternative exists.

### 410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

The ride-along shall follow the directions of the officer

The ride-along shall not become involved in any investigation, handling of prisoners or evidence, discussions with victims or suspects, traffic direction, or handling any police equipment



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The ride-along may terminate the ride at any time and the officer may return the ride-along to their home or to the station if the ride-along interferes with the performance of the officer's duties

Ride-alongs may be allowed to continue riding during the transportation of arrestees and booking process provided this does not jeopardize their safety. Ride-alongs should be escorted to the control room of the jail and shall not be permitted to enter the area of the jail which arrestees are processed or housed.

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

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

### **410.4.1 TERMINATION OF RIDE-ALONG**

Host officers should report any ride-along conduct which violates this policy to a supervisor. A supervisor may terminate a ride-along for conduct:

- (a) Which violates this policy; or
- (b) Endangers the ride-along, the officer, or the public; or
- (c) Which is contrary to the mission of the Department

If a supervisor terminates a ride-along based on the above, the supervisor shall notify the Watch Commander and make an entry upon his/her Sergeant's Log. The supervisor shall also send the Patrol Division Captain an email explaining the circumstances.

### **410.5 WATCH COMMANDER RESPONSIBILITY**

Prior to the ride-along taking place, the Watch Commander is responsible to ensure that:

- (a) The ride-along has been properly screened by the Records Bureau and that they are eligible for a ride-along
- (b) The appropriate waiver documents have been signed and are in the possession of the Department
- (c) All ride-alongs are documented upon the Watch Commander's Log and Shift Report

### **410.6 WAIVERS**

All completed waivers will be routed from the Watch Commander to the Record Bureau for entry into the Record Management System. The entry will include the ride-along's name, date of the ride-along, and host officer. The waiver will then be forwarded to the Patrol Division secretary and maintained in accordance with Department Records Retention Schedule.



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Scott LaChasse, Chief of Police

**Policy  
412**

CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Hazardous Material Response

### 412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations §5194, the following is to be the policy of this Department.

#### 412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

#### 412.2 HAZARDOUS MATERIAL RESPONSE [61.2.1(e)]

The Burbank Fire Department has the resources and primary responsibility for incident and scene management of hazardous materials incidents within the City boundaries. Pursuant to City of Burbank Administrative Procedure V-9, the Burbank Police Department will assist the Fire Department with evacuation, crowd control, traffic control, air space control, and incident investigation.

The Burbank Police Department will immediately respond a supervisor or incident commander to the command post to participate in a multi-jurisdictional Incident Command System (ICS) as needed.

As first responders, employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees suspect hazardous materials may be present, certain steps should be taken to protect themselves and members of the public.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) As first responders, officers shall approach a hazardous material scene with extreme caution. A careless entry into a hazardous material incident zone may needlessly endanger the lives of rescue personnel and unnecessarily create a need for decontamination. First responders are not expected to take any action other than to recognize that a hazard exists, secure the area, and call for specially trained and equipped personnel.
- (b) The initial officers arriving on scene should initiate scene management by establishing preliminary safe ingress and egress routes and safety zones:



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1. Hot Zone – The area immediately surrounding the hazardous material and extending far enough to prevent adverse effects to personnel outside the zone.
2. Warm Zone – The limited access support zone where personnel and equipment decontamination take place.
3. Cold Zone – Contains the Command Post and other support functions necessary to control the incident.

On scene personnel should also survey suitable locations for possible command post and staging area sites and should transmit this information to responding Fire Department personnel.

- (c) Officers shall maintain a reasonably safe distance from hazardous materials until the hazard and the level of danger has been identified. Officers should stand upwind and should consider using binoculars, preferably inside a vehicle with air conditioner off, to determine the type of hazard present.
- (d) If a voluntary or mandatory evacuation is ordered by the Fire Department, a public address (PA) system should be used direct members of the public to a decontamination area (as appropriate). Only personnel with protective equipment who have been properly trained shall enter a known hazardous material control zone to accomplish a rescue.

### 412.3 REPORTING EXPOSURE

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee on a Hazardous Materials Exposure Card (Form B320-293) that shall be forwarded via chain of command to the Division Commander and filed in the employee's personnel file. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the card.

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. The reporting procedures of On Duty Injuries Policy for injury or illnesses shall be followed.

#### 412.3.1 SUPERVISOR RESPONSIBILITY

The on-scene supervisor is responsible to take reasonable steps to protect the safety of the public and emergency responders. He/she should act to ensure compliance with this policy.

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure. The supervisor is also responsible to ensure that all required documentation is properly completed (i.e., incident reports, IOD reports and Hazardous Materials Exposure Cards).



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## **412.4 POST INCIDENT RESPONSE**

A Police Department supervisory/management representative shall participate in any debriefing or post-incident analysis. Any conclusions or critique shall be brought to the attention of the training officer to assess future training needs.

## **412.5 AWARENESS TRAINING [46.3.4]**

All officers shall receive hazardous materials training to recognize a hazardous situation and immediately implement basic procedures to secure the scene to prevent unauthorized or unknowing persons from entering into a possible contamination until personnel with the technical ability can assess the situation. Officers also need to understand basic self-protection measures for themselves and others.





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CALEA

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

### CHAPTER 4 – PATROL OPERATIONS

## Hostage and Barricade Incidents

### 414.1 PURPOSE AND SCOPE

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 recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 414.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade Situation** – An incident where a person, who has committed a crime or has expressed suicidal ideations, poses a threat to the community or officers and has taken refuge inside a building, room, or a vehicle and refuses to surrender and officers reasonably believe the subject is armed with a dangerous or deadly weapon.

**Hostage Situation** – An incident where it is reasonable to believe a suspect has unlawfully detained one or more persons against their will by threat or actual use of force or fear.

### 414.2 POLICY

It is the policy of the Burbank Police Department to address hostage and barricade situations with the highest regard for the preservation of life in an effort to obtain the safe release of hostages, apprehending offenders, and securing available evidence.

### 414.3 COMMUNICATION [41.2.4]

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



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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 or support communication responsibilities.

### 414.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record 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 there are grounds upon which an order could be obtained pursuant to 18 USC §2516(2).
- (c) An application for an order approving the eavesdropping and complying with the requirements of §629.50 is made within 48 hours of the beginning of the eavesdropping.
- (d) The contents of any oral communications overheard are recorded on tape or other comparable device.

### 414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, persons involved, and bystanders, and the resources currently available.

The handling officer should brief the arriving incident supervisor, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### 414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim, on-scene personnel should continually collect information or intelligence related to the incident and should consider the following options, although not all-inclusive or in any particular order:



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- (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 react team to control the subject should he or 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 non-injured 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 Media Relations Sergeant.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post that is a safe and practical distance from the crisis.

### 414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. On-scene personnel should continually collect information or intelligence related to the incident and should consider the following options, although not all-inclusive or in any particular order:

- (a) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (b) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request fire/paramedic assistance.
- (c) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (d) 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.
- (e) Assign personnel to a react team to control the subject should he or she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape, or surrender prior to additional resources arriving.



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- (f) Establish a react 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).
- (g) Rescued hostages should be kept separated if practicable pending further interview.
- (h) Request additional personnel, resources, and equipment as needed (e.g., canine team, air support).
- (i) Establish a command post that is a safe and practical distance from the crisis.
- (j) Provide responding emergency personnel with a safe arrival route to the location.
- (k) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (l) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (m) Attempt or 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.
- (n) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Media Relations Sergeant.

### 414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options 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) Initiate ICS and ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources, or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate personnel who can help with intelligence information and documentation of the incident.
- (f) When requested by the SWAT Commander, assist with contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, and telephone service).
  - 1. When considering restricting communication services, the Incident Commander 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 Incident Commander or designee must ensure the Department obtains a court



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order for this process in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is sufficient 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.

- (g) 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.
- (h) Identify a media staging area outside the outer perimeter and have the department Media Relations Sergeant or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (i) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (j) The supervisor should conduct a post-incident walkthrough with the Incident Commander to observe any risk management considerations.
- (k) Debrief personnel and complete After Action Report, as appropriate.

### 414.6 SWAT RESPONSIBILITIES

The Incident Commander at the rank of Lieutenant or above will decide, with input from the SWAT Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT 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 SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

### 414.7 REPORTING

The Incident Commander shall be responsible for assigning reporting responsibilities and the coordination of the completion of incident reports.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
416**

Approved: *Scott LaChasse*

CALEA  
Effective Date: October 28, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Response to Bomb Calls

### 416.1 PURPOSE AND SCOPE [46.1.2]

The purpose of this policy is to provide guidelines to assist members of the Burbank 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 shall always be the primary consideration.

### 416.2 POLICY

It is the policy of the Burbank Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established Department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is **immediately advised and informed** of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

### 416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.



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### 416.4.1 BURBANK POLICE DEPARTMENT FACILITY

If the bomb threat is against the Burbank Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the Department, as he/she deems appropriate.

The following questions should be asked if a call of a bomb threat is received at the Police Department:

- (a) When is the bomb going to explode?
- (b) Where is the bomb?
- (c) What kind of bomb is it?
- (d) What does it look like?
- (e) Why did you place the bomb?
- (f) Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

During this time, document the following:

- (a) Time of the call.
- (b) Exact words of the person as accurately as possible.
- (c) Estimated age and gender of the caller.
- (d) Speech patterns and/or accents.
- (e) Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current Department evidence procedures.

### 416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Burbank 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.

### 416.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property (e.g., Social Security Office), the Federal Protective Service should be immediately notified. The Federal Protective Service provides a





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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 should be notified.

Bomb threats against a military installation (e.g., Army National Guard Armory) should be reported to the military police or other military security responsible for the installation. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

### 416.5 PRIVATE FACILITY OR PROPERTY

When a member of this Department receives notification of a bomb threat at a location in the City of Burbank, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place (e.g. search and evacuation procedures):

The member receiving the bomb threat information should ensure that the Watch Commander is **immediately notified** so that he/she can communicate with the person in charge of the threatened facility.

#### 416.5.1 ASSISTANCE [46.1.2]

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.



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(c) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Generally, the responsibility for evacuation of a school or other location based on a bomb threat is that of the school official in charge, or the owner/manager of the other location. If an actual or potential device is located, the Burbank Police Department shall assume control of the situation, treating the scene as a crime scene and following the procedures within this policy.

Searches of premises receiving a bomb threat should be conducted by persons who are familiar with the location and would be most likely to recognize items that are suspicious in nature. Burbank Police Officers will not normally conduct building searches for suspicious objects/explosive devices but may accompany persons conducting the search if approved by a supervisor.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

### 416.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the appropriate bomb squad or military explosive ordnance disposal team..
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  1. Two-way radios.
  2. Cell phones.
  3. Other personal communication devices.
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) A minimum perimeter of 300 feet should be established around the device.
- (f) An access point should be provided for support personnel and equipment
- (g) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.
- (h) A field supervisor shall respond to the scene and take command of the incident.



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- (i) As much information as is available should be promptly relayed to the Incident Commander, including:
  - 1. Time of discovery.
  - 2. Exact location of the device.
  - 3. Full description (e.g., size, shape, markings, construction) of the device.
  - 4. The anticipated danger zone and perimeter.
  - 5. The areas to be evacuated or cleared.
- (j) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route. Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

### **416.7 EXPLOSION/BOMBING INCIDENTS** [46.1.2]

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Be vigilant to the possibility of secondary devices, specifically around likely evacuation sites.
- (c) Request additional resources as needed.
- (d) Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, blood borne pathogens, hazardous materials, and secondary explosive devices.
- (e) Establish a Command Post and staging area.
- (f) Identify witnesses.
- (g) Assist with first aid when appropriate (Fire Department has primary responsibility).
- (h) Assist with evacuation of victims when appropriate (Fire Department has primary responsibility).
- (i) Preserve evidence.

#### **416.7.1 NOTIFICATIONS** [41.2.4]

When an explosion has occurred, the following notifications shall be made as soon as practicable and as needed:

- (a) Fire Department.
- (b) Field Supervisor.
- (c) Watch Commander.



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- 
- (d) Additional Field Officers.
  - (e) LASD Bomb Squad.
  - (f) Detectives.
  - (g) Forensic Specialist.
  - (h) Joint Regional Information Center (JRIC).
  - (i) Other government agencies as appropriate.

## **416.7.2 CROWD CONTROL**

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators, media, and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

## **416.7.3 PRESERVATION OF EVIDENCE**

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.



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Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Response to Alarm Calls

### 417.1 PURPOSE AND SCOPE

The Burbank Police Department will efficiently and safely respond to all reported alarm activations. These activations are to be considered a crime in progress until established otherwise.

#### 417.1.1 POLICY

It is the policy of the Burbank Police Department to provide an appropriate response to alarm activation calls.

### 417.2 ALARM TYPES

#### 417.2.1 BURGLARY ALARMS

A minimum of two officers or a Canine Unit will be dispatched to Burglary Alarms. The Air Unit should be dispatched if available. Responding units should request additional resources if the call requires an interior search or if the size/shape of the location makes it impractical for two officers to safely investigate the activation.

Communications personnel shall promptly dispatch the required units upon receipt of a burglary alarm, except as prevented by unusual circumstances requiring significant police resources (i.e., natural disasters, significant weather events, or major emergencies). If no units are available, without delay, the dispatcher shall radio for "any unit to clear and respond" in attempt to assign the call. If the dispatcher's reasonable efforts are unsuccessful in identifying units to handle the call (clearing units from the station, asking units on calls if they will be clearing soon, etc.), the dispatcher shall assign the call to the closest unit(s). If reasonable to do so, officers receiving such a call while on another assignment should promptly finish their activities, clear and respond to the alarm or notify dispatch of their inability to respond (for example: "1L12, 10-4, clearing in 3 minutes" or "1L12 unable to respond, with a 10-15"). If the call holds for more than 15 minutes and units have not been assigned, the dispatcher shall notify the Watch Commander. The dispatchers shall make an entry in the CAD incident to document the dispatcher's efforts.

The dispatcher may cancel a Burglary Alarm call if the alarm company cancels the dispatch prior to an officer's arrival on scene. This information will be documented in the CAD incident. In cases where an officer has already arrived at the scene, the information regarding the attempt to cancel the call will be



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broadcast and entered into CAD; however, the call will be handled through completion including leaving an Alarm Card at the scene.

### 417.2.2 ROBBERY ALARMS

All Robbery Alarms shall be dispatched as a field emergency felony in-progress regardless of the day of the week or hour of the day. The Air Unit should be dispatched if available. Communication Center staff shall not attempt to call the location of the alarm until requested by on-scene officers. Dispatchers shall not downgrade a Robbery Alarm response based solely on a telephonic update.

### 417.2.3 RESIDENTIAL "PANIC" ALARMS

Residential "Panic" Alarms will be dispatched according the protocols outlined in §417.2.1. Additionally, the Communications Center will only attempt to contact the resident via telephone to assess the nature of the activation upon the request of the on-scene officers.

### 417.2.4 STATION ALARMS

The City of Burbank has installed alarms at critical or sensitive municipal facilities. These alarms consist of "Panic" style alarms (which require a deliberate action on the part of the employee to depress an activation button), "Security" type alarms (which are activated by an intrusion through monitored doors, windows or by other means to detect unauthorized entry), and "Malfunction" alarms (which detect operational anomalies in critical City systems). When activated, these alarms send a signal to a numeric panel in the Communications Center.

Upon receiving a Station Alarm, Communications Center personnel shall:

Determine the location and type of alarm from the numeric reference list. Regardless of the hour of the day or day of the week, immediately dispatch any Station Alarm designated as a "Panic Alarm" as a field emergency following the protocols provided in §417.2.2.

"Security" and "Malfunction" alarms shall be dispatched as Burglary Alarms, defined in §417.2.1. When specified, the Call Taker shall promptly make notification of malfunctions to the designated person.

The Group I Communications Supervisor is responsible to ensure that all station "Panic" Alarms are tested at least once each deployment. The testing shall be documented in the Station Alarm notebook in the Communications Center. The entry shall include the location of the alarm, date and time of the test, the name of the employee verifying the test, and actions taken regarding any malfunctions. Communications Supervisors shall ensure that all dispatchers under their supervision are properly trained in:

- (a) Handling the receipt of Station Alarms.
- (b) Dispatching Station Alarms in compliance with this policy.
- (C) Testing and documentation protocols for Station Alarms.



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### 417.2.5 UNSCHEDULED SCHOOL FIRE ALARMS

The Communication Center should receive notification from the alarm company of an unscheduled manual pull fire alarm activation at schools located within the City of Burbank. All unscheduled manual pull fire alarms at local schools shall be dispatched Code-3 as a field emergency - "Fire Alarm Activation"- regardless of the day of week or hour of the day. The Air Unit should be dispatched if available. Communication Center staff will immediately attempt to contact the involved school via telephone to assess the nature of the activation. Dispatchers shall not downgrade a school fire alarm response based solely on a telephonic update.

First officer(s) on scene shall assess the situation and develop appropriate contingency plans for any number of possible causes (e.g., active threat incident in progress, fire or smoke is observed, medical emergency, no unusual activity observed).

In incidents where no unusual activity is occurring, dispatchers shall direct a school staff member outside to meet the officers. The responding officer should request updated information from the school staff member and facilitate a walkthrough of the campus as applicable.

### 417.3 WATCH COMMANDER RESPONSIBILITY

Watch Commanders are responsible to ensure that there is an appropriate response to all alarm calls.

### 417.4 SUPPORT SERVICES BUREAU COMMANDER RESPONSIBILITY

The Support Services Bureau Commander is responsible to:

- (a) Ensure that on-going testing of Station Alarms is being conducted in compliance with this Policy and to take appropriate action regarding non-compliance.
- (b) Liaison with the BPD Alarm Permit Office, the alarm subscriber, Burbank Water and Power Communications Shop, and the COPS Bureau to develop strategies to reduce chronic false alarms.
- (c) Ensure Communications Center personnel are properly trained to receive and dispatch alarm calls.

### 417.5 ALARM CARDS

Public safety alarm systems are regulated by Burbank Municipal Code §4-1-601 et seq. In order to assure compliance with various provisions of the Code, the top (white) copy of the "Alarm Card" (Form B320-275) shall be left on the premises or with responsible parties on all alarm responses. To prevent criminals easy access to the information, the card should not be left where it could be seen from the exterior of the building. The Department copy (hard copy, manila color) shall be attached to the officer's daily log and submitted to the Watch Commander at the end of the officer's shift. This practice allows patrol supervision the ability to ensure that alarm cards are properly submitted. Special attention to accuracy and completeness is essential to support potential penalties assessed for false alarms.





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### 417.5.1 ALARM CARD AUDITS

The Alarm Permit Office will receive daily reports generated from the CAD system documenting dispatched alarm calls. This report will be cross-checked with the Alarm Cards submitted for the same period. The Permit Office shall forward discrepancies to the Patrol Division Commander.

### 417.6 NO RESPONSE ALARMS (CODE 12)

The Chief of Police is the Department's Alarm Officer. This responsibility is delegated to the Support Services Division Captain or designee.

Improperly operated or maintained alarm systems may be a violation of [Burbank Municipal Code §4-1-611](#).

#### 417.6.1 HANDLING OF NO RESPONSE ALARMS

The Alarm Permit Office maintains a list of locations designated as "No Response" based on provisions of the Municipal Code and this policy. This list is continually updated and provided to the Communications Center. Activation at a "No Response" location will be broadcast as a "Code 12" (No Response Alarm) for officer safety purposes.

Should a person on the premises of a "No Response" request a police response, they shall be given appropriate service. The "No Response" applies to the activation of the alarm system and not to a service request by a resident.

### 417.7 CAD DISPOSITION CODES

To support accurate billing for police responses to alarms, Communications Center personnel shall only use the following CAD disposition codes:

- (a) **NEC**— For a false or accidental activations (Historically, **CKOK** has been used and is acceptable for billing for police responses to alarm calls).
- (b) **CBI** or **CCB** – For instances in which a response is cancelled.
- (c) **RPT** or **ARR** – For instances in which a crime report and/or arrest was made.
- (d) **UTL** – For instances where the responding officers are unable to locate the site of the alarm activation.
- (e) **OTH** – For all other circumstances involving alarm activations, such as strong winds, earthquakes, etc. A description of the circumstances should be included in the body of the CAD incident by the dispatcher.

### 417.8 BILLING

According to the provisions of the Burbank Municipal Code, and only when the CAD disposition code is NEC or CKOK (§417.7(a)), will the alarm officer generate billing to the alarm subscriber for police responses to alarm activations.



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Approved: *Scott LaChasse*

CALEA

Effective Date: October 28, 2013

### CHAPTER 4 – PATROL OPERATIONS

## Mental Illness Commitments

### 418.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code §5150. The commitment of a person under §5150 does not constitute an arrest. If an officer believes that a person falls within the provisions of Welfare and Institutions Code §5150, he or she shall transport that person to the designated facility for evaluation and commitment.

### 418.2 AUTHORITY

Pursuant to Welfare and Institution Code §5150 when any person, as a result of mental disorder, is a danger to others, or to self, or is gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take the person into custody and place him or her in a facility designated by the County and approved by the State Department of Mental Health as a facility for 72-hour evaluation and treatment.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer or other individual authorized by statute.

As used in this policy, any reference to Welfare and Institutions Code §5150 shall also include §5585.50 if the mental illness commitment involves a minor.

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



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### 418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing the following as time and circumstances reasonably permit:

- (a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disability.
- (b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons.
- (c) Language that is appropriate for interacting with mentally disabled persons.
- (d) Alternatives to force, particularly deadly force, when circumstances permit.
- (e) Utilization of the Burbank Police Department Mental Health Evaluation Team (MHET), when available, or any available community resources that can assist with a mentally disabled person.

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.

Non-emergency cases are not normally handled by the police, however officers may advise a relative or guardian of the proper procedures as follows:

- (a) Persons requesting information relative to filing an application for petition on behalf of the mentally ill person, drug addict, or inebriate, shall be referred to the Los Angeles County Mental Health PET Team or the USC Medical Center in Los Angeles.
- (b) Non-emergency cases include mentally ill persons who are desirous of committing themselves to a facility.
- (c) If a court order is issued to commit a mentally ill person, this "order of Apprehension" must be signed by a superior court judge and will be served by the Mental Health Detail of the Los Angeles County Sheriff's Department.

If a mentally ill person of a non-emergency nature is to be admitted, the relative, guardian, or physician must make their own arrangements for transportation.

When an alleged mentally ill person does not meet the requirements for an emergency admission to a hospital or psychiatric unit, the patient or responsible party should be referred to the Los Angeles County Department of Mental Health.

#### 418.3.1 TRANSPORTATION

Officers may transport patients in the patrol unit and shall secure them in accordance with the Restraint Devices Policy. Violent patients or those that are medically unstable should be restrained and transported by ambulance and ambulance personnel as approved by the Watch Commander or on-



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scene supervisor. If necessary, officers should consider the use of a spit mask, helmet, and/or front leg restrain to prevent the mentally ill person from self-injury.

The officer will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member. A security staff member should relieve the officer as soon as possible and physically remain in the treatment room with the patient. The officers shall not leave the patient or facility until appropriately relieved by facility staff.

### **418.3.2 RESTRAINTS**

If the patient is violent or has a history of violence, the officer will notify the receiving staff of this concern before law enforcement restraints are removed. 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 by the hospital staff to assist if requested.

### **418.3.3 DOCUMENTATION**

The officer or MET Clinician 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 or MHET Clinician will retain a copy of the 72-hour evaluation 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 or MHET Clinician shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention, if requested. The officer shall include in the related report the name of the facility accepting the person, the nature of the detention, name of the accepting doctor, and the agency or service that transported the subject (if applicable).

### **418.3.4 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.



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The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

### 418.3.5 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).

### 418.3.6 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.

### 418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME

If an alleged mentally ill person commits a crime against another person or any felony, the individual should be booked on the specified charge in the same manner as any arrested person. After booking, every effort should be made to house the suspect at the Los Angeles County Jail. If the suspect does not meet the County booking criteria, he/she will be cited for the violation and then transported without delay to the appropriate mental health facility consistent with the provisions in this policy.

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.

### 418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS

Whenever a person has been detained or apprehended for evaluation pursuant to Welfare and Institutions Code §5150, the handling officer should determine if the person owns or has access to any firearm or other deadly weapon. Any such firearm or other deadly weapon shall be confiscated in a manner consistent with current search and seizure law (Welfare and Institutions Code §8102(a)). The officer confiscating any weapons shall notify the Burbank Police Department Mental Health Evaluation Team of the confiscation.

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, valid consent) (Penal Code §1524).

For purposes of this section, deadly weapon means any weapon, the possession of which or carrying while concealed, is prohibited by the Penal Code (§16590).

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon or a family member a receipt (form C320-377), fully describing the weapon (including any



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serial number) and indicating the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code §33800).

The handling officer shall further advise the person of the below described procedure for the return of any firearm or other deadly weapon that has been confiscated (Welfare and Institutions Code §8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code (§16590).

All actions taken pursuant to 418.5 shall be documented in the officer's report.

### 418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

- (a) Whenever the handling officer has cause to believe that the future return of any confiscated weapons might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigation 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 weapons 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 weapons.
- (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).

### 418.6 TARASOFF NOTIFICATIONS

Mental health professionals have a duty to warn in circumstances where the patient has communicated to the psychotherapist (as defined under Civil Code §43.93) a serious threat of physical violence against a reasonably identifiable victim or victims. In these situations, the psychotherapist's duty is to make a reasonable effort to communicate the threat to the victim or victim's and to a law enforcement agency



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where the victim(s) reside [Tarasoff v. Regents of the University of California, 17 Cal. 3d 425, 551 P.2d 334, 131 Cal. Rptr. 14 (Cal. 1976)].

Upon receipt of a Tarasoff notification, a call for service shall be created and a report shall be taken which will detail the information provided, any assistance completed in helping the reporting party locate the intended victim, and confirmation that the notification was provided to the Records Bureau for entry via the Department of Justice (DOJ) database.

Upon receipt of the Tarasoff notification, the Burbank Police Department shall notify the DOJ electronically, within 24 hours (Welfare and Institutions Code §8105(c)). This will be accompanied by providing the notification to the Records Bureau, who will in turn make proper entry into the DOJ database. Proof of this entry will be printed and attached to the incident report.

### **418.7 TRAINING**

As a part of advanced officer training programs, this Department will strive to include POST approved training on interaction with persons with suspected mental illness as provided by Penal Code §13515.25. Additionally, documented entry level training shall be provided to all personnel who may interact with persons with mental illness in the course of their duties and documented refresher training annually. The refresher training may be addressed through in service or shift briefing training.





# Burbank Police Department

Michael Albanese, Chief of Police

**Policy  
420**

Approved:

CALEA

Effective Date: November 12, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Cite and Release Policy

### 420.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

### 420.2 POLICY

It is the policy of the Burbank 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.

### 420.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps the officer deems necessary to ensure that the defendant understands their written promise to appear.

#### 420.3.1 FIELD CITATIONS

##### 420.3.1 FIELD CITATIONS

In most cases an arrestee 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.



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When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

### **420.3.2 RELEASE AFTER BOOKING**

In some cases, it may not be feasible or desirable to release 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 authorized designee.

### **420.4 NON-RELEASE**

#### **420.4.1 DISQUALIFYING OFFENSES**

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)
- (f) Stalking (Penal Code § 646.9)
- (g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

#### **420.4.2 REASONS FOR NON-RELEASE**

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).



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Reasons for non-release include (Penal Code § 853.6(i)):

- (a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety
  - 1. The Burbank Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
- (d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
  - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
  - (a) Previous failure to appear is on record
  - (b) The person lacks ties to the area, such as a residence, job, or family
  - (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation



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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.

If the person arrested is not released for one or more of the reasons specified in §420.3.3, the Watch Commander shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:

- (a) Previous failure to appear is on record.
- (b) The person lacks ties to the area, such as a residence, job, or family.

### **420.5 MISDEMEANOR WARRANTS**

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

- (a) The misdemeanor cited in the warrant involves violence.
- (b) The misdemeanor cited in the warrant involves a firearm.
- (c) The misdemeanor cited in the warrant involves resisting arrest.
- (d) The misdemeanor cited in the warrant involves giving false information to a peace officer.
- (e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
- (f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
- (i) The person refuses to sign the notice to appear.
- (j) The person cannot provide satisfactory evidence of personal identification.
- (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.



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### 420.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Burbank City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigation Division for further action including diversion.

### 420.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the officer's copy of the citation. Most Penal Code violations, however, 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 determines the circumstances should be documented more thoroughly in a case report.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
422**

Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Arrest or Detention of Foreign Nationals

### 422.1 PURPOSE AND SCOPE [1.1.4]

Article 36 of the Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when arrested, detained, or imprisoned by law enforcement officials in this Country. This Policy provides direction to officers when considering a physical arrest or detention of a foreign national. A copy of the Consular Notification and Access Manual published by the U.S. State Department is also available on the U.S. Department of State [website](#).

All Foreign Service Personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate local law enforcement agencies to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State [website](#).

#### 422.1.1 DEFINITIONS

**Foreign National** – Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship (for example, U.S. and foreign) is not a foreign national.

**Immunity** – Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service Personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.



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### **422.2 ARREST OR DETENTION OF FOREIGN NATIONALS [74.3.1]**

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

### **422.3 LEVELS OF IMMUNITY**

The specific degree of immunity afforded to Foreign Service Personnel within the U.S. is directly related to their function and position in this country.

#### **422.3.1 DIPLOMATIC AGENTS**

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California, but they do occasionally visit the State.

#### **422.3.2 CONSULAR OFFICERS**

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts of immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however. Any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco, and San Diego.

#### **422.3.3 HONORARY CONSULS**

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained but limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.





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### 422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service Personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service Personnel should also have a driver's license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the State. Additionally they may have California credentials issued by the California Governor's Office of Emergency Services (Cal OES).

#### 422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service Personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

### 422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals. Department personnel shall notify the Watch Commander as soon as practicable upon making enforcement related contacts involving a foreign national with immunity. The Watch Commander shall notify the Patrol Division Commander of the contact as a Priority 1 or 2 level in the [Telephone Notification Matrix](#) depending upon the circumstances of the contact. The circumstances will be documented on the Watch Commander's Log.

#### 422.5.1 CITABLE OFFENSES [61.1.3(d)]

A citation shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the issuing officer:

*Identification documents are to be requested of the claimant.*

The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the Notice to Appear.



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The claimant shall be requested to sign the Notice to Appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established. The word "Refused" shall be entered in the signature box, and the violator shall be released.

Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear.

Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain.

All other claimants are subject to the provisions of Vehicle Code §40302(b) and policy and procedures outlined in this chapter.

The violator shall be provided with the appropriate copy of the Notice to Appear.

### **422.5.2 IN-CUSTODY ARRESTS** [1.2.5; 74.3.1]

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in §422.7.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others).

A supervisor shall be promptly notified and should respond to the scene when possible. Field verification of the claimant's identity is to be attempted as follows:

Identification cards issued by the Department of State Protocol Office are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time individual claims immunity but cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest.



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Law enforcement personnel should use the following numbers in order of preference:

<b>Office of Foreign Missions San Francisco, CA</b> (415) 744-2910, Ext. 22 or 23 (415) 744-2913 FAX (0800-1700 PST)	<b>Office of Foreign Missions Los Angeles, CA</b> (310) 235-6292, Ext. 121 or 122 (310) 235-6297 FAX (0800-1700 PST)
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<b>Office of Foreign Missions Diplomatic Motor Vehicle Office, Washington D.C.</b> (202) 895-3521 (Driver License Verification) or (202) 895-3532 (Registration Verification) (202) 895-3533 FAX (0815-1700 EST)	<b>Department of State Diplomatic Security Service, Command Center, Washington, DC</b> (202) 647-7277 (202) 647-1512 (Available 24 hours) (202) 647-0122 FAX
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Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by California Governor's Office of Emergency Services (Cal OES), local law enforcement agencies, the foreign embassy or consulate; driver's licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only indications that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers, and consular staff and family members from countries with which the U.S. has special agreements) should not be arrested. The procedures below shall be followed instead. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests, and chemical tests should be offered and obtained whenever possible. These tests cannot be compelled, however. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.



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All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the Burbank Police Department. The Department of State will take appropriate sanctions against errant Foreign Service Personnel, even where prosecution is not undertaken by the agency.

### **422.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMV, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver's license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in §422.5.

#### **422.6.1 VEHICLES**

Vehicles owned by subjects with full immunity may not be searched, stored, or impounded without the owner's permission (such permission may be assumed if the vehicle has been stolen). These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

#### **422.6.2 REPORTS**

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Commander/Supervisor apprised of the incident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials, and/or logs to the Chief of Police within 48 hours of the incident. The Chief of Police will ensure that notification to the Department of State and all necessary follow-up occurs.

### **422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

This subsection applies to foreign nationals who do not claim diplomatic or consular immunity. Officers shall only arrest foreign nationals under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest.
- (b) There is probable cause to believe that the foreign national has violated a Federal or State law or a local ordinance.



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International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S. Whenever an officer arrests and incarcerates a foreign national, or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual 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.

Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. Federal courts have consistently held that undocumented presence is not a crime but a Federal civil violation enforceable only by Federal officers. Therefore, officers shall not stop or detain persons solely for determining immigration status.

In light of the recent positions taken both by the Federal Court of Appeals (*Miranda-Olivares v. Clackamas County*) and the California Attorney General, ICE immigration detainers are considered mere requests. As such, this Department is under no obligation to enforce them. Officers and supervisors shall not detain any person pursuant to an immigration detainer ("Ice Hold") unless the person is in custody or being detained under another authority or a court order. Immigration detainer detentions may be considered a violation of the Fourth Amendment. Any questions about the appropriateness of an immigration detainer detention shall be resolved by a supervisor or higher authority.

### **422.7.1 ARREST PROCEDURE [1.2.5]**

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall immediately advise the Watch Commander.

### **422.7.2 WATCH COMMANDER'S RESPONSIBILITY**

The Watch Commander shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the Watch Commander shall, as soon as practicable, notify the appropriate embassy/consulate and provide the following information:

- (a) Country of citizenship
- (b) Full name of the individual, including paternal and maternal surname
- (c) Date of birth or age
- (d) Current residence



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- (e) Date, time, and location of arrest
- (f) Location of incarceration/detention
- (g) 24-hour telephone number of the place of detention (if different from the Department making the notification)

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, the Watch Commander shall make the notification without delay, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State [website](#).

The Watch Commander must document all notifications on the Watch Commander's Daily Log (see the [Watch Commanders Policy](#)).

## **422.7.3 DOCUMENTATION AND RECORDKEEPING**

Consular notifications should be made by fax if possible, using the appropriate form, or by telephone. The notification must be documented in the incident report with a copy of the fax confirmation attached.

If the notification must be made by telephone, note the name and location of the consulate notified, the name of the person accepting the notification, and the date and time of notification. When possible, the call should be made from a recorded line.

For foreign nationals from "upon request" countries, the foreign national should be advised that he or she may have the consulate notified. The national's response and the date and time of the offer should be documented on the [Statement to Detained Foreign Nationals Form](#).

For foreign nationals from mandatory notification countries, make a notation that you informed the national that you notified the consulate.

## **422.8 DEATH OR SERIOUS INJURY OF A FOREIGN NATIONAL**

In addition to the above procedures, when a foreign national dies or is seriously injured, notify the nearest consulate of his/her country as soon as reasonably possible.





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Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Rapid Response and Deployment

### 424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces, and other locations by any individual or 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.

### 424.2 POLICY

The Burbank 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.

### 424.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.





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### 424.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (i.e. SWAT and/or hostage negotiation team response).



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## 424.5 PLANNING

The Patrol Division Captain or designee should coordinate critical incident planning.

Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

## 424.6 TRAINING

The Training Coordinator should include rapid response to critical incidents in the Department training schedule. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
  - 1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
- (d) First aid, including gunshot trauma.



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(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).



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Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Reporting On-Duty Police Activity Outside of Jurisdiction

### 426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on-duty and occurring outside the jurisdiction of the Burbank Police Department.

#### 426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he or she shall obtain prior approval from their immediate supervisor and the Watch Commander. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practicable.

#### 426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer who engages in law enforcement activities of any type outside the immediate jurisdiction of Burbank shall notify his or her supervisor or the Watch Commander at the earliest opportunity, other than routine traffic stops where the Communications Center has been advised. The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Division Commander.

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable (also refer to the Off-Duty Law Enforcement Actions Policy).



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Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Immigration Violations/Truth Act

### 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Burbank Police Department relating to immigration and interacting with federal immigration officials.

#### 428.1.1 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.

### 428.2 POLICY

It is the Policy of the Burbank 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 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.

### 428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may



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be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

### **428.4 IMMIGRATION INQUIRIES PROHIBITED**

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

#### **CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)**

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

### **428.5 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).

#### **428.5.1 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



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## **428.6 FEDERAL REQUESTS FOR ASSISTANCE**

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this Department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under California Values Act (Government Code § 7284.2 et seq.).

## **428.7 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 California Values Act.

### **428.7.1 IMMIGRATION DETAINERS**

No individuals 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.





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## 428.7.2 NOTICE TO INDIVIDUALS

U.S. Immigration and Customs Enforcement (ICE) hold, notification, and transfer requests are generally made to the Jail or Records Bureau. Upon receiving an ICE hold, notification, or transfer request for any individual while in the custody of the Burbank Police Department the following shall occur:

- (a) The Watch Commander shall be advised of, and review all ICE requests.
- (b) All ICE requests, regardless of whether the Department chooses to comply with the request, shall be forwarded to a Jailer.
- (c) Individuals in custody shall be given a copy of documentation received from ICE regarding a hold, notification, or transfer request along with information as to whether the Burbank Police Department intends to comply with the request (Government Code § 7283.1). The Jailer shall notify the individual by giving him/her a copy of Truth Act Form 2. Any decision to comply with the request shall be in conformance with Department policy and the California TRUTH Act (Government Code § 7282-7282.5).
- (d) If the Department intends to comply with an ICE notification request, the individual shall be given the opportunity to complete the notification form with contact information for his or her attorney or to one additional person who the individual shall be permitted to designate.
- (e) If in response to a request from ICE the Department notifies ICE that an individual is being, or will be, released on a certain date and time, the Department shall provide the same notice, using TRUTH Act Form 3, to the individual. The Department shall also notify the individual's attorney or other designee using the contact information provided by the individual on TRUTH Act Form 2 (Government Code § 7283.1).
- (f) The Jailer shall note his or her actions in the records management system (Tiburon).

## 428.7.3 ICE INTERVIEWS

Before an individual in custody is made available for an interview with Immigration and Customs Enforcement (ICE) (whether in person or by phone, and including by being located in an area of the jail where ICE has the ability to approach the individual) for questioning:

The Jailer must provide the individual with a copy of the written consent form (Truth Form 1), which explains that the purpose of the interview is to investigate potential immigration violations, that the interview is voluntary, and that he or she may decline to be interviewed and/or may choose to be interviewed only with his or her attorney present.

The consent form shall be provided in the individual's preferred language, as indicated by the individual, if the form is readily available in that language. The Truth Act requires that the form be made available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. These forms are available online at [catruthact.org](http://catruthact.org) under the *Resources* tab.

The individual may indicate whether he or she consents to the interview by marking the form.



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If the individual does not affirmatively consent to the interview by signing the form, the individual shall not be made available for an ICE interview.

If the individual indicates that he or she is only willing to speak to ICE with an attorney present, the individual shall not be made available for an interview until the attorney is present.

The Jailer must also sign and date the form, indicating that it has been provided to the individual and when this occurred. Once signed, a copy will be provided to the individual in custody.

## **428.7.4 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 warrant.

## **428.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE**

The Jail Manager or his/her designee shall ensure that the 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 manager for required annual reporting to DOJ beginning January 15, 2019 (Government Code § 7284.6(c)(2) (see Records Bureau Policy)).

## **428.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)). Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Division supervisor assigned to oversee the handling of any related case. The Investigation Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.



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- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
  - 2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.
- (e) Inform the victim liaison of any requests and their status.

### 428.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

### 428.8.2 REPORTING TO LEGISLATURE

The assigned Investigation Division supervisor shall ensure that certification requests are tracked and an entry is made in the case management module of Tiburon for each case associated with a certification request. The Investigation Division supervisor shall report the number of certification requests that are signed and denied to the Chief's Office at the end of each calendar year.

The Chief's Executive Assistant will be responsible for reporting the certification report to the Legislature (i.e. Secretary of the Senate, Chief Clerk of the Assembly, Office of Legislative Counsel) in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11) and be sent to the following:



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(a) Secretary of the Senate (Printed Copy)

State Capitol, Room 3044

Sacramento, CA 95814

(b) Chief Clerk of the Assembly (Electronic Copy)

[dotson.wilson@asm.ca.gov](mailto:dotson.wilson@asm.ca.gov)

[amy.leach@asm.ca.gov](mailto:amy.leach@asm.ca.gov)

[agency.reports@asm.ca.gov](mailto:agency.reports@asm.ca.gov)

(c) Office of Legislative Counsel (Electronic Copy)

[agency.reports@lc.ca.gov](mailto:agency.reports@lc.ca.gov)

## POLICE REPORTS

Upon request, Records Bureau personnel, with the approval of a 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).

### 428.9 TRAINING

The Training Coordinator (COPS) shall ensure that all appropriate members receive immigration training.



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Scott LaChasse, Chief of Police

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430**

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Emergency Utility Service

### 430.1 PURPOSE AND SCOPE

Burbank Water and Power (BWP) 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.

#### 430.1.1 BROKEN WATER LINES

The City is responsible for providing water to each business and residential water meter. However, The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to a residence or business is the customer's responsibility. BWP can only turn off the valve at the meter. Citizens can normally accomplish this if they know the location of the meter.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by the Communications Center. The Burbank Fire Department has tools necessary to locate and shut off City water valves, including damaged fire hydrants. On-scene police employees may call out the Fire Department in cases where other City crews may have an extended arrival estimate.

#### 430.1.2 ELECTRICAL LINES

When a power line poses a hazard, officers should be dispatched to contain the hazard and protect against personal injury that might be caused by downed power lines. Officers are cautioned to maintain a safe distance, at least 50 feet. Burbank Water and Power should be notified promptly. The Burbank Fire Department has tools and training necessary to safely provide temporary relief from the hazard. On-scene police employees may call out the Fire Department in cases where other City crews may have an extended arrival estimate. BWP should be promptly notified, as appropriate.

#### 430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

BWP maintains the reservoirs, public water equipment, and several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, BWP emergency personnel should be contacted as soon as possible.



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### **430.1.4 EMERGENCY NUMBERS**

A current list of emergency personnel, who are to be called for municipal utility emergencies, shall be maintained by the Communications Center. Communications Center Supervisors shall be responsible for updating the numbers as necessary.

### **430.2 TRAFFIC SIGNAL MAINTENANCE**

The City of Burbank Public Works is responsible for the maintenance of all traffic signals within the City.

#### **430.2.1 OFFICER RESPONSIBILITY FOR TRAFFIC SIGNALS**

Upon observing damaged or malfunctioning signal, officers should advise the Communications Center of the location and the problem with the signal. The Communications Center should make the necessary notifications to the proper maintenance agency.

Supervisors and motor officers have signal box keys. They may be called to the scene and attempt to place non-functioning lights on four-way red flash. If this occurs, the supervisor or motor officer shall leave a notification card in the signal box indicating the date and time the lights were placed on flash and why. The Communications Center should also be advised that the lights were placed on flash.



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Scott LaChasse, Chief of Police

**Policy  
432**

Approved: *Scott LaChasse*

CALEA  
Effective Date: June 28, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Patrol Rifles/Personal Patrol Rifles

### 432.1 PURPOSE AND SCOPE [17.5.2]

In order to more effectively address the increasing level of risk to patrol officers and the public by suspects armed with assault weapons and body armor, the Burbank Police Department will deploy Department owned patrol rifles in all patrol vehicles as an immediate tactical resource to qualified officers. In addition sworn Department members are authorized to purchase and deploy personally owned and approved patrol rifles for law enforcement purposes while on duty.

### 432.2 POLICY [17.5.2]

Department owned patrol rifles and personally owned and approved patrol rifles may be deployed only by properly trained and qualified sworn members as a supplemental resource to their duty handgun and shotgun. No personally owned rifles may be carried by any sworn Department member unless pre-approved in writing by the Chief of Police and the Rangemaster. The Department will not reimburse members for the cost of a personal patrol rifle or any accessory. The Department will repair the rifle or approved accessories if the repair was due to normal wear and tear or damage resulting from on-duty use. The cost of any repairs to a personally owned rifle or accessory resulting from carelessness or damage from off-duty use shall be borne by the Department member.

#### 432.2.1 DEFINITION [1.3.9(a)(c)]

**Patrol Rifle** – An authorized firearm, designed to be fired from the shoulder, which is owned by the Department and is made available to properly trained and qualified sworn Department members as a supplemental resource to their duty handgun and shotgun.

**Personal Patrol Rifle** – An authorized firearm, designed to be fired from the shoulder, which is purchased and deployed by sworn Department members in accordance with the Personal Patrol Rifle Program.





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## 432.2.2 PERSONAL PATROL RIFLE PROGRAM

Sworn Department members wishing to participate in the personal Patrol Rifle Program must:

- (a) Have completed their probationary period.
- (b) Submit a memorandum to the Chief of Police, via the chain of command, requesting permission to participate in the Personal Patrol Rifle Program.
- (c) Complete any Department required training.
- (d) Agree by signature to all the conditions included in the Use of a Personal Patrol Rifle Agreement (available in PEN).

## 432.3 GENERAL GUIDELINES

- (a) At the start of each assigned shift, a qualified, on-duty officer shall inspect the patrol rifle in their assigned patrol vehicle and ensure it is in the "Unit Ready" configuration. In addition, if a personal patrol rifle is being deployed during an officer's assigned shift, he/she shall inspect their rifle and ensure it is in the "Unit Ready" configuration.
- (b) Department patrol rifles shall be secured in the locking mechanisms installed in patrol vehicles. Personal patrol rifles shall be secured in a Department approved case inside the trunk of their assigned police vehicle while on-duty.
- (c) At the end of the officer's assigned shift, he/she shall remove their personal patrol rifle from the patrol vehicle.
- (d) Personal patrol rifles shall be stored in an assigned Department locker, Department armory, or assigned vehicle when the owner officer is off-duty. No Department member shall allow a patrol/personal patrol rifle to be left unsecured.

## 432.4 SPECIFICATIONS [1.3.9(a)(b)]

Only weapons and ammunition that meet Department authorized specifications and approved by the Chief of Police may be used by sworn members in their law enforcement responsibilities.

The authorized weapon that may be purchased by sworn Department members and deployed as a personal patrol rifle is the Colt LE6940.

Authorized Department members who purchase and deploy a personal patrol rifle must have the following:

- (a) One 30 round magazine (Colt or Magpul)
- (b) One 20 round magazine (Colt or Magpul)
- (c) A carrying case (soft or hard)



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(d) Sling

Authorized Department members purchasing a personal patrol rifle may also purchase the following accessories:

(a) Optics and Mounts

1. Trijicon 1.5 x 16s, compact ACOG, Red Ring/2MOA Red Dot Reticle
2. Aimpoint Micro (Models H-1, T-1, or T-2) 2MOA
3. Weaver Kaspas Tactical 1-4 x 24 scope

(b) Light

1. Streamlight TLR-1 HL with or without remote switch

A list of approved accessories will be maintained by the Rangemaster. All accessories shall be installed only by the Rangemaster.

## **432.5 RIFLE MAINTENANCE** [1.3.9(d); 53.1.1(a)(b)(c)]

Any rifle found by a Department member to be malfunctioning or needing service shall be removed from service immediately. The maintenance shall be promptly reported to the Department member's direct supervisor and the Rangemaster.

- (a) The Rangemaster shall have primary responsibility for maintenance of patrol rifles/personal patrol rifles. The Rangemaster shall inspect and service each patrol rifle/personal patrol rifle on a regular basis and no less than annually.
- (b) No modification shall be made to any patrol/personal patrol rifle without prior written authorization from the Rangemaster.

## **432.6 TRAINING** [1.3.10]

Sworn Department members shall not carry or utilize a patrol rifle and/or a personal patrol rifle unless they have successfully completed Department approved training. This training shall consist of an initial patrol rifle user's course and completion of a qualification course with the Rangemaster or a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete scheduled training and qualification conducted by the Rangemaster or certified patrol rifle instructor.

Any sworn Department member who fails to qualify or who fails to successfully complete two or more Department sanctioned training or qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle/personal patrol rifle without successfully retaking the initial patrol rifle user's course and qualification.

The Rangemaster shall be responsible for:



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- (a) Maintaining training and certification documentation for patrol rifles/personal patrol rifles.
- (b) Notification of qualification deadlines and requirements (this may be accomplished via the COPS Bureau).
- (c) Notifying the appropriate Division Commander if officers fail to qualify with a patrol rifle/personal patrol rifle as required by this policy.

## **432.7 DEPLOYMENT OF THE PATROL RIFLE/PERSONAL PATROL RIFLE**

Sworn Department members may deploy the patrol rifle and/or a personal patrol rifle in any circumstance where they can articulate a reasonable need for the rifle. Examples of some general guidelines for deploying the patrol rifle/personal patrol rifle may include, but are not limited to:

- (a) Situations where sworn Department members reasonably anticipate an armed encounter.
- (b) When sworn Department members are faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where sworn Department members reasonably expect the need to meet or exceed a suspect's firepower.
- (d) When sworn Department members reasonably believe that there may be a need to fire on a barricaded suspect or a suspect with a hostage.
- (e) When sworn Department members reasonably believe that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

## **432.8 DISCHARGE OF THE PATROL RIFLE/PERSONAL PATROL RIFLE**

The discharge of the patrol rifle shall be governed by the Use of Force Policy.

## **432.9 UNIT READY [17.5.3]**

Any qualified sworn Department member carrying a patrol rifle or personal patrol rifle in the field shall maintain the weapon in a "unit ready" condition until deployed. A rifle is considered to be in a "unit ready" condition when it has been inspected by the assigned member, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

## **432.10 PERSONAL PATROL RIFLE STORAGE [1.3.9(f)]**

Personal patrol rifles shall be stored at the station when not actively being deployed for on-duty operations. The authorized storage locations, depending on assignment, are as follows:



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- (a) Sworn Department member's assigned locker (with the approval of the officer's captain).
- (b) Rifle Armory (adjacent to the lower level rear entrance).
- (c) SWAT Armory if personal patrol rifle is owned by SWAT member.
- (d) Assigned Vehicles (e.g., Investigative Personnel) – Personal patrol rifles may be stored in assigned vehicles with the following restrictions:
  - 1. The sworn Department member shall inspect the personal patrol rifle for operational readiness at the start of their workweek.
  - 2. The sworn Department member shall be solely responsible for the security of their personal patrol rifle at all times. Employees should use good judgment when deciding whether to leave a vehicle equipped with a personal patrol rifle unattended in a non-secure area for a prolonged period of time or to secure the rifle in the Armory or other approved location.
  - 3. Sworn Department members who expect to be away from work for more than five calendar days shall store their personal patrol rifles in the Armory prior to their absence, unless an immediate supervisor (sergeant or above) grants approval for alternative storage.
  - 4. If the vehicle is shared with other Department members, all those members shall be notified regarding the storage of the rifle in the vehicle.

If the circumstances do not allow a Department member to remove their personal patrol rifle from the vehicle and store it in the Armory before starting a leave, the supervisor of the officer shall be responsible for the removal of the rifle from the vehicle and the storage in the Armory. Upon the return of the sworn Department member, the supervisor should advise member of the location of the rifle.

## **432.11.1 RIFLE CASE MARKINGS**

Personal patrol rifle cases shall be marked or tagged in such a fashion so as to indicate the sworn Department member to whom the weapon is issued.

## **432.12.2 STORAGE EXCEPTIONS**

Any exception to the storage requirements above shall be approved by the appropriate Division Captain or, in his or her absence, the Rangemaster .

Sworn Department members may not take their assigned personal patrol rifle home unless they receive permission from their Captain or the Rangemaster. Sworn Department members must notify that same individual upon returning the personal patrol rifle to the station. The absence of the personal patrol rifle from the police facility shall be no longer than four calendar days, unless the absence is for authorized training or other approved event.



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## **432.13 OFF-DUTY USE OF PERSONAL PATROL RIFLE**

Sworn Department members may use their personal patrol rifles at authorized training and competition events with prior approval by their respective Division Commander. Unless otherwise approved, authorized Department members shall train with their personal patrol rifles at the Burbank Police Training Range. The purchase of ammunition for authorized off-duty events shall be the responsibility of the Department member that owns the personal patrol rifle.

## **432.14 PERSONAL PATROL RIFLE DISPOSITION UPON SEPARATION FROM DEPARTMENT**

Any sworn Department member who participates in the Personal Patrol Rifle Program must dispose of their personal patrol rifle upon separation from the Burbank Police Department or the Personal Patrol Rifle Program. The sworn Department member is authorized to dispose of their personal patrol rifle in one of the following ways:

- (a) Donate the personally owned patrol rifle to the Burbank Police Department.
- (b) Give/sell the personally owned patrol rifle to a sworn Burbank Police Department member, who is patrol rifle qualified, to be used in the Personal Patrol Rifle program.
- (c) Transfer ownership of the personal patrol rifle in accordance with California State law to a registered assault weapon dealer and show proof to the Department.
- (d) Have the Rangemaster/Armorer configure the personal patrol rifle so it is California compliant and submit a voluntary de-registration request to the California Department of Justice-Firearms Section per 11 CCR § 5478. Proof of the de-registration process must be provided to the Department. The Rangemaster/Armorer shall install one of the following devices (purchased by Department member) specifically designed to make an assault weapon California DOJ compliant (combined with 10 round magazine):
  1. AR Mag Loc
  2. Patriot Mag Release
  3. Franklin Armory DFM Mag
  4. Cross Armory Safe Mag

## **432.15 RECORDS [1.3.9(e)]**

The COPS Bureau Lieutenant shall be responsible for maintaining patrol rifle/personal patrol rifle records. The record shall include at least the following information:

- (a) Description of the weapon (make, model, serial number).



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- (b) Listing of any non-standard accessories.
- (c) Listing of modifications.
- (d) The name of the official granting authorization to the assigned officer.
- (e) The date of the approval.
- (f) Training and qualification records (including scores, if applicable).
- (g) Storage location.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
434**

Approved: *Scott LaChasse*

CALEA  
Effective Date: October 28, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Aircraft Accidents

### 434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

#### 434.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 434.2 POLICY

It is the policy of the Burbank Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

Employee responsibilities in the event of an aircraft accident are as follows:

#### 434.3 ARRIVAL AT SCENE 42.2.1(a)(c)]

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property
- (b) Request additional personnel and other resources as needed.
- (c) Prevent any disturbance or further damage to wreckage or debris, except to preserve life or rescue the injured





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- (d) Preserve ground scars and marks made by the aircraft.
- (e) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or stabilize hazardous materials.
- (f) Maintain a record of persons who enter the accident scene.
- (g) Consider implementation of an Incident Command System (ICS).

### 434.4 INJURIES AND CAUSALTIES

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.

### 434.5 NOTIFICATIONS

When an aircraft accident is reported to this Department the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire Department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

### 434.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorize personnel from the:

- (a) FAA
- (b) Fire Department, EMS or other assisting law enforcement agencies.
- (c) Medical Examiner-Coroner
- (d) Air Carrier/Operators investigative teams with NTSB approval.



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- (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 supervisor should ensure the accident is still appropriately investigated and documented.

### **434.7 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.

### **434.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Burbank 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 BPD members deployed to assist; other City resources that were utilized; a copy of any related 9-1-1 calls and CAD reports; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

#### **434.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N Number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.



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- (c) Obtain photographs or video of the overall wreckage, including cockpit, and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

## **434.8.2 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.

## **434.9 MEDIA RELATIONS**

The Media Relations Sergeant (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.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
436**

CALEA

Approved: *Scott LaChasse*

Effective Date: November 12, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Field Training Officer Program

### 436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate a police recruit's transition from the academic setting to the actual performance of general law enforcement duties for the Burbank Police Department.

It is the policy of this Department to assign all police recruits or lateral entry police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to help gain all skills and knowledge needed to operate in a safe, productive, and professional manner.

### 436.2 FIELD TRAINING OFFICER SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in supervising, training, and evaluating entry-level and lateral transfer police officers in the application of their previously acquired knowledge and skills.

#### 436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of three years of full-time paid police experience, two of which shall be with this Department.
- (c) Demonstrated ability as a positive role model.
- (d) Pass a selection process that includes an oral interview.
- (e) Review of performance evaluations.
- (f) Possess a POST Basic certificate.



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### 436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to completing trainee evaluations or Daily Observation Reports. When a recruit is temporarily assigned to an officer who has not met the FTO training requirement, the officer should provide a description of the activities and performance of the recruit to the assigned FTO in the form of a memorandum. The assigned FTO is responsible for completing the recruit's evaluations or Daily Observation Reports.

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.

### 436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Patrol Division Commander 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 and trainee performance evaluations are completed.
- (d) Maintain, update, and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor individual trainee performance.
- (g) Monitor the overall FTO Program.
- (h) Liaison with FTO coordinators of other agencies.
- (i) Liaison with academy staff on recruit performance during the academy.
- (j) 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)).

### 436.4 TRAINEE DEFINED

Any entry level or lateral transfer police officer newly appointed to the Burbank Police Department who has successfully completed a POST approved Basic Academy.



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## **436.5 REQUIRED TRAINING**

Entry-level officers shall be required to successfully complete the Field Training Program. Usually the training period is 24 weeks, but this may be reduced with the approval of the Patrol Division Captain when the officer demonstrates proficiency in the required competencies. In all cases, the training shall consist of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified with the approval of the Patrol Division Captain 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.

### **436.5.1 FIELD TRAINING MANUAL**

New officers will be issued a Field Training Manual at the beginning of their First Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Burbank Police Department. Officers shall become knowledgeable of the subject matter as outlined. They 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 Burbank Police Department.

## **436.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

### **436.6.1 FIELD TRAINING OFFICER**

The FTO will be responsible for the following:

- (a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
- (b) Review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) Complete a detailed end-of-phase performance evaluation on the assigned trainee at the end of each phase of training.
- (d) Sign off all completed topics contained in the Field Training Manual, noting the methods of learning and of evaluating the performance of the assigned trainee. The signoffs shall be made contemporaneous to the recruit's performance in the respective categories.

### **436.6.2 IMMEDIATE SUPERVISOR**



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The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

### **436.6.3 FIELD TRAINING ADMINISTRATOR**

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through FTO's immediate supervisor.

### **436.6.4 TRAINEE**

At the end of each training cycle, the trainee shall complete a critique or evaluation of each assigned Field Training Officer. These forms are confidential and will be given to the Lieutenant in charge of the FTO program.

Upon completion of the entire Field Training Program, the trainee shall complete a critique or evaluation of the Field Training Program. These forms are confidential and will be given to the Lieutenant in charge of the FTO program. The purpose of obtaining this information is to enhance the FTO Program and to take into consideration areas where improvements or adjustments should be implemented.

### **436.7 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee 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.

The documentation shall also include any deficiencies in performance. Those deficiencies identified by the FTO that are beyond the normal development of a trainee should be documented and brought to the attention of the FTO program supervisor in a timely manner. A performance improvement plan should be developed to address the identified areas of deficiency and consideration should be given to re-assigning the trainee to another FTO.

If the trainee appears to be improving and there is an expectation by the FTO, the FTO program supervisor, and the Patrol Division Commander that the trainee can successfully complete the program, a two month extension may be granted.





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
438**

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Obtaining Air Support

### 438.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and officers' responsibilities for making a request.

### 438.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance should be made.

### 438.3 CIRCUMSTANCES REQUESTING AIR SUPPORT

Police helicopters may be requested under any of the following conditions:

- (a) Crimes in progress or just occurred.
- (b) High-risk traffic stops.
- (c) Vehicle pursuits.
- (d) When the use of the helicopters will aid in the capture of a suspected fleeing felon who is a threat to the community.
- (e) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard.
- (f) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard.
- (g) When the helicopter is activated under existing mutual aid agreements.
- (h) Roof checks on burglary alarm activations.

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter should not replace the need for officers on the ground.



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## **438.4 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY**

If the Burbank-Glendale Air Support Unit is unavailable, air support from another agency may be requested. Upon consideration and approval of the request for outside agency air support, the Watch Commander or designee should call the Los Angeles County Sheriff, Los Angeles Police Department, or CHP Air Support Units in an effort to determine which agency may be able to provide the most rapid response. Alternatively, the Watch Commander may direct the Communications Center to make the resource request.

The Watch Commander should provide that agency of the specific details of the incident necessitating the request.

### **438.4.1 DOCUMENTATION AND NOTIFICATION**

When an allied agency air unit is utilized, the following procedures shall be followed:

- (a) At the conclusion of the incident, the field supervisor shall obtain the names and employee ID numbers of the allied agency personnel or the Air Unit designation.
- (b) The dispatcher shall enter this information in the CAD incident.
- (c) The reporting officer shall enter this information into any related crime reports.
- (d) The Watch Commander shall make an entry in the Watch Commander's Log.
- (e) The Watch Commander shall notify the Chief of Police, Deputy Chief, and Patrol Division Commander via email.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
440**

Approved: *Scott LaChasse*

CALEA

Effective Date: November 12, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Contacts and Temporary Detentions

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field detentions and pat-down searches, and the taking and disposition of photographs.

Nothing in this policy is intended to discourage consensual contacts. Frequent and casual contacts with consenting individuals are encouraged by the Burbank Police Department to strengthen our community involvement, community awareness, and problem identification.

#### 440.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual Encounter** – Occurs 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** – A brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Field Photographs** – Field photographs are defined as posed photographs taken of a person during a consensual 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 (BWC), or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-Down Search** – This type of search is used by officers in the field to check an individual for 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** – Occurs 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



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actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement

### 440.2 POLICY

The Burbank 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.

### 440.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Burbank Police Department to strengthen community involvement, community awareness, and problem identification.

#### 440.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
- (b) Actions suggesting that he/she is engaged in a criminal activity
- (c) Presence in an area at an inappropriate hour of the day or night
- (d) Presence in a particular area is suspicious
- (e) Carrying of suspicious objects or items
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
- (g) Location in proximate time and place to an alleged crime
- (h) Physical description or clothing worn that matches a suspect in a recent crime
- (i) Prior criminal record or involvement in criminal activity as known by the officer



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### 440.3.2 FIELD INTERVIEW (FI) CARDS

Field interviews of persons not documented in a report or of persons detained in the field but not arrested should be documented on an FI card, including sufficient facts to support the authority for the detention if applicable. Any searches of the person or personal property, including the authority for the search, should be documented on the FI card.

If the field interview is consensual, officers should not infer or suggest, whether verbally or through actions, that a reasonable person would conclude compliance with the information request is mandatory or required.

Officers shall submit all FI cards to the Watch Commander prior to end of shift for review and approval. The Records Bureau is responsible for entering FI card information into RMS and for archiving the original cards. The Records Bureau shall be responsible for purging FI cards per the approved documents retention schedule.

### 440.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (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. However, conducting pat-down searches without a backup is discouraged as it is generally not tactically advantageous to the officer. Whenever practical and safe, officers should attempt to stabilize the situation through verbal engagement and await backup prior to conducting pat-down searches.
- (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 deadly weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

### 440.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.



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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.

### **440.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should audio and/or video record the subject providing consent on their Puma recorder or BWC.

### **440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

### **440.5.3 DISPOSITION OF PHOTOGRAPHS**

When a field photograph is associated with a reported crime, the existence of the photograph shall be documented either in the original crime report or in a supplemental report. When a field photograph is taken and a crime report is not completed, the photograph shall be documented with a FI Card.

If an individual is photographed as a suspect in a particular crime, the photograph shall be saved in the appropriate digital image storage location consistent with Department policy (refer to Digital Imaging and Video policy). The CAD incident number shall be referenced for photographs documented with an FI card.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review the FI and forward the information 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 documents to the Gang 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.

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



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of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

### **440.5.4 MEMBER RESPONSIBILITIES**

During any contact with a member of public, if a community member requests for a supervisor, the member shall immediately request a supervisor to the scene. The community member should be told a supervisor has been requested; however, shall not be delayed any longer than necessary to complete the investigation (e.g., arrest, F.I. card, citation, etc.). If by the end of the contact/detention the supervisor has not arrived, the community member should be told they are free to leave, and the time of advisal noted on the member's Daily Field Activity Report (DFAR). If the community member leaves prior to the arrival of a supervisor, the member shall discuss the circumstances of the request with a supervisor as soon as practicable.

### **440.5.5 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

### **440.6 WITNESS IDENTIFICATION AND INTERVIEWS**

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, promptly coordinate with an on-scene supervisor and/or criminal investigators and take the following steps (as reasonable):

- (a) Identify 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 Department personnel.
  1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a Department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, whenever possible, prior to transportation.





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
442**

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Criminal Organizations

### 442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Burbank Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

#### 442.1.1 DEFINITIONS

Definitions related to this policy include:

***Criminal Intelligence System*** – Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

### 442.2 POLICY

The Burbank Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this Department to collect and share relevant information while respecting the privacy and legal rights of the public.

### 442.3 CRIMINAL INTELLIGENCE SYSTEMS

No Department member may create, submit to, or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for Department use.

Any criminal intelligence system approved for Department use should meet or exceed the standards of 28 CFR §23.20.



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Scott LaChasse, Chief of Police

## Policy 442

The Gang Detail supervisor will be responsible for maintaining each criminal intelligence system that has been approved for Department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 442.3.1 SYSTEM ENTRIES

It is the responsibility of the Gang Detail supervisor to approve the entry of any information from a report, FI, photo, or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this Department, such as open or public source documents or documents that are on file at another agency, the Gang Detail supervisor should ensure copies of those documents are retained by the Records Bureau. Any supporting documentation for an entry shall be retained by the Records Bureau in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The Gang Detail supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the Gang Detail supervisor.

### 442.3.2 GANG DATABASES

The Chief of Police may approve participation by the Gang Detail in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the responsibility of the Gang Detail supervisor or designee to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database; the Gang Detail supervisor or designee shall provide written notice to the person and if the person is under the age of 18, to his or her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor (Penal Code §186.34). Notice shall also describe the process to contest the designation.

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate or affiliate in a shared gang database accessible by the Department, the basis for that designation and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).



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The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the Gang Detail supervisor. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the Department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The Gang Detail supervisor or designee should forward reports or FI cards to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI card as gang intelligence information.

It is the responsibility of the Records Bureau supervisor to retain reports and FI cards in compliance with the database rules and any applicable end user agreement.

**RECORDS CONTAINED IN A SHARED GANG DATABASE SHALL NOT BE DISCLOSED FOR EMPLOYMENT OR MILITARY SCREENING PURPOSES, AND SHALL NOT BE DISCLOSED FOR THE PURPOSE OF ENFORCING FEDERAL IMMIGRATION LAW UNLESS REQUIRED BY STATE OR FEDERAL STATUTE OR REGULATION (PENAL CODE § 186.36). 442.4 TEMPORARY INFORMATION FILE**

This Department does not maintain local temporary information files as all information on members and associates of criminal street gangs is maintained in CalGang, which is a State of California funded database maintained by local law enforcement agencies.

### 442.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization, or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

### 442.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.



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Criminal organization information may only be furnished to Department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Release and Security Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a criminal intelligence database, such information should be provided by the GET supervisor, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

### 442.7 CRIMINAL STREET GANGS

The Investigation Division Commander should ensure that there are an appropriate number of Department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
  - 1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code §186.22(f).
  - 2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
  - 3. The California Street Terrorism Enforcement and Prevention Act (Penal Code §186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code §186.22).
- (b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

### 442.8 TRAINING

The Training Coordinator should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.



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## 442.8.1 SHARED GANG DATABASE TRAINING

The training coordinator should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6). The supervisor in charge of members authorized to utilize such databases are responsible for notifying the training coordinator of whom those members are.



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**Policy  
444**

CALEA

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Watch Commanders

### 444.1 PURPOSE AND SCOPE [11.3.1]

The Watch Commander is functionally responsible for managing his or her assigned watch, to include Patrol Operations, Communications Center, Records Bureau, and Jail Operations. The Watch Commander is also responsible for ensuring that the Department's goals are accomplished, particularly community policing strategies and organizational risk management. He or she shall be knowledgeable in current policies, legislation and case law, and as a representative of the Department's management team, shall conduct fair and impartial inquiries and investigations of its personnel. The Watch Commander is expected to be a problem solver and make recommendations to his or her Captain to improve delivery of service and develop greater efficiency in managing personnel and resources under his or her command. Above all, the Watch Commander shall be ethical in every aspect of his or her duties as a member of the Burbank Police Department.

### 444.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as the Watch Commander, the senior qualified sergeant should be designated as the acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.

### 444.3 WATCH COMMANDER'S DAILY LOG

The Watch Commander's Log should be completed by the on-duty Watch Commander or Acting Watch Commander for each shift. Each entry should include the following information:

- Title of Incident.
- Date and Time of Incident.
- Location of Incident.
- Narrative.
- Desk Report or Other Associated Numbers.



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444**

The Watch Commander's Log should document periodic internal and external station and Jail inspections, including surveying the site for potential physical dangers or policy violations. Other log entries should include, but are not limited to:

- (a) Use of Force Incidents.
- (b) Any incident covered in Major Incident Notifications Policy.
- (c) Vehicle Pursuits.
- (d) Injuries Sustained by Police Employees.
- (e) Crimes or Events of Major or Noteworthy Significance.
- (f) Incidents Involving Prominent Persons.
- (g) Major Traffic Collisions or any Collisions Involving Police Employees.
- (h) Significant property Damage.
- (i) Noteworthy Incidents at Schools.
- (j) Hate Crimes.
- (k) Mutual Aide Requests.
- (l) Emergency Service Requests for elevators, air conditioning/heating unit, roll up security doors for the parking garage.
  - 1. An email copy of the entry shall also be sent to the Deputy Chief, Support Services Captain and Lieutenant, and the Public Safety Facility Technician
- (m) Any Other Event that may be of Interest to the Chief of Police, City Manager, City Council Members, or Other City Employees.

Incidents involving personnel issues or those of a sensitive nature should not be reported on the Watch Commander's Log.

The completed Watch Commander's Log shall be attached to the daily timesheet and submitted to the Patrol Division Commander. The Patrol Division Secretary will maintain a file of the Watch Commander Logs.





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
445**

Approved: *Scott LaChasse*

Effective Date: March 25, 2020

## CHAPTER 4 – Patrol Operations

# Daily Field Activity Report

### 445.1 PURPOSE AND SCOPE

It is the policy of the Burbank Police Department (BPD) for employees to maintain accurate and complete records of their activities. The Daily Field Activity Report (DFAR) is a multipurpose report designed to capture all significant activities of field personnel, particularly in patrol and traffic assignments.

### 445.2 EMPLOYEE RESPONSIBILITY

A DFAR shall be completed for every regular shift worked by each employee. Employees completing a DFAR are responsible for the accuracy of each entry. The DFAR shall be thorough and accurately reflect the activities for the entire shift. Every activity of a police nature requires an entry, including but not limited to citizen reports of crimes, citizen complaints, self-initiated activity, incidents involving arrests, citations, or summonses, all dispatched calls for service, and cancelled calls. If a unit is cancelled from a call, and that call is handled by another unit, then the unit being cancelled shall document the unit designation of the handling unit. The DFAR should be electronically submitted to the designated watch supervisor(s) in a timely manner, at end-of-watch, with all pertinent fields completed.

The DFAR is an official BPD document, subject to internal review and discovery. The employee submitting his/her DFAR is attesting that all information contained therein is accurate. The DFAR shall be professional in appearance and content. Whenever practicable, the DFAR should be filled out as soon as possible following an activity.

### 445.3 SUPERVISOR RESPONSIBILITY

Each Patrol Group Lieutenant or designated supervisor shall be responsible for the timely review of the information contained in the employee's DFAR. The information will be gathered and reported on, as directed by the Patrol Division Commander. Supervisors should ensure that employees are completing their DFARs throughout the shift. This practice will discourage employees from waiting until the end of the shift to complete their DFARs.

### 445.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander or designated supervisor shall be responsible for audits as deemed necessary, checking for content, accuracy and completeness of submitted DFARs.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
446**

Approved: *Scott LaChasse*

Effective Date: March 25, 2020

## CHAPTER 4 – Patrol Operations

# Daily Log (Non-Sworn)

### 446.1 PURPOSE AND SCOPE

It is the policy of the Burbank Police Department (BPD) for employees to maintain accurate and complete records of their activities. The Daily Log is a multipurpose report designed to capture all significant activities for Animal Shelter and Parking Control personnel.

### 446.2 EMPLOYEE RESPONSIBILITY

The Daily Log shall be completed for every shift worked by each employee. Employees completing a Daily Log are responsible for the accuracy of each entry. The Daily Log shall be thorough and accurately reflect the activities for the entire shift. Each activity related to the employee's function requires an entry, including cancelled calls. If a unit is cancelled from a call, and that call is handled by another unit, then the unit being cancelled shall document the unit designation of the handling unit. The Daily Log is to be submitted to the designated supervisor(s) in a timely manner, at end-of-watch, with all pertinent fields completed.

The Daily Log is an official BPD document, subject to internal review and discovery. The employee submitting his/her Daily Log is attesting that all information contained therein is accurate. The Daily Log shall be professional in appearance and content. Whenever practicable, the Daily Log should be filled out as soon as possible following an activity.

### 446.3 SUPERVISOR RESPONSIBILITY

Supervisors shall be responsible for the timely review of the information contained in the employee's Daily Log. The information will be gathered and reported on, as directed by the Division Commander. Supervisors should ensure that employees are completing their Daily Logs throughout the shift. This practice will discourage employees from waiting until the end of the shift to complete their Daily Logs.

Supervisors shall be responsible for audits as deemed necessary, checking for content, accuracy and completeness of submitted Daily Logs.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
448**

CALEA

Approved: *Scott LaChasse*

Effective Date: September 5, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Mobile Digital Computer Use

### 448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a standard of operation for the general use of Mobile Digital Computers (MDC) to ensure and maintain a positive work environment and promote the most efficient use of the system. MDCs access records from various confidential government databases. The MDC system includes the Automatic Vehicle Locator (AVL) system. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

### 448.2 POLICY

MDC shall be used solely for official Law Enforcement business. Any communication using the MDC that involves the use of profane, obscene, offensive, insensitive, or other inappropriate words, terms, images, or statements is prohibited. The use of another employee's login credentials to access the system is strictly prohibited. Any modification of the MDC or AVL hardware or software without authorization or any attempt to disable, disrupt, or interfere with any component of the MDC or AVL system is prohibited.

### 448.3 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).

### 448.4. MDC USE

Any employee assigned to field duties in a vehicle equipped with an MDC shall log on and off via the MDC at the beginning and end of their shift. Properly trained employees shall also log on to any other system that is installed in an assigned vehicle (see [ALPR Policy](#)). Employees with field duties who have not been trained on the use of any system installed in a patrol vehicle shall notify their direct supervisor to schedule the training.

The MDC shall be used only for official police communications. Messages that are of sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the [City Technology Use Policy](#).

Messages transmitted via the MDC may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy may be subject to discipline.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 448

All calls dispatched to patrol units should be communicated by voice and MDC, unless otherwise authorized by the Watch Commander for specific incidents.

Queries via the MDC during traffic stops should generally be avoided unless a second officer is present. Officers shall confirm with the Records Bureau all information that might result an arrest based on information received via the MDC. If Records Bureau personnel are unavailable for an extended period of time to confirm warrant information, a supervisor may approve the arrest prior to transporting the suspect. "Information only" checks may be made via the MDC only when the situation would not necessitate a "backup" officer.

### **448.4.1 USE WHILE DRIVING**

All employees who drive Department vehicles are responsible to operate them in a safe and reasonable manner.

Use of the MDC by a driver should generally be limited to times when the vehicle is stopped. Use of the MDC while driving is discouraged. Safe operation of a vehicle is primary and personnel shall not allow the use of an MDC to interfere with their responsibility and ability to safely drive City vehicles.

Short transmissions, such as license plate checks, are permitted if they can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

When conducting traffic stops, detentions, and other field investigations, officers should transmit verbally over the police radio.

### **448.4.2 DOCUMENTATION OF ACTIVITY**

In addition to the Officer's Daily Log, MDC activities and voice transmissions are used to record an officer's activities in the Computer Aided Dispatch (CAD) system. To ensure the most accurate recording of these activities in the CAD system, the following are required:

- (a) All contacts or activity shall be communicated by officers at the time of the contact or activity (or as soon as a tactical situation may permit).
- (b) Whenever the activity or contact is initiated by voice, it shall be entered into the CAD system by the dispatcher.

### **448.4.3 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the police radio.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.



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## Policy 448

### 448.4.4 EMERGENCY ACTIVATION OF MDC

If the emergency button is depressed on the MDC, the dispatcher shall initiate a Field Emergency and verbally check the status and location of the activating unit over the police radio. If there is no emergency, then the Field Emergency will be cancelled and all units will resume their normal activities. At least one unit will be dispatched to meet with the activating officer to confirm the status.

If there is no response or the officer's status is unclear, the dispatcher shall proceed to immediately dispatch the nearest available unit Code-3. If the location of the unit is unknown, the dispatcher shall: attempt to identify the location of the unit by first checking the AVL system, then checking CAD for the last known location and status.

If the information is not available, the Communication Center shall broadcast the unit number, vehicle number, and beat assignment of the activated MDC and send available units and air support, if available, to that area to assist in locating the unit transmitting the emergency. All available information should be relayed by the Communication Center to responding units.

The Communication Center shall also notify the field supervisor and the Watch Commander of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until the unit is located, unless they are themselves handling an emergency.

### 448.5 MDC SECURITY

To ensure the security of the Department's computers, all employees shall follow the [Department Computer Use Policy](#).

#### 448.5.1 NON-FUNCTIONING MDC

Whenever possible, officers should not use vehicles with inoperative MDCs. If officers must drive vehicles without an operative MDC, they shall notify the Communications Center and the Watch Commander before beginning their field duty. It shall be the responsibility of the Communications Center to transmit all information verbally over the police radio.

Officers shall document any inoperative MDC promptly using the appropriate form in the Watch Commander's Office and with a notation on their Officer's Daily Log. The notation shall include the name of the Watch Commander notified. Officers shall then send an email to the [ITHelpDesk@burbankca.gov](mailto:ITHelpDesk@burbankca.gov) without delay to provide specific information concerning the nature of the problem.

#### 448.5.2 BOMB CALLS

When investigating reports of possible bombs, officers should keep electronic devices, including MDCs and portable radios, at least 300 feet from the suspected device. Officers should consider



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Scott LaChasse, Chief of Police

## Policy 448

turning off their MDCs if they are closer than 300 feet and there is a concern about detonating the device by a radio frequency.

### **448.6 AUDITS**

The Professional Standards Bureau shall conduct periodic audits of the MDC system to verify compliance with applicable laws and policies.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 450

Approved: *Scott LaChasse*

CALEA

Effective Date: June 28, 2013

### CHAPTER 4 – PATROL OPERATIONS

## Use of Audio Recorders

### 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio recording devices by members of this Department while in the performance of their duties. This policy shall also apply to portable or wearable video recorders if such devices are authorized and used by members of this Department.

This policy does not apply to surreptitious interception of electronic communications for lawful investigative purposes.

### 450.2 POLICY

The Burbank Police Department may issue each of its sworn members and select non-sworn personnel a digital audio recorder for use while on-duty. These recorders are intended to assist employees in the performance of their duties by providing unbiased audio recordings of contacts with the public and to protect police personnel from false allegations of misconduct.

### 450.3 PRIVACY

All recordings made by personnel acting in their official capacity as members of this Department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with Department-issued or personally owned recorders.

### 450.4 UNIFORMED PERSONNEL RESPONSIBILITIES

Prior to going into service, personnel who have been issued recorders are responsible for making sure that the assigned recorder is in good working order with adequate recording capacity and charged batteries. Uniformed employees issued a recorder shall wear the device on their person in a manner that allows for full functionality of the recorder and for optimized recording capabilities.

Non-uniformed personnel who have been issued Department audio recorders may carry the device if it may be useful or as directed by their Command Group.

Each employee is responsible for uploading recordings to the designated Department system as soon as practicable before the end of the employee's shift but no later than the start of the employee's next workday.





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### 450.5 ACTIVATION OF THE AUDIO RECORDER

All uniformed personnel (except SWAT and CNT during specific SWAT and CNT tasks) issued an audio recorder shall record contacts in the following circumstances unless articulable and reasonable factors are present to warrant not recording:

- (a) When conducting traffic stops or other field enforcement activity wherein members of the public or suspects are being contacted.
- (b) When handling domestic violence incidents or other incidents where violence is alleged to be occurring or to have just occurred.
- (c) When handling emotionally charged incidents or incidents where violent reactions of the involved party is likely.

Field personnel shall keep the recorder in a readily available position on their person that facilitates quick activation of the recorder. Once activated, the recorder should remain activated during the entire contact to ensure the integrity of the recording.

At no time are members expected to jeopardize their safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable. Any related report or notes should reflect that a recording was made concerning the incident.

If an employee does not record an entire contact or deactivates the device prior to the conclusion of the contact, the employee should record a statement at the conclusion of the contact explaining the reason for the incomplete recording. The employee may instead or additionally explain the circumstances of an incomplete recording in a related police report.

Officers assigned to investigative assignments, SWAT, or CNT may use other Department-issued audio or video recording devices when appropriate.

#### 450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Members of this Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another Department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee. Nothing in this section is intended to interfere with an officer's right to openly record any interview pursuant to Government Code § 3303(g).

#### 450.5.2 CESSATION OF RECORDING

Members shall cease audio recording while inside in-patient care areas of a hospital, rape treatment center, or other healthcare facility to ensure conversations are not recorded between a person in custody and the person's physician, attorney, or religious advisor unless there is explicit consent from all parties to the conversation (Penal Code § 636). However, members shall reactivate their audio



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Scott LaChasse, Chief of Police

## Policy 450

recorder as soon as practicable if enforcement or investigative activity with a member of the public resumes.

### **450.6 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 in the designated digital audio management system.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander or the appropriate bureau 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.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

### **PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM**

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

### **450.7 RETENTION OF RECORDINGS**

Employees who have been issued an audio recorder shall retain all digital recordings by uploading the audio files into the designated Department digital audio management system.

Any time an officer records any portion of a contact that the officer reasonably believes constitutes evidence in a criminal case, the officer shall document the existence of the recording in the related case report. Additionally, the officers shall enter the case number in the "DRNumber" column of the PUMA Management System. In all other cases, at least one of the following columns should be completed, if the information is available (listed in order of priority):

- (a) Citation number.
- (b) CAD Incident Number.
- (c) Subject's name.



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### 450.7.1 RETENTION REQUIREMENTS

All recordings will be retained for a period of not less than two years pursuant to Government Code §34090. Incidents involving use of force by an officer, officer involved shootings, incidents that lead to the detention or arrest of an individual, and recordings relevant to a formal or informal complaint against an officer or the Burbank Police Department, should be retained for a minimum of two years (Penal Code § 832.18).

Destruction of recordings shall only be conducted by order of the Chief of Police pursuant to a resolution by City Council or other legal order.

Employees shall not erase, record over, intentionally destroy, or otherwise discard official recordings except as outlined above.

If an employee inadvertently deletes a recording, the employee shall notify a direct supervisor who shall document the deletion on the supervisor's log. Intentional deletions of recordings may be authorized by a direct supervisor if the recording was unintentional and outside the scope of this policy (see § 450.5 and § 450.7.2). The supervisor approving the deletion of such recordings shall review the recording and document the authorization on the supervisor's log.

Non-evidentiary files (e.g., unintentional recordings) may be deleted from the digital audio management system by authorized personnel with prior approval from a Division Commander. The reason and the name of the approving person shall be entered in the "Notes" column of the PUMA Management System.

### 450.7.2 NON-CRIMINAL MATTERS

It is the Department's expectation that controversial, contentious, or hostile contacts with the public in the course and scope of the employee's work shall be recorded.

Any time an officer records a contact in a non-criminal matter, the officer shall upload the file in accordance with current procedures for storing digital files. The officer shall notify a supervisor of the existence of the recording and the nature of the non-criminal recording as soon as practicable.

Employees who fail to record such contacts shall notify their immediate supervisor of the incident and the reason the contact was not recorded. Officer shall also make extended or detailed entry on the reverse side of their Daily Logs, documenting the contact and the name of the supervisor notified.

### 450.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are Department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate Department business purposes.

#### 450.8.1 DISCOVERY REQUESTS

Designated employees assigned to the Support Services Division shall serve as the Custodian of Records for all digital audio recording files. The Technology Administrator or designated employees with the responsibility to prepare recorded media files for release pursuant to a legal process have



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authority to review, copy, and provide copies of digital audio files. Any digital audio file released pursuant to a legal process shall be reviewed for relevance and shall be released only with the written approval of the appropriate Division Commander.

### REDACTION OF RECORDINGS

The Department will fully comply with discovery requirements as mandated by law but occasionally, it may be proper to redact portions of recordings. Redaction of recordings for discovery shall only be made after the approval of the appropriate Division Commander or designee and with notification to the City Attorney's Office. Redactions may be made when the following information is present:

- (a) Official information as defined in Evidence Code §1040.
- (b) Information not related to the incident
- (c) Confidential information (i.e., social security numbers, driver license numbers, and confidential informant identification).

The Custodian of Records shall clearly mark the recording where redactions have been made and document the justification in a memorandum to the Support Services Captain or designee.

### **450.9 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, 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, 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 a lawful process or by court personnel otherwise authorized to review evidence in a related case. Only certified copies of audio files will be offered as evidence in any legal proceeding.
- (c) By order of the Chief of Police.
- (d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.
- (e) By police management or specific designees for the purpose of a random or specific audit.

### **450.10 CARE OF RECORDERS**

Audio recorders are sensitive electronic devices. Officers shall securely wear the recorders to ensure full functionality and should take proper care to avoid dropping the recorder. All persons to whom an



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## Policy 450

audio recorder has been issued shall be responsible for maintaining it in proper operating condition. Broken or malfunctioning audio recorders should be reported to the employee's immediate supervisor as soon as possible. The supervisor shall ensure prompt replacement or repair of the recorder, including completion of appropriate documentation, as necessary.

### **450.11 ISSUANCE AND MAINTENANCE OF RECORDERS**

All digital recorders shall be issued by the Training Coordinator. The Training Coordinator shall be responsible for ensuring that issued recorders are programmed with the user's unique identification number. If a spare recorder is issued on a temporary basis, then the Training Coordinator shall ensure that the records reflect the assignment of the spare recorder and the period of assignment.

The Training Coordinator is responsible for the maintenance, repair, or replacement of Department issued digital audio recorders.

### **450.12 AUDITS**

Periodic audits of digital recordings should be conducted by the Audits and Inspections Unit and be documented in a written report submitted to the Chief of Police. The audit should recognize professional conduct, performance needing improvement or training, and misconduct. Except when an audit leads to a Personnel Investigation, employees should receive feedback via their supervisor from the Audit and Inspections Unit of the audit results.

Upon receipt of the audit report, the Chief will determine whether any of the following is warranted:

- (a) Employee recognition.
- (b) Training (individual or Department-wide).
- (c) Supervisor counseling.
- (d) Policy revision or adoption.
- (e) Enhanced supervision protocols.
- (f) Initiation of a Personnel Investigation.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
451**

Approved: *Scott LaChasse*

Effective Date: January 1, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Possession of Marijuana Violations

### 451.1 PURPOSE AND SCOPE

This policy is to describe the requirements and procedures for handling possession of marijuana violations classified as infractions (see the Medical Marijuana Policy).

### 451.2 POLICY

This policy is based on the *Kellet v Superior Court* decision (which requires prosecutors to file all known criminal charges from a single incident at the same time) and applies to violations involving the possession of less than one ounce of marijuana, which is an infraction per Health and Safety §11357(b) and Vehicle Code §23222(b).

Officer responsibilities for handling these violations in three situations are as follows:

- (a) When less than one ounce of marijuana is recovered from a suspect and no additional charges are present, a citation shall be issued for the violation. The officer must indicate the reason for the contact, authority for the search, and where the marijuana was found in the remarks section on the front of the citation (for example, "Contacted for 21956 VC, consensual search, found marijuana in right front pants pocket."). Other infractions may be included on the same citation as applicable (e.g., 11357(b) HS and 21453(a) VC).
- (b) No other documentation is required (i.e., no crime report) unless the officers does not properly document the elements in the remarks section of the citation. In that case, a report shall be completed.
- (c) When less than one ounce of marijuana is the probable cause for recovering additional contraband, the possession of marijuana shall be listed in the crime report as probable cause for the recovery of the contraband and no citation shall be issued (for example, possession of marijuana is the basis for a probable cause search of a vehicle where a loaded handgun is recovered).
- (d) When less than one ounce of marijuana is recovered from a suspect and there are any additional charges, no citation shall be issued. The officer must document the recovery of the marijuana in a separate supplemental report with no mention of the marijuana possession in the narrative of the original or in any other supplemental report. A separate follow up is required to allow Records to purge all cases in which possession of not more than (1) ounce of marijuana charges are cited or filed.



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451**

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Note: Health and Safety Code §11357(b) applies to the possession of “not more than 28.5 grams of marijuana.” So the possession of 28.5 grams or less is an infraction per §11357(b).

## **451.2 BOOKING THE MARIJUANA INTO EVIDENCE**

In situation (a) above, where a citation is issued and no other charges are present, the officer shall book in the marijuana as evidence using the citation number in the FileOnQ System. The system will allow a citation number to be used as the primary reference number if the code “99-999999” is entered in the case number field.

## **451.3 CITATIONS ISSUED TO JUVENILES**

Officers shall obtain a DR number and complete a crime report and a JC (Juvenile Investigation Report) when a citation is issued for the possession of not more than (1) ounce of marijuana and no other charges are present.





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
452**

CALEA

Approved: *Scott LaChasse*

Effective Date: April 14, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Medical Marijuana

### 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Department guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under California's medical marijuana laws.

#### 452.1.1 DEFINITIONS

Definitions related to this policy include:

**Cardholder** – A person issued a current identification card.

**Compassionate Use Act (CUA) (Health and Safety Code §11362.5)** – California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

**Identification Card (MMIC)** – 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 designate 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 (Health and Safety Code §11362.71(e)).



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**Patient** – A person who is entitled to the protections of the CUA because he or 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 and §11362.7). A person does not qualify as a primary caregiver merely by having a patient designate him or her as such. Rather, the person must show “a caretaking relationship directed at the core survival needs of a seriously ill patient, not just one single pharmaceutical need” [*People v. Mentch* (2008) 45 Cal.4th 274, 283]. A “caretaking relationship” requires assumed responsibility for the housing, health, and/or safety of the purchaser.

**Statutory Amount (Applicable only under MMP)** – 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 6 mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

## 452.2 POLICY

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 generally no medical exception under federal law for the possession or distribution of marijuana. The Burbank Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

### 452.2.1 CUA AND MMP EXPLAINED

This subsection is to explain the distinction between California's Compassionate Use Act of 1996 (CUA) and the State Medical Marijuana Program (MMP). The first step in evaluating any medical marijuana claim is to determine if the person meets the requirements of either the CUA or MMP. The MMP requires a valid identification card (MMIC) issued by the State Department of Health Services. The CUA, however, only requires “the written or oral recommendation or approval of a physician.” (Health and Safety Code §11362.5(d))

#### Compassionate Use Act (CUA)

The CUA does not provide immunity from arrest. If there is probable cause to believe that marijuana possession or cultivation has occurred, an Officer may arrest regardless of the existence of a physician's recommendation (*People v. Mower* (2002) 28 Cal.4<sup>th</sup> 457, 467-469). Also, the CUA does not specify an amount of marijuana a qualified person may possess or cultivate. Instead, it states that the possessed or cultivated marijuana must be for “personal medical purposes.”



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Scott LaChasse, Chief of Police

**Policy  
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## **Medical Marijuana Program (MMP)**

To avoid unnecessary arrests, the State established a State-authorized medical marijuana identification card (MMIC), along with a registry database for verification of qualified patients and their primary caregivers. Participation by patients and primary caregivers in this identification card program is voluntary. The MMP Web-based registry allows law enforcement and the public to verify the validity of a qualified patient or primary caregiver's MMIC as authorization to possess, grow, transport, and/or use medical marijuana within California. The verification website is available on the internet at [www.calmmp.ca.gov](http://www.calmmp.ca.gov).

Per Health and Safety Code §11362.71(e), officers shall not arrest any person or designated primary caregiver in possession of a valid MMIC for possession, transportation, delivery, or cultivation of medical marijuana as defined by the statutory amount, unless the person is otherwise in violation of the provisions of the medical marijuana laws (refer to §452.3.2).

The MMP allows for a greater amount with a doctor's recommendation stating that this amount is insufficient or if cities/counties retain or enact guidelines allowing greater quantities (Health and Safety Code §11362.77(b) and §11362.77(c)). The City of Burbank has not enacted any such guidelines.

Transportation for sales and/or possession of marijuana for sales is illegal per Health and Safety Code §11358 and §11359. A qualified patient or caregiver may only transport a quantity of marijuana reasonably related to the patient's current medical needs [*People v. Wayman* (2010) 189 Cal.App4th 215,223].

The MMP provides the holder of a valid MMIC card protection against arrest in certain circumstances. The MMP states (Health and Safety Code §11362.71(e)): "No person or designated primary caregiver in possession of a valid identification card shall be subject to arrest for possession, transportation, delivery, or cultivation of medical marijuana in an amount established pursuant to this article [MMP], unless there is reasonable cause to believe that the information contained in the card is false or falsified, the card has been obtained by means of fraud, or the person is otherwise in violation of the provisions of the article," such as possession for sales .

## **452.3 INVESTIGATION**

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim.
- (b) Investigations when a medicinal claim is made by a cardholder.
- (c) Investigations when a medicinal claim is made by a non-cardholder.

### **452.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM**

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use



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under the Control, Regulate and tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

### **452.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY MMIC CARDHOLDER**

An MMIC 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 and §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 (i.e., possession for sales).

The online MMP registry should be used for verification prior to arrest. The MMP registry does not maintain historical information. As such, obtaining the relevant information at the time of the investigation is critical.

MMIC 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 and §11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

### **452.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER**

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or, delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.



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Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

### **452.3.4 INVESTIGATIONS INVOLVING A STATE LICENSEE**

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/ or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

### **452.3.5 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 (upon consulting with a supervisor) 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.
- (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 confer 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



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related issues can be complex. Officers should be aware that patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

- (d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

### 452.3.6 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.
- (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).

### 452.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

### 452.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The investigating officer 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 Department 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, this Department will not return any marijuana, plants, drug paraphernalia, or other related property to the person from whom it was seized unless there is a valid court order requiring such release. If a court order is issued for such release, the investigator shall contact the issuing court and make arrangements to release the property to the court for final disposition. If the court refuses to accept and dispose of the property, the investigator shall contact the City Attorney's Office for guidance.



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The Property and Evidence Section Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order.





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Approved: *Scott LaChasse*

CALEA  
Effective Date: 08-31-18

## CHAPTER 4 – PATROL OPERATIONS

# Use of Body Worn and In-Car Camera

### 453.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of body worn cameras (BWC) and in-car cameras (ICC) by members of this Department. The following provisions are intended to provide Burbank Police Department (BPD) personnel with instructions on how and when to use the BWC/ICC to ensure reliable recording of enforcement and investigative contacts with the public.

While recordings obtained from a BWC/ICC provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Video captures 2-dimensional images, which may be different from a member's 3-dimensional observations and perceptions. Lighting and angles may also contribute to different perceptions. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

This policy does not apply to interviews or interrogations conducted in Burbank Police Department interview rooms, authorized undercover operations, or surreptitious interception of electronic communications for lawful investigative purposes (i.e. wiretaps, eavesdropping).

### 453.2 POLICY

The Burbank Police Department may issue each of its sworn members and select non-sworn members a BWC and equip patrol vehicles with an ICC for use while on-duty. These recorders are intended to assist members in the performance of their duties by providing reliable audio/video recordings of contacts with the public and to protect police personnel from false allegations of misconduct. The Department adopted the use of BWCs/ICCs by BPD personnel to:

- (a) Collect evidence for use in criminal investigations and prosecutions;
- (b) Deter criminal activity and uncooperative behavior during police-public interactions;
- (c) Assist members with completing reports and providing testimony in court;
- (d) Promote responsibility and accountability for a member's actions and decisions;



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- (e) Assist in resolving complaints against members including, but not limited to false allegations by members of the public; and,
- (f) Provide additional information for the purposes of personnel training and evaluation.

All Department members using a BWC/ICC shall be trained and provided a copy of the policy prior to use of equipment. The training and course outline shall be documented in the Department's Training Management System (TMS).

The Professional Standards Sergeant will be responsible for routinely reviewing and updating applicable BWC/ICC policies to meet state and federal law and identified best practices.

### 453.3 PRIVACY

All audio/video recordings made by members on any issued BWC/ICC 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 and any unauthorized release is strictly prohibited.

### 453.4 MEMBER RESPONSIBILITIES

Prior to going into service, members who have been issued a BWC and/or ICC equipped vehicle are responsible for logging on and making sure that the assigned recorder is in good working order and batteries are fully charged. When two members are assigned as an "Adam" unit, at least one member shall log on to the ICC camera system at the start of their assigned shift and log off at the end of the shift. All members shall document the results of the BWC/ICC inspection in the Type of Activity/Disposition section of the Electronic Daily Field Activity Report (eDFAR) at the start of their assigned shift. 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. If the ICC system is not in working order or the member becomes aware of a malfunction, the member shall report the failure to his/her supervisor and if available, obtain a vehicle with a functioning ICC.

Uniformed members should wear the BWC as recommended by the service provider that allows for full functionality of the recorder and for optimized recording capabilities.

Non-uniformed members, including investigative personnel, who have been issued a BWC should carry and utilize the device as directed by their Command Group. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a manner which is best suited, based on the circumstances or otherwise notify persons that they are being recorded, when required by law.

Members shall document the existence of a BWC/ICC recording in any report, including any instance where the recorder malfunctioned or the member deactivated or muted the recording, prior to the completion of the contact. Members should include in any report, the reason for **deactivating or muting the recording**. If a report is not completed, the member should record a statement at the conclusion of the contact explaining the reason for the deactivation or muting.



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Each member is responsible for uploading recordings to the designated Department system as soon as practicable before the end of the employee's shift, but no later than the start of the employee's next workday.

It is not a requirement to obtain consent from members of the public when the officer is lawfully in the area where a BWC/ICC recording takes place. Department members are not authorized to play back BWC/ICC recordings to allow members of the public to review the recordings without prior approval from a Lieutenant or Acting Watch Commander.

Members shall not tamper with or dismantle any hardware or software component of the BWC/ICC system.

### 453.5 SUPERVISOR RESPONSIBILITIES

Supervisors assigned to any unit with personnel equipped with BWC/ICC shall:

- (a) Conduct periodic inspections of members assigned BWCs and ensure that the BWCs are properly affixed to the members and operational;
- (b) Respond to the scene that arises from a use of force and/or critical incident (e.g. officer-involved shootings, in-custody deaths, critical incidents involving great bodily injury) to ensure the data is downloaded and chain of custody is maintained. The retrieval of BWC media should occur once the scene is stabilized and when practicable (Penal Code § 832.18 compliant).
  1. Ensure the position/location of the BWC is documented and photographed in the appropriate report (e.g. crime report, administrative report, use of force report); and
  2. Review relevant BWC/ICC recordings prior to submitting any administrative reports.

A supervisor shall document any inspection of BWC/ICC equipment in Guardian Tracking as applicable. If any BWC/ICC equipment is found to be defective, the supervisor must ensure that the equipment is removed from service and immediately replaced. Spare BWC's shall be made available in the Watch Commander's Office. The supervisor shall notify the BWC/ICC System Administrator/Training Coordinator of the defective BWC and/or ICC camera as soon as practicable. Any supervisor issuing a spare/replacement BWC to a member shall ensure the BWC is assigned to that member in the BWC system to maintain continuity of the involved members BWC recordings.

### 453.6 ACTIVATION OF THE BWC/ICC RECORDER

All uniformed and investigative members issued a BWC and/or ICC equipped vehicle shall record all incidents, including enforcement and investigative contacts, whether self-initiated or in response to a call for service. All members should activate their BWC prior to making contact with members of the public.

**At no time are members expected to jeopardize their safety or the safety of members of the public in order to activate a recorder.** However, the recorder should be activated as soon as



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practicable and when safe to activate. Any related report should reflect that a recording was made concerning the incident.

The BWC/ICC shall continue recording (both video and audio) until the investigative or enforcement activity involving a member of the public has ended. If the enforcement or investigative activity with a member of the public resumes, the officer shall activate the BWC/ICC and continue recording.

If a member is unable or fails to activate the BWC/ICC or deactivates the BWC/ICC prior to the conclusion of the contact, the member should record a statement at the conclusion of the contact explaining the reason for the incomplete recording. Additionally, the member may instead explain the circumstances of an incomplete recording in a related police report or appropriate documentation for the type of incident.

Members are not required to activate and record investigative or enforcement encounters with the public during the following situations:

- (a) Situations where recording would risk the safety of the Department member or member of the public (e.g. confidential informant, citizen informant, or undercover officer);
- (b) Non-enforcement contacts in restrooms, dressing rooms, locker rooms;
- (c) If a member is on a perimeter post or assigned to a static post where he/she is not in contact with citizens, involved in an enforcement action, or actively engaged in an investigation.

A supervisor shall be requested if there is a question as to whether or not to activate the BWC under the following circumstances:

- (a) A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
- (b) A victim or witness who objects to being recorded based on their physical condition, emotional state, age, or other sensitive circumstances (e.g. a victim of rape, incest, or other form of sexual assault);

Members assigned to investigative assignments, SWAT, or CNT may use other Department issued audio or video recording devices when appropriate and approved by a supervisor.

The BWC/ICC device contains a pre-event buffering system. This recording, however, does not include any audio. The pre-event buffering system for both the BWC/ICC is currently set for 30 seconds. The Department will notify all members prior to making any changes to the pre-event buffering setting.

### **453.6.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER**

Members of this 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 beneficial to the investigation (Penal Code §633).

Members shall not surreptitiously record another Department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee. Nothing in this section is intended



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to interfere with a Department member's right to openly record any interview pursuant to Government Code §3303(g). Members shall not utilize their BWC during the course of an employee administrative interview.

## **453.7 PROHIBITED USE OF BWC/ICC**

Members are strictly prohibited from using a Department-issued BWC and/or ICC equipped vehicle recording media for personal use or posting to social media. Members **shall not** copy, edit, alter, erase, or otherwise modify in any manner BWC/ICC recordings except as authorized by law or this policy. Any violation of the policy may result in discipline. All BWCs/ICCs will be configured by an authorized agent to prevent any modifications to recordings prior to being uploaded to the Department audio/video management system.

Members assigned a BWC and/or ICC equipped vehicle **shall not** use any other non-Department issued video or audio equipment, such as personally owned video and audio recorders, to record enforcement or investigative activities involving members of the public unless expressly authorized by a supervisor. Any member who uses a personally owned recorder for Department-related activities shall notify a supervisor and comply with the provisions of this policy, including retention and release requirements. Supervisory personnel may use digital recording devices other than a BWC to record interviews when conducting use of force investigations or internal affairs/personnel investigations. Nothing in this policy precludes Department members from utilizing authorized still photography equipment.

Members are also **prohibited** from **retaining copies of recordings** of activities or information obtained while on-duty. Members shall not duplicate or distribute such recordings, except for authorized legitimate Department business purposes. All such recordings shall be retained at the Department in the designated digital audio/video management system.

### **Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.**

BWCs and/or ICC equipped vehicles shall only be used in conjunction with official law enforcement and investigative activities involving members of the public. BWCs shall not be used to record Department personnel during briefings, meetings, roll calls or while in private spaces such as locker rooms/dorms or restrooms. Members shall not use BWC/ICC devices to record discussions pertaining to tactical operations.

Generally, BWCs and ICC equipped vehicles shall not be used as a surveillance tool to record members of the public engaged in lawful activities (see §453.6 for exceptions).

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

## **PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM**

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with BWC/ICC recordings is prohibited (Penal Code §832.19).



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### 453.7.1 CESSATION OF RECORDING

Once activated, the BWC and/or ICC equipped vehicle should remain **on continuously** until the member reasonably believes that his/her direct participation in the incident is complete or the investigative or enforcement activity involving a member of the public has ended.

If the BWC and/or ICC equipped vehicle is used during an enforcement situation and it becomes necessary to discuss issues or concerns related to privacy or officer-safety with another member or supervisor, the device may be stopped or muted. The intention to stop or mute the recording should be noted by the member **verbally** such that it is recorded by the BWC before the deactivation if practicable. When the aforementioned conversation has ended, the member should reactivate the camera promptly and the member **shall note verbally** that the recording has continued. The member may instead or additionally explain the circumstances of an incomplete recording in a related police report if it is not practicable to verbally declare their intention to stop or mute the recording.

Members may also mute the audio portion of the BWC when at the scene of a prolonged and static situation. The intention to mute the recording should be noted by the member verbally such that it is recorded by the BWC prior to muting the device. The video recording should continue through the conclusion of the incident.

Members shall mute the microphone on their BWC while inside in-patient care areas of a hospital, rape treatment center, or other healthcare facility to ensure conversations are not recorded between a person in custody and the person's physician, attorney, or religious advisor unless there is explicit consent from all parties to the conversation (Penal Code §636). However, members shall reactivate the audio on their BWC as soon as practicable if enforcement or investigative activity with a member of the public resumes.

Members shall deactivate (turn off video/audio) their BWC in situations when they are in a private examination room with a subject and the treating physician and/or other sensitive venues.

### 453.7.2 EXPLOSIVE DEVICE

Many portable recorders, including BWC/ICC 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.

### 453.7.3 LIVE STREAMING

BWC cameras shall not be activated for live streaming, unless authorized by the Watch Commander or a supervisor acting in that capacity, and only for the purpose of providing remote viewing of a critical incident or other type of emergency (e.g. barricaded subject, active shooter, disaster scene, crime scene). Real time notice shall be provided to any involved member when their BWC is activated for live streaming.

### 453.8 IDENTIFYING/TAGGING RECORDINGS

BWC and ICC cameras will be integrated with the Department CAD system to auto tag recordings when an officer is logged into the CAD system and on a CAD generated call for service. The auto tag feature will attach the CAD number, DR number (if applicable), call type and time and length of the recording.





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When a member activates a BWC/ICC that is not related to a CAD call, the member shall at a minimum manually enter the CAD number, category or event type that best describes the content of the video (i.e., arrest, traffic stop, report) and DR number (if applicable) via the MDC, smart device app, or via the desktop app. (Penal Code §832.18).

Anytime 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.

## **453.9 RETENTION OF RECORDINGS**

Members who have been issued a BWC and/or assigned an ICC equipped vehicle shall retain all recordings by uploading the audio/video files into the designated Department digital audio/video management system.

Evidentiary data/recordings of the following shall be maintained for a minimum of two years (Penal Code §832.18):

- (a) Incident involving use of force by officer;
- (b) Officer-involved shootings;
- (c) Incidents that lead to the detention, arrest, or search of an individual;
- (d) Recordings relevant to a formal or informal complaint against an officer/member of the Burbank Police Department or the Burbank Police Department.

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period and in the same manner as required by law for other evidence that may be relevant to a criminal prosecution (Penal Code §832.18).

All other recordings, including internal and/or external investigations which has a downloaded file of the incident, should be retained for a period consistent with the requirements of the Department's records retention schedule, but in no event for a period less than 60 days.

Intentional deletions of recordings may be authorized by a Lieutenant if the recording was unintentional and outside the scope of this policy. Any Lieutenant approving the deletion of such recordings shall review the recording and document the authorization on the Watch Commander's Log.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code §832.18).

The Chief of Police or his designee will consult with the Burbank City Attorney's Office to ensure the method of data storage meets legal requirements for chain of custody concerns.

All BWC/ICC data uploaded to Evidence.com will be stored in a Criminal Justice Information Services (CJIS) compliant cloud server.





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### 453.10 RELEASE OF RECORDINGS

BWC/ICC recordings are investigative records and generally exempt from disclosure under the Public Records Act. BWC/ICC recordings also qualify as privileged official records. Therefore, based on the exemptions, privileges, and privacy interests involved, the Department will not publicly disclose BWC/ICC recordings unless subject to release by law, including but not limited to Government Code §6254 (effective 7/1/2019 as amended by AB-748).

The Chief of Police or his designee has the discretion to allow viewing or release of BWC/ICC recordings if the Chief determines it is in the best interest of the Department and the City of Burbank. The Chief or his designee may issue a narrative in conjunction with any released BWC/ICC recording to provide background information for the event captured on the recording. Every effort will be made to notify an involved member and provide a copy of the recording prior to the release of the recording.

#### 453.10.1 DISCOVERY REQUESTS

Designated members assigned to the Administrative Division shall assist the Custodian of Records by preparing digital audio/video recording files for release pursuant to a legal process and have full authority to review, copy, and provide copies of digital audio/video files. Any digital audio/video file released pursuant to a legal process shall be reviewed for relevance.

#### REDACTION OF RECORDINGS

The Department will fully comply with discovery requirements as mandated by law. Occasionally, it may be proper to redact portions of recordings. Redaction of BWC/ICC recordings for discovery shall be made only after the approval of the appropriate Division Commander or designee and with notification to the City Attorney's Office. Redactions may be made when the following information is present:

- (a) Official information as defined in Evidence Codes §1040 - §1042.
- (b) Information not related to the incident.
- (c) Confidential information (i.e., social security numbers, driver license numbers, and confidential informant identification).

The assigned Administrative Division members or Custodian of Records shall clearly mark the BWC/ICC recording where redactions have been made and document the justification in a memorandum to the Deputy Chief, Professional Standards Lieutenant, or designee. Redactions simply isolate a portion of the recording, but do not permanently delete the isolated portion.

### 453.11 REVIEW OF BWC/ICC MEDIA FILES

When preparing written reports, members should review their recordings as a resource. However, 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 anytime they are investigating alleged misconduct, reports of meritorious conduct, or whenever such recordings would be beneficial in reviewing the member's performance.



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Recorded files may also be reviewed:

- (a) To test the BWC/ICC equipment to ensure it is operating properly;
- (b) 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;
- (c) Pursuant to a lawful process or by court personnel otherwise authorized to review evidence in a related case. Only certified copies of audio/video files will be offered as evidence in any legal proceeding;
- (d) By order of the Chief of Police;
- (e) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy;
- (f) Prior to courtroom testimony or for courtroom presentation;
- (g) With the approval of the Chief of Police by members of an oversight group (e.g. OIR Group)
- (h) By police management or specific designees as directed by the Chief of Police for the purpose of a random or specific audit. It shall be deemed a violation of this policy for a manager or supervisor to review recordings for the sole purpose of searching for violations of Department policy or law not related to a specific complaint or incident.

Before any BWC/ICC recording is used for training purposes, it shall be vetted by the Investigation Division Lieutenant to ensure there is no conflict with an ongoing criminal case. In the event BWC/ICC recordings are to be utilized for training purposes, the involved member(s) shall be notified in advance by the COPS Bureau Lieutenant. If the involved member(s) objects to the use of the recording, such objection shall be submitted via memorandum to the COPS Bureau Lieutenant and forwarded to the Deputy Chief for disposition. The value of the recording for training will be weighed against the member's objections and basis for the objection.

All Department members shall be aware that Evidence.com contains an audit trail software which memorializes every instance a video has been reviewed, downloaded, shared, or if the data field has been modified. The audit trail captures the member using the software, as well as the date and time of the review. Members shall not review any video footage, unless it is meant for an investigative, administrative, and/or training purpose. If a member reviews any video footage for any other reason, a memorandum explaining the reason for the review shall be completed and addressed to their respective Commanding Officer.

A Department member involved in an officer-involved shooting, in-custody death, incident resulting in serious bodily injury, or suspected of criminal activity, who is providing a voluntary statement, shall be given the opportunity to review his/her own BWC/ICC video recording of the incident prior to providing a statement to criminal investigators.

If deemed necessary and appropriate by the assigned investigative supervisor, the involved Department member shall be given the opportunity to review other relevant BWC/ICC recordings that memorialized the encounter from a similar vantage point. The member may have his/her representative present during



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the viewing of the video recordings and will be afforded the opportunity to privately consult with his/her representative before providing a statement.

### **453.11.1 ADMINISTRATIVE INVESTIGATION**

As part of the administrative investigation, the member shall be given the opportunity to view the video recordings of the incident from his/her own BWC and/or assigned ICC equipped vehicle immediately prior to his/her interview. The member may have his/her representative present during the viewing of the video recordings and will be afforded the opportunity to privately consult with his/her representative(s) before providing a statement.

In the event the involved member is involved in an officer-involved shooting, in-custody death, incident resulting in serious bodily injury, or suspected of criminal activity, and does not provide a voluntary statement to criminal investigators, the member will only be allowed to view any recordings immediately prior to his/her administrative interview. However, the involved member shall be provided a reasonable amount of time to view and/or discuss the BWC/ICC recording with his/her representative(s) prior to any administrative interviews.

### **453.12 CARE OF BWC**

BWC are sensitive electronic devices. Members shall securely wear the BWC to ensure full functionality and should take proper care to avoid dropping and/or mishandling the BWC. All members to whom a BWC has been issued shall be responsible for maintaining it in proper operating condition. Broken or malfunctioning BWCs should be reported to the member's immediate supervisor as soon as practicable. The supervisor shall ensure prompt replacement or repair of the BWC, including completion of appropriate documentation, as necessary.

### **453.13 ADMINISTRATIVE ANALYST FOR BWC-ISSUANCE AND MAINTENANCE OF BWC**

All BWC shall be issued by the Administrative Analyst assigned to the BWC program. The Administrative Analyst shall be responsible for ensuring that issued BWCs are programmed with the user's unique identification number. If a spare BWC is issued on a temporary basis, then the Administrative Analyst shall ensure that the records reflect the assignment of the spare BWC and the period of assignment.

The Administrative Analyst is responsible for the maintenance, repair, and/or replacement of Department issued BWCs and ICC.

### **453.14 AUDITS**

Periodic audits of digital audio/video recordings shall be conducted by the Audits and Inspections Unit on a semi-annual basis at a minimum, and will include the review of a minimum of twenty-five media files. Audits will be documented in a written report and submitted to the Chief of Police. The audit should recognize professional conduct, performance needing improvement or training, and misconduct. This is to include an annual audit of the remote activation / live streaming function for frequency and purpose. Except when an audit leads to a personnel investigation, a Department-wide daily bulletin will be issued at the conclusion of any BWC/ICC audit, informing Department members of the audit and whether or not any questionable issues were discovered.



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Upon receipt of the audit report, the Chief will determine whether any of the following is warranted:

- (a) Employee recognition.
- (b) Training (individual or Department-wide).
- (c) Supervisor counseling.
- (d) Policy revision or adoption.
- (e) Enhanced supervision protocols.
- (f) Initiation of a personnel investigation.



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CALEA

Approved: *Scott LaChasse*

Effective Date: November 12, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Bicycle Patrol Unit

### 454.1 PURPOSE AND SCOPE

The Burbank 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.

### 454.2 POLICY [46.2.7; 61.1.6(c)]

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

### 454.3 SELECTION AND REMOVAL OF PERSONNEL [41.1.3(b)]

Personnel selected to the BPU serve at the direction and discretion of the Patrol Division Commander. The unit is a collateral assignment with no additional compensation.

The BPU supervisor shall initiate a Daily Bulletin notice announcing a bicycle training class. Interested sworn personnel, who are off probation, shall submit a request to their Division Commander via their chain of command. The Patrol Division Commander shall evaluate and select applicants based on 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.
- (e) Ability to problem solve and desire to foster community partnerships.



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### **454.3.2 REMOVAL OF PERSONNEL** [41.1.3(b)]

The Patrol Division Commander may permanently or temporarily remove an officer from the BPU for failing to meet expectations or follow established guidelines. Removal from the BPU is not disciplinary in nature and is at the sole discretion of the Patrol Division Commander. Personnel who fail to meet the continual training requirements listed in this policy shall be considered "Non-Deployable" until they successfully complete the required update.

### **454.3.1 BICYCLE PATROL UNIT SUPERVISOR** [41.1.3(c)]

The Bicycle Patrol Unit Supervisor will be selected from the rank of sergeant by the Patrol Division Commander or designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle officers.
- (e) Coordinating activities with the Patrol Division.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

### **454.4 TRAINING** [33.6.1; 41.1.3(b)]

Participants in the program must complete an initial 12-hour Department approved bicycle-training course after acceptance into the program from a POST certified instructor. Thereafter bicycle patrol officers should receive 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.
- Care of equipment and reporting of necessary repairs.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves.

### **454.5 UNIFORMS AND EQUIPMENT** [41.1.3(d)]

Bicycles officers shall wear the Department approved uniform and safety equipment while operating the police bicycle. Safety equipment includes Department approved helmet, riding gloves, protective eyewear, approved footwear, and soft body armor.



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The bicycle uniform consists of:

- (a) The Department approved black "polo" style shirt with Department approved badge, name tag, and patches.
- (b) Black bicycle patrol pants or shorts with a uniform appearance.
- (c) Authorized patrol duty belt as they would on a regular patrol assignment.
- (d) Black or predominantly black athletic shoes.
- (e) Single color, black or dark grey, ANSI or DOT approved bicycle helmet.

In cold weather, the Department approved "raid" jacket may be worn instead of the polo shirt. Officers may also wear a long sleeve black shirt or turtleneck under the polo shirt.

Officers will be responsible for obtaining necessary forms, citation books, and other needed equipment to keep available while on bike patrol.

### **454.6 CARE AND USE OF PATROL BICYCLES** [41.1.3(c); 53.1.1(b)]

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger. Every bicycle shall be equipped with front and rear reflectors front lights and a siren or 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 bags sufficient to carry all necessary equipment to handle routine patrol calls, including report writing, vehicle storage, and citations.

Each bicycle may be equipped with a steady or flashing blue warning light that is visible from the front, sides, or the 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, the officer shall notify the program supervisor via email, detailing the specific issue. The officer shall also tag the bicycle as a notice of the condition to other officers. The program supervisor will arrange for repair by an approved technician.

Each bicycle will have routine maintenance performed by a Department approved repair shop or technician. The Department may maintain an open purchase order (PO) with a local bicycle repair shop. The Patrol Division Commander or designate shall pre-authorize all repairs from the designated shop.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.





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Unless required by exigent circumstances, officers shall not modify the patrol bicycle, remove, modify, or add components except with the expressed written approval of the bicycle supervisor.

Vehicle bicycle racks should be available to transport the patrol bicycle as necessary. Bicycles shall be properly secured when not in the officer's immediate presence.

### **454.7 OFFICER RESPONSIBILITY [41.1.3(a)]**

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 and be prepared to justify such operation with a reasonable articulation. Operation without lighting equipment during hours of darkness can be hazardous and should be limited to specific needs.

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.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
458**

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Foot Pursuit

### 458.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 458.2 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.

#### 458.2.1 DEFINITION

**Foot Pursuit** – A situation in which an officer chases a suspect on foot in an effort to detain or arrest that individual, whom he or she has reasonable suspicion to believe is about to commit, is committing, or has committed a crime and is avoiding apprehension by fleeing from the officer on foot.

### 458.3 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 pursuit on foot, 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 the sole justification for engaging in a foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.



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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 potentially place Department personnel 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.

Officers shall not engage in a foot pursuit alone if a physical confrontation with the suspect is reasonably likely. Only under the most compelling circumstances should a lone officer pursue a suspect on foot and only for the purpose of maintaining visual contact from a safe distance to coordinate assisting personnel to contain and apprehend the suspect. The officer will be responsible for fully justifying his or her actions in each situation.

In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Canine search.
- (c) Saturation of the area with patrol personnel.
- (d) Aerial support.
- (e) 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 pursuit.

### 458.4 GENERAL GUIDELINES

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the officer is acting alone.
- (c) When 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 expected 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 or her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of continuing the foot pursuit.



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- (g) When the officer loses radio contact with the Communications Center or with backup officers.
- (h) When the suspect enters a building, structure, confined space, or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his or 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 definitively 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 personnel 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 conditions.

## 458.5 RESPONSIBILITIES IN FOOT PURSUITS

### 458.5.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the foot pursuit. When acting alone, the initiating officer should not attempt to overtake and confront the suspect but should 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 shall broadcast the following information as soon as practicable:

- (a) Unit identifier.
- (b) Location and direction of travel.
- (c) Reason for the foot pursuit.
- (d) Number of suspects and description.
- (e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.



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Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Center of his or her location and the status of the pursuit termination (e.g., suspect surrendered, holding at gunpoint, lost sight of suspect), and will direct further actions as reasonably appear necessary.

Pursuing and assisting officers shall comply with the Use of Force Policy if force is required to apprehend and control the suspect.

### **458.5.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he or 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.

The closest unit is authorized to respond Code-3 but shall immediately notify the Communications Center via radio of his or her response and location.

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect shall act reasonably and in accordance with Department policy, based upon available information and his or her own observations.

### **458.5.3 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; however, being physically present is not required 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-pursuit activity.

### **458.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practicable, notify the field supervisor and provide available information. Communications Center personnel are also responsible for the following:



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- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing officer as needed.
- (c) Relay all pertinent information to responding personnel.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Contact of the Air Support Unit and any additional resources as directed by a supervisor (i.e., this may include a request for an allied agency Air Support Unit should Department resources be unavailable, or to request mutual aid assistance for additional ground units. See Obtaining Air Support Policy).
- (f) Coordinate response of additional resources to assist with the foot pursuit.
- (g) Notify the Watch Commander.
- (h) Assigning an incident number and logging all pursuit activities in CAD.

### 458.6 REPORTING REQUIREMENTS

The initiating officer shall complete the appropriate reports documenting, at minimum, the following:

- (a) Date and time of the foot pursuit.
- (b) The reason for initiating the foot pursuit.
- (c) The identity of involved personnel actively engaged in chasing the suspect.
- (d) The course and approximate distance of the pursuit.
- (e) Alleged offenses
- (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 Department Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries 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 notify the field supervisor of their involvement and complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor's log entry may be made instead of a formal report.

The Patrol Division Commander may direct a sergeant to conduct an incident review for the Critical Incident Review Board.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
462**

Approved: *Scott LaChasse*

CALEA  
Effective Date: December 5, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Automatic License Plate Readers

### 462.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

The Automated License Plate Reader technology, also known as License Plate Recognition (LPR), allows for automated detection of license plates. ALPRs are used by the Burbank 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. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction, and stolen property recovery.

### 462.2 ADMINISTRATION

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Patrol Division Commander. The Patrol Division Commander will assign members to administer the day-to-day operation of the ALPR equipment and data.

#### 462.2.1 ALPR ADMINISTRATOR

The Administrative 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.





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- (f) Working with the Custodian of Records on the retention and destruction of ALPR data.
- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

### 462.3 OPERATIONS

Any employee assigned to field duties in a vehicle equipped with an ALPR shall log on to the system at the beginning of their shift. To ensure the system is operating with the most current database, officers shall press the "Begin Shift" button on the main PAGIS window immediately after logging on. Prior to logging off at the end of shift, officers shall press the "End Shift" button to upload license plates captured during the officer's shift.

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use or allow others to use the equipment or database records for any unauthorized purpose (Civil Code §1798.90.51; Civil Code §1798.90.53).

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) No member of this Department shall operate ALPR equipment or access ALPR data without first completing Department approved training.
- (c) No ALPR operator may access California Law Enforcement Telecommunications System (CLETS) data unless otherwise authorized to do so. Information obtained via the ALPR system is subject to CLETS confidentiality rules and may only be disseminated to authorized persons for official and legitimate law enforcement purposes.
- (d) If practicable, the officer should verify an ALPR response through CLETS before taking enforcement action that is based solely on an ALPR alert.
- (e) 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.
- (f) An ALPR shall not be used for the sole purpose of immigration enforcement.
- (g) 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.

#### 462.3.1 MANUAL ENTRY OF WANTED OR "HOT" LISTS

Officers may manually enter license plates or "Hot List" into the ALPR system either at the server level or into a specific ALPR equipped vehicle. Any license plate manually entered into the ALPR system in a vehicle will be purged once the "Shift End" button is pressed by the officer prior to logging off. Hot lists entered directly into the server will remain in the system until the list is manually purged.



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Unless the license plate is associated with an active incident, all manual entries shall be approved by a supervisor. The approving supervisor shall ensure the following:

- (a) The entry is for a legitimate law enforcement purpose (e.g.; wanted person or vehicle, missing person).
- (b) Officers are informed about what action to take if the system triggers an alert on a manually entered license plate. This information should be entered into the notes section when making a manual entry.
- (c) The entry is deleted at the end of the shift. If the entry is not deleted at the end of the shift, the supervisor shall make an entry in the Watch Commanders log to document the need for the hot list and a date and time when the list should be deleted from the system. Watch Commanders are responsible for ensuring that hot lists are removed from the system as required.

### 462.4 DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Burbank Police Department. Because such data may contain confidential CLETS information, it is not open to public review. ALPR information gathered and retained by this Department may be used and shared with other law enforcement agencies, prosecutors or others only as permitted by law.

The ALPR System Administrator Designated by the Patrol Division Commander shall be responsible for the collection, retention, and the transferring of ALPR data stored in Department vehicles or designated servers.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code §34090.6) and thereafter 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 lawful action to produce records. In those circumstances the data should be retained using established methods.

### 462.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Burbank Police Department will observe the following safeguards regarding access to and use of stored data (civil Code §1798.90.51; Civil Code §1798.90.53):

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.
- (b) All ALPR data downloaded to any workstation and server shall be accessible only through a login or password-protected system capable of documenting all access of information by name, date, and time (Civil Code §1798.90.58).



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- (c) 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 relates to a specific criminal investigation or Department related civil or administrative action.
- (d) ALPR system audits shall be conducted on an annual basis by the Audits and Inspections unit to ensure the system is being utilized for official police purposes only.

### 462.6 ALPR TRAILER

The ALPR trailers may be installed at selected locations in the City of Burbank with the approval of the Watch Commander. Each deployment of the trailer shall be documented in the Watch Commander's Log, including:

- (a) The purpose for deployment.
- (b) Duration.
- (c) Person responsible for the removal of trailer.

If the trailer generates an alert, the Communications Center is responsible for notifying the field units according to the nature of the alert. Officers shall be dispatched to the area of an alert for high priority plates, such as wanted persons for violent felonies, critical missing persons, or wanted vehicles.

The ALPR system administrator or designee shall be responsible for the maintenance of the trailer-based system.

### 462.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

- (a) The agency makes a written request for the ALPR data that includes:
  - 1. The name of the agency.
  - 2. The name of the person requesting.
  - 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Patrol Division Commander or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on file by the Patrol Division Commander.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code §1798.90.55).

ALPR data collected by this department shall not be sold to any entity, either public or private.



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462**

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## 462.8 TRAINING

The Training Coordinator 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).



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
464**

CALEA

Approved: *Scott LaChasse*

Effective Date: February 14, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Homeless Persons

### 464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Burbank Police Department recognizes that members of the homeless community are often in need of special protection and services. The Burbank Police Department will address these needs in balance with the overall mission of this Department and the City of Burbank. Therefore, officers will consider the following when serving the homeless community.

#### 464.1.1 POLICY

It is the policy of the Burbank Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity, and private property of all persons, including the homeless. Homelessness is not a crime and members of this Department will not use homelessness solely as a basis for detention or law enforcement action.

### 464.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this Department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

- (a) Maintain and make available to all Department employees a list of community assistance programs and other resources that are available to the homeless.
- (b) Maintain a liaison with staff from local community assistance programs, social services and representatives of other organizations that render assistance to the homeless, including the Veterans Administration.
- (c) Maintain a list of the areas within and near this jurisdiction used by homeless individuals as 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.



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## Policy 464

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) Provide supervisory oversight during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

### 464.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support, and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

#### 464.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. Homeless individuals often have access to at least a mailing address. 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 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.



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### 464.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure 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. If necessary, the following provisions are available to manage the property:

- (a) Designated and specially marked ("Burbank Police Storage") City of Burbank curbside trash containers have been staged in the lower parking garage east of the motor cage.
- (b) Officers may use the Mounted Unit pickup truck to transport the containers to the site of the property. The keys to the truck may be obtained from the Key Watcher cabinet or Watch Commander.
- (c) The items may be placed in the containers and secured with attached padlock.
- (d) Secure the containers in the bed of the truck with the available straps and transport them to the station.
  - 1. If the container is too heavy to place in the back of the pickup truck, Public Works may be contacted during business hours for pickup and delivery to the station. After hours, officers may leave the container locked at the arrest site and notify the Property Room of its location. The Property Room staff will contact the Public Works Department to have the container delivered to the station.
- (e) Attach the appropriate property tag(s) to the container. If the container is left at the arrest site, forward the property tag to the Property Room.
- (f) Except firearms, drugs, currency, jewelry, items with an estimated value exceeding \$50.00 or other items at the direction of a supervisor, it is not necessary to itemize the property.
- (g) Photograph the items and provide a general description of the items in the FileOnQ system (i.e., clothes, recyclables, etc.).

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.

Shopping carts bearing identifying markings of the responsible business are not the personal property of the homeless and should not be seized. The handling officer(s) should notify dispatch to contact the designated collection service to retrieve the cart.

Refuse, newspapers, foodstuffs, perishables, items soiled or containing human waste or pest/vermin infested garments, should be described in the associated report but not seized.

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





# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 464

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 appear 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. The Homeless Liaison Officer may be called to address the matter in a timely fashion.

### **464.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (refer to the [Mental Illness Commitments 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.

### **464.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
470**

*Scott LaChasse*

CALEA

Effective Date: December 5, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Reaching Into Vehicles

### 470.1 PURPOSE AND SCOPE

The purpose of this policy is to help mitigate the potential dangers and hazards that may arise when reaching into a suspect-occupied vehicle. Additionally, this policy addresses potential alternatives for tactical advantage when dealing with a suspect-occupied vehicle.

### 470.2 POLICY

While this tactic may be necessary in some limited situations, reaching into an occupied vehicle can be very dangerous and is discouraged by this department. Based on the potential hazards, officers are very likely to expose themselves to physical harm, including great bodily injury. Additionally, officers may place themselves in a serious tactical disadvantage that could unnecessarily escalate the situation. A critical consideration when assessing such a course of action is the possibility that the suspect is in possession of a firearm or other weapon.

Prior to contacting a driver or suspect, officers should formulate a tactical plan and maintain a position of advantage. The primary objective in any tactical plan is to control the movement of the occupants and the vehicle. Officers should not allow the occupants to compromise their tactical advantage.

### 470.3 GENERAL TACTICAL APPROACH AND CONTACT

Upon contacting a driver or a suspect during a vehicle stop, officers should maintain a position of advantage. Some methods for doing so are as follows:

- (a) Requesting back up.
- (b) Closely monitoring surroundings and scanning for potential weapons or threats.
- (c) Using appropriate lighting equipment.
- (d) Using direct and clear verbal commands (i.e., give instructions to the driver or suspects to turn off vehicle, place the keys on the dashboard, and keep their hands visible)
- (e) Paying attention to possible 'red flag' warnings exhibited by the driver or other occupants.
- (f) Determining whether the vehicle's engine is running.
- (g) Maintaining balance with the gun side away from reach.



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Scott LaChasse, Chief of Police

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- (h) Avoiding crossing the front door threshold and window plane.
- (i) Having a plan to disengage.
- (j) Disengaging.

## **470.4 POTENTIAL HAZARDS WHEN REACHING INTO VEHICLES**

The dangers or hazards in reaching into a driver-occupied vehicle may outweigh any potential benefit from use of the tactic. As a general guideline, reaching inside a suspect-occupied vehicle may present the following tactical disadvantages:

- (a) Exposure of the officer's hand or body to attack or injury.
- (b) Being pulled into the vehicle.
  - 1. If pulled into the car, the suspect may drive off and expose the officer to great bodily injury from being dragged or potentially run over.
  - 2. If pulled inside, the officer's firearm retention may be compromised.

## **470.5 TACTICAL CONSIDERATIONS OF REACHING INTO VEHICLES**

This policy recognizes that reaching into occupied vehicles may be necessary in some situations. The following are examples of when officers may reach into vehicles without exposing themselves to the hazards described above:

- (a) The vehicle was involved in a collision and it is necessary to put the transmission in Park or to turn off the engine to render aid to the occupants.
- (b) The driver is suspected of being under the influence and is either unconscious or otherwise incapacitated.
- (c) Officers can safely block in the vehicle before attempting to reach into it.
- (d) The potential risk of the situation to the officers or the public outweighs the risk of reaching into the vehicle.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
471**

Approved: *Scott LaChasse*

Effective Date: April 14, 2014

## CHAPTER 4 – PATROL OPERATIONS

# Sergeant at Arms Duties at City Council Meetings

### 471.1 POLICY

The Burbank Police Department will assign officers to City Council Meetings to provide a safe and secure environment.

The mere presence of uniformed police officers helps preserve peace and order while providing a deterrent against crimes and acts of violence. Officers given this assignment may be required to enforce laws or react to critical incidents.

The Chief of Police, or such member or members of the Police Department as the Chief of Police may designate, shall be Sergeant at Arms.

### 471.2 OFFICER RESPONSIBILITIES

Officers assigned as the Sergeant at Arms should recognize Council Members and Executive City Staff, be familiar with the physical layout of the Council Chambers and City Hall, including emergency exits, and be familiar with the applicable statutes for public hearing conduct and decorum and the Service Animals Policy.

To ensure proper security coverage for the Burbank City Council Chambers, officers shall follow the following procedures:

- The uniform shall be Class "A" without hat.
- Unless otherwise instructed by a BPD supervisor, the officer shall arrive no later than 1730 hours and remain until 30 minutes after the meeting is adjourned. Upon request, escort Council members and City staff as they depart to their vehicles.
- Upon arrival, establish contact with the Community Assistance Coordinator to receive information of topical concern.
- Liaison with private security staff to discuss any potential security issues.
- Remain vigilant and highly-visible throughout the assignment.
- Request a supervisor or additional officers as necessary if a disruption is anticipated or if a general escort of Council members and City staff is required.



# Burbank Police Department

Scott LaChasse, Chief of Police

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The assigned officer should stand inside the entry doors or at other high-visibility locations within the Chamber. During lengthy meetings the officer may sit intermittently for brief periods. These high visibility locations should serve as a deterrent to crime but also give the community a sense of security within the City Council Chambers.

If a second officer is assigned, the officer should stand at the rear of the Chamber and in the line of sight of his or her partner. This location will give the officer the ability to monitor the audience and identify any subjects of concern. This position is also readily visible to the Mayor and other Council Members. The officers may exchange posts with each other allowing each officer the opportunity to cover both positions throughout their shift.

The Fire Department representative should have the primary responsibility to ensure proper ingress or egress avenues and may be assisted by the assigned officer. No materials shall be placed in the aisles in order to keep the aisles open and passable (BMC §2-217(c)).

If an officer needs to leave his or her post for any reason, that officer shall communicate with his or her partner. If a partner is not assigned, the officer should notify the Chief of Police or his designee.

If a situation arises where police assistance is needed outside of the Council Chambers, officers should assess the situation and radio for any necessary additional assistance.

If a critical situation arises, assigned officers should address the threat while directing Council Members into the locked storage room at the rear of the Council Chambers or to another place of safety. Officers shall notify Dispatch as soon as practicable so additional officers can respond to assist. The assigned officers are responsible for managing any incident and coordinating any necessary resources until a supervisor arrives.

Assigned officers shall audio record contacts with disruptive subjects (refer to the Use of Audio Recorders Policy, §450.5.1).

## **471.3 DISRUPTIVE CONDUCT ANNOUNCEMENT AND PROCEDURES**

The Mayor or Mayor Pro Tem is the "Presiding Officer" of the meeting. Officers will answer to the Chief of Police or designee and the Presiding Officer on issues of order and rules of decorum. Officers should not take independent action unless a threat of violence is present.

The adopted City Council Meeting Rules are available at the entrance to the Council Chambers and the City's website. These rules state:

*The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and pagers, by not visiting with neighbors in the audience, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor or the Sergeant-At-Arms.*



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 471

To ensure compliance with the City Council Meeting rules, the following procedures shall be followed to remove disruptive persons from a meeting:

- (a) The Presiding Officer will advise a disruptive person of the following:
  - 1. He or she is breaking the rules of decorum and disrupting the meeting.
  - 2. Request the offender to be orderly and silent.
- (b) If the offender refuses to comply, the Presiding Officer may direct the police officer to ask the offending person to leave the meeting.
- (c) If the offender still refuses to comply, the Presiding Officer may direct police officers to remove the person from the meeting area. Removal can only be ordered when the offender is acting in a way that actually disturbs, disrupts, or interrupts the meeting. If these conditions are met, the offender may be arrested for a misdemeanor violation of Penal Code §403. Mere insolent, impertinent, and/or insulting comments are not enough.

Physical violence or potentially harmful behavior does not qualify as Free Speech, and the assigned officers do not need to wait for the Presiding Officer to instruct them to take action.

### 471.3.1 COUNCIL DISRUPTION ADVISEMENT

#### Initial Advisement by the Mayor or Mayor Pro Tem:

*The City Council has established rules for public comment. You are not adhering to those rules which allow you an opportunity to address the Council in a lawful manner. Your conduct is interfering with this meeting and is keeping the business of the Council from progressing. As Chair of this Council, I order you to stop disrupting this proceeding.*

Any doubt by the Mayor or Mayor Pro Tem about a violation of Penal Code §403 should be resolved by announcing recess of the Council meeting and consulting with the City Attorney and the Chief of Police, or their designees.

#### Second and Final Advisement by the Mayor or Mayor Pro Tem:

*Pursuant to California Penal Code §403, it is a misdemeanor to disturb the business of a lawful assembly to the point that the meeting cannot continue. You have been advised that your conduct is unlawful. If you continue, you are committing a crime and you will be escorted from the premises or placed under arrest.*

Direction to officers assigned to the Council by Mayor or Mayor Pro Tem (City Council may decide to leave the dais and convene until the matter is resolved. Council staff may stop video transmission and taping.):

*Officers, please remove the individual from the Council Chambers. The City Council will recess this meeting until further notice.*

If an officer engages a disorderly individual, the officer shall immediately notify Dispatch and the Watch Commander to request a unit to respond.



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Once an individual is requested to leave the Council Chamber by the Mayor or the Sergeant-at-Arms, that individual may not return to the Council Chamber, the surrounding building and/or adjacent or abutting publicly owned parking areas for a period of not less than three hours after the adjournment of the meeting (BMC §2-1-217(b)).

## **471.4 WATCH COMMANDER RESPONSIBILITY**

The Watch Commander shall ensure that each Council meeting is adequately monitored via live television both in the Watch Commander's Office and the Communications Center to identify any noteworthy incidents or disruptions. The Watch Commander is also encouraged to periodically send a sergeant to the Council meeting as duties permit.

In the event of a disturbance or disruption in a Council meeting, the Watch Commander shall immediately direct a sergeant and two officers to the Council Chambers to assess the situation and take the appropriate action.

The Mayor, Mayor Pro Tem, or presiding officer may call a recess until such time as the situation is addressed.

The Watch Commander shall make an entry upon the Watch Commander's Log for any significant incident or arrest which occurs at City Council Meeting.

## **471.5 APPLICABLE STATUTES**

**California Penal Code §403** – Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Penal Code §302 or Elections Code §18340, is guilty of a misdemeanor.

## **BURBANK MUNICIPAL CODES**

### **2-1-216: DECORUM AT MEETINGS OF THE CITY COUNCIL, BOARDS, COMMISSIONS OR COMMITTEES:**

- A. By Council Members: While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.
- B. By the Public: Any person present at a meeting of the Council, or of any local body created by state or federal statute, or any board, commission and/or committee, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution or formal action of the Burbank City Council and which is subject to the provisions of the Ralph M. Brown Act, who willfully disturbs the peace and quiet of such meeting, or any person thereat, by making any loud and/or unusual noise, or by tumultuous or offensive conduct, or by threatening, quarreling, challenging to fight, fighting, or interrupting the proceedings of such Council, agency or authority or refusing to keep quiet when ordered to do so by the presiding officer or by the Sergeant at Arms, or who refuses to keep quiet and be seated





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when the allotted time to speak has expired or when another person has been recognized and is speaking; or who, on the order of the presiding officer fails to abide by the regulations adopted by the Council relating to the display of signs in the Council chamber, shall be guilty of a misdemeanor.

## **2-1-217: ENFORCEMENT OF DECORUM; SERGEANT AT ARMS:**

- A. The Chief of Police, or such member or members of the Police Department as the Chief of Police may designate, shall be Sergeant at Arms of the meetings of the Council, and any other City agency or authority then meeting in conjunction with the Council. For the purpose of maintaining order and decorum at any such meeting, the Sergeant at Arms shall carry out all orders and instructions given by the presiding officer, and shall enforce all laws, statutes and ordinances applicable to such meeting.
- B. The presiding officer or the Sergeant at Arms, upon instructions of the Presiding Officer, or as deemed necessary by the Sergeant at Arms, is authorized and empowered to do any or all of the following to any such person who commits any one or more of the acts described above in §2-1-216 of this code:
  - 1. To remove such person from the publicly owned property on which the meeting is occurring, including, but not limited to, the City Council chamber or other meeting place, and the surrounding building and/or adjacent or abutting publicly owned parking areas. Any such person described above who is removed from a meeting for committing any one or more of the above described acts shall be required to exit the city property on which the meeting is being held, including any adjacent or abutting publicly owned parking lots and shall not be allowed to return to said city property for a period of not less than three hours after the adjournment of the meeting at which the misconduct referred to above occurred. Failure to exit the building upon being directed to do so or returning to City property after being removed by the Sergeant at Arms or any Burbank Police Officer present shall constitute a misdemeanor.
  - 2. To bar said person from future meetings for a specifically designated period of time not to exceed 30 days; and/or
  - 3. To cause such person's arrest, issue a citation, and/or, refer the matter to the City Attorney's office for prosecution, as appropriate.
- C. The Sergeant at Arms or any Burbank Police Officer present shall refuse the admittance of any individual(s) into the Council chamber (or any other location used for a Council meeting) whenever the maximum occupancy has been exceeded, or whenever the Fire Chief, or his or her designee, has determined the existence of overcrowding conditions in accordance with Section 107.6 of the California Fire Code, and shall order such person(s) to remain outside the Council chamber until such condition has been alleviated. The Sergeant at Arms shall also be responsible to require individuals standing in the Council chamber to take a seat, or shall order the removal of any materials placed in the aisles in order to keep the aisles open and passable. Should there not be enough seats for those wishing to attend the Council meeting, the Sergeant at Arms may direct those not having a seat to exit the chamber.
- D. Failure to comply with an order of the Sergeant at Arms or any Burbank Police Officer present shall be a misdemeanor.



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## **2-1-218: PERSONS AUTHORIZED TO BE WITHIN RAIL:**

No person, except City officials and/or their representatives shall be permitted within the rail in front of the Council chamber without the express consent of the Council.

### **471.6 OVERFLOW PROTOCOL**

At the request of Fire Department representatives, the assigned officers shall assist to ensure maximum occupancy levels are not exceeded in accordance with applicable safety rules and laws.

In the event the Council Chambers is expected to exceeds capacity, an overflow protocol shall be initiated to allow members of the public to view the Council meeting via live monitors on the first floor rotunda. Upon notification by the Sergeant at Arms, an additional police officer shall be assigned by the Watch Commander to monitor the audience in order to maintain order.

### **471.7 SERVICE ANIMALS**

Only service animal that are assisting individuals with disabilities shall be permitted inside City Hall or the Council Chambers (refer to the [Service Animals Policy](#) further information).





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
473**

CALEA

Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 4 – PATROL OPERATIONS

# Notification of a Delayed Police Response and Management of Police Resources

### 473.1 PURPOSE AND SCOPE

The purpose of this policy is establish guidelines for Communications Center staff, to provide reasonable notification to persons requesting police services when a response is substantially delayed, and for Patrol supervisors and Watch Commanders for effectively managing available police resources.

### 473.2 POLICY

Notification of a delayed police response will be provided to the reporting party as specified. All supervisors and higher ranking members are expected to manage their personnel to provide professional police services to the community.

### 473.3 PROCEDURE

#### 473.3.1 COMMUNICATIONS CENTER PERSONNEL RESPONSIBILITY

Communications Center personnel are expected to assign sufficient police units to effectively manage each call or event. Communications Center personnel shall closely monitor radio traffic and the length of time patrol units are assigned to a call to determine when it is appropriate to request units to clear to handle other calls.

In some circumstances, it may be appropriate for Communications Center personnel to elevate a lower priority call for assignment over higher priority calls when a police response has been substantially delayed (for example: a burglary report call delayed for 55 minutes dispatched before a call of loud music, or other calls of a minor nature). If necessary, the Watch Commander may be consulted to assist in determining how to manage calls for service.



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When a call for service is not dispatched within one hour of its receipt, the Call Taker shall recall the reporting party to explain the delay and provide an estimated arrival time. If the call is delayed for an additional 30 minutes, a second call back to the reporting party will be made.

The Communications Supervisor, or the dispatcher in the absence of a supervisor, is responsible to notify the Watch Commander of all calls unassigned for more than one hour. The personnel making notification to the Watch Commander shall make an entry in the CAD incident to document the notification and reason for the delayed response.

## **473.3.2 SUPERVISOR AND WATCH COMMANDER RESPONSIBILITY**

It is the responsibility of all Patrol supervisors to ensure effective use of available resources and to summon additional resources as may be appropriate under the circumstances. All Patrol supervisors and Watch Commanders should vigilantly monitor pending and assigned CAD calls to assist in their assessment of the efficient use of personnel.

The Watch Commander shall make an entry upon the Watch Commander's Log to document occurrences of unusually delayed responses and their efforts to mitigate such circumstances.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
474**

Approved: *Scott LaChasse*

Effective Date: January 17, 2019

## CHAPTER 4 – PATROL OPERATIONS

# Administration of Opioid Overdose Medication

### 474.1 PURPOSE AND SCOPE

This policy recognizes that members may encounter persons who appear to be in need of medical aid resulting from an opioid overdose and establishes a law enforcement response to such situations.

### 474.2 POLICY

It is the policy of the Burbank Police Department that all officers and other designated members be trained to administer Naloxone nasal spray (commonly referred as Narcan). Members are authorized and considered qualified to administer Naloxone when (Civil Code § 1714.22; 22 CCR 100019):

- (a) Trained and tested to demonstrate competence following initial instruction; and
- (b) When authorized by the medical director of the Los Angeles County Emergency Medical Services Agency (LEMSA); and
- (c) In accordance with California Peace Officer Standards and Training (POST) standards.

### 474.3 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer Naloxone nasal spray, 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 Department Training Coordinator. Any member who administers Department issued Naloxone nasal spray should contact the Dispatch Center as soon as possible and request response by EMS.

The Department Training Coordinator shall be responsible for issuing and maintaining a record of issuance of Naloxone nasal spray to members.



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Scott LaChasse, Chief of Police

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## **474.4 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering Department issued Naloxone nasal spray shall complete a Burbank Police Department Naloxone Use Form (C320-426) and detail its use in an appropriate police report. A copy of the Naloxone Use Form shall be forwarded to the Training Coordinator for tracking purposes.

The Records Manager or his/her designee shall ensure the Department meets applicable state reporting requirements.

## **474.5 OPIOID OVERDOSE MEDICATION TRAINING**

The Department Training Coordinator shall ensure initial and refresher training is provided to members authorized to administer Naloxone nasal spray. Training should be coordinated with the Los Angeles County Emergency Medical Services Agency (LEMSA) and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).





# Burbank Police Department

Michael Albanese, Chief of Police

**Policy  
475**

Approved:

A handwritten signature in black ink, appearing to read "M. Albanese".

Effective Date: October 7, 2020

## CHAPTER 4 – PATROL OPERATIONS

# First Amendment Assemblies

### 475.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 475.2 POLICY

The Burbank 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.

### 475.3 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:

1. Lawful, constitutionally protected actions and speech.
2. Civil disobedience (typically involving minor non-violent criminal acts such as failure to disperse).
3. 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



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Michael Albanese, Chief of Police

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should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

## 475.3.1 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.

## 475.4 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:

1. Location.
2. Number of participants.
3. Apparent purpose of the event.
4. Leadership (whether it is apparent and/or whether it is effective).
5. Any initial indicators of unlawful or disruptive activity.
6. Indicators that lawful use of public facilities, streets or walkways will be impacted.
7. Ability and/or need to continue monitoring the incident.



# Burbank Police Department

Michael Albanese, Chief of Police

## Policy 475

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.

### **475.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### **475.5.1 INFORMATION GATHERING AND ASSESMENT**

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:

1. Information obtained from outreach to group organizers or leaders.
2. Information about past and potential unlawful conduct associated with the event or similar events.
3. The potential time, duration, scope, and type of planned activities.
4. 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).

#### **475.5.2 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.



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## Policy 475

- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.
- (t) Parameters for the use of body-worn cameras and other portable recording devices.

### 475.5.3 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 Mutual Aid/Outside Agency Assistance Policy).

### 475.6 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.



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## Policy 475

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.

### **475.7 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 Electrical Weapon policies).

Individuals refusing to comply with lawful orders (e.g., non-violent 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 TASER devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Electrical Weapon 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.

### **475.8 ARRESTS**

The Burbank 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



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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 arrestee.
- (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).

### **475.9 MEDIA RELATIONS**

The Media Relations Sergeant 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).

#### **475.9.1 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 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 / CA SB 98).

### **475.10 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.

### **475.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:



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- (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).

## 475.11.1 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.

## 475.12 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 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 / CA SB 48.

## 475.13 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





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an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652 / CA SB 48).

### 475.13.1 USE SUMMARY

The Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles of 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 / CA SB 48.



# Burbank Police Department

Scott LaChasse, Chief of Police

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CALEA

Approved: *Scott LaChasse*

Effective Date: August 16, 2013

## CHAPTER 5 – TRAFFIC OPERATIONS

# Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The primary goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic or temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement strategies are based on collision data, enforcement activity records, traffic volume, and traffic conditions. This Department enforces traffic laws based on the frequency of their occurrence in collision situations and in the interest of public safety.

### 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Burbank Police Department. The goal is the utilization of selective traffic law enforcement to reduce traffic collisions. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for effective selective enforcement. The Department's selective enforcement activities should include the following:

- (a) Compilation and review of traffic collision data to determine patterns based on location, time, day of the week, and primary collision factor.
- (b) Compilation and review of traffic enforcement activities to include the number and types of citations issued for hazardous violations.
- (c) Comparison of collision data and enforcement activities that takes into consideration any environmental variations that result in increases in traffic volume or collisions.
- (d) Implementation of selective enforcement techniques and procedures in locations identified as involving high number of injury collision.
- (e) Deployment of traffic enforcement personnel in areas identified as needing for selective enforcement.
- (f) Annual review of selective traffic enforcement activities based on reduction in injury collisions and complaints.



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All officers assigned to Patrol and Traffic Bureaus will emphasize enforcement of collision-causing violations during high collision hours and at locations of frequent occurrence. Officers will take directed enforcement action (as assigned by a supervisor) and random enforcement action against violators when appropriate, as a matter of routine. Officers shall maintain high visibility while working general enforcement, especially at high collision locations.

Other factors to be considered for deployment are requests from the public, construction zones, and special events.

### 500.3 ENFORCEMENT

Enforcement actions shall be commensurate with applicable laws and should take into account the degree and severity of the violation committed. This Department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code §41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

#### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for other enforcement actions when circumstances warrant.

In deciding whether to issue a warning, officers may consider:

- (a) Accident or violation history at the location of the violation.
- (b) Active Directed Patrol Responses for traffic problems at the location of the violation.
- (c) Citizen complaints of violations at the location.
- (d) Driving record of the violator.
- (e) The potential hazards created by the violation.

Officers are encouraged to use discretion when deciding whether to take enforcement action for a minor traffic violation committed by a tourist unfamiliar with the local area.

#### 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 date.



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- (c) Court appearance procedure including the optional or mandatory appearance by the motorist.
- (d) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.

Officers should not provide fine amounts to violators (other than for parking violations). Fine amounts can vary depending on the person's driving record, by circumstances, or by other factors.

### 500.3.3 PHYSICAL ARREST

Physical arrests 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 or drugs.
- (c) Felony or misdemeanor hit-and-run.
- (d) Refusal to sign a notice to appear.
- (e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances.

### 500.3.4 HANDLING SPECIAL CIRCUMSTANCES INVOLVING TRAFFIC VIOLATIONS

Foreign diplomats or consular officials shall be handled in accordance with the Arrest and Detention of Foreign Nationals Policy. Legislators, government officials, military personnel, and juveniles shall be handled in the same manner as other citizens.

### 500.3.5 UNIFORM ENFORCEMENT GUIDELINES

While officer have discretion to determine the appropriate enforcement action based on the circumstances, officers should take the highest level of enforcement action for serious violations such as:

- (a) Violations involving drug or alcohol impairment.
- (b) Drivers with a suspended or revoked license.
- (c) Serious speed violations resulting in increased danger to the public.
- (d) Violations resulting in traffic collisions.
- (e) Hazardous violations (e.g., reckless driving or speed contests).
- (f) Multiple violations.



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Officers should use greater discretion when determining the appropriate enforcement action for less serious violations such as:

- (a) Off-road vehicle violations.
- (b) Equipment violations.
- (c) Public carrier and commercial violations.
- (d) Non-hazardous violations (e.g., equipment).
- (e) Newly enacted laws and/or regulations.
- (f) Pedestrian and bicycle violations.

### 500.3.6 TRAFFIC ENFORCEMENT PRACTICES

Under the direction of the Patrol Division Captain, the Traffic Bureau Lieutenant will determine the most effective use of traffic enforcement practices. When deemed appropriate, alternate traffic enforcement practices may be used as follows:

- (a) Normal traffic enforcement involves visible traffic patrol by officers who observe traffic violations during the performance of their normal duties. Visible traffic patrol includes:
  - 1. Patrol officers working traffic enforcement in their assigned area of responsibility (beat).
  - 2. Traffic officers concentrating on a particular section of roadway (predetermined by speed surveys or collision data).
  - 3. Enforcement directed by a supervisor to a specific area due to complaints.
- (b) Stationary observations including covert and overt positions.
  - 1. Covert observations may include officers in plain clothes standing at an intersection watching for red light or stop sign violations or walking in a crosswalk to observe vehicles yielding to the pedestrian.
  - 2. Overt observations may include uniformed officers and vehicles parked at a specific location to remind motorists of the need for compliance with traffic laws.
- (c) Use of unmarked or unconventional vehicles.
  - 1. Unmarked or unconventional vehicles may be used for targeted traffic enforcement but only in conjunction with marked police vehicles or motorcycles.
  - 2. Unmarked or unconventional vehicles may be used by sworn police officers to observe traffic violations and alert marked patrol vehicles or motorcycles to initiate a vehicle stop.
  - 3. Unmarked or unconventional vehicles shall not be used as a routine method of traffic enforcement.
  - 4. The deployment of unmarked or unconventional vehicles for traffic enforcement should generally require the approval of a Traffic supervisor and the development of an operational plan.



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5. Traffic stops resulting in pursuits will be handled in accordance with the Pursuit Policy.
- (d) Use of roadside safety checks.
  1. DUI or driver's license checkpoints may be used to identify impaired or unlicensed drivers. Child restraint checkpoints may be used to identify drivers not complying with child restraint laws and to educate them on the proper use of a child restraint system. See §500.7 for guidelines on checkpoints.

### 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 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 completing 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 TRAFFIC STOP PROCEDURES

No policy can address all situations officers may encounter when making traffic stops. Officers should use their training and experience to make particular decisions to ensure their safety and the safety of the public. With all stops, officers should consider the location of the stop, traffic conditions and hazards, vehicle positioning, cover and concealment, approach, lighting, and the need for backup.

When making high-risk stops, officers shall communicate their intention to make a high-risk stop using the police radio and should initiate the stop only when adequate units are available and in position. Officers shall broadcast as much of the following information as circumstances permit:

- (a) Reason for the stop.
- (b) Location and direction of travel.
- (c) Vehicle description, including license plate.
- (d) Number of occupants and their brief descriptions.

Responding officers should consider blocking traffic in both directions during a high-risk stop to ensure everyone's safety. If available, a supervisor, air support, and a K-9 unit should respond to all high-risk stops.

In addition to safety considerations, officers should attempt to minimize conflicts with violators and strive to achieve a balance between an appropriate amount of command presence to maintain control of the stop and a professional attitude. The ultimate goal of the interaction should be to favorably alter the violator's future driving habits. Officers should greet all violators and answer reasonable questions.



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### 500.6 SPEED MEASURING DEVICES

Officers shall only use speed measuring devices approved by the Department and only when they have received required training or certification. Visual estimations of speed are generally not sufficient for issuing a citation but they may be used as probable cause for a traffic stop. Officers who are properly trained may issue citations based on visual estimations but should reduce the estimated speed by 5 mph.

#### PACING

Officers shall follow the violator while maintaining a safe and constant distance for an adequate duration to obtain a speedometer reading. A minimum distance is not required to establish a pace and the only requirement is to verify that the violator's vehicle is travelling at the same speed or faster than the known speed of the police vehicle.

The Traffic Bureau Lieutenant is responsible for ensuring that all applicable police vehicles and motorcycles which are permitted to be calibrated, are calibrated at the required intervals and the copies of the certified calibration cards are available in the Watch Commanders Office for inspection or use in traffic court. The original calibration cards shall be stored in the Traffic Bureau and shall not be removed other than to make duplicate copies.

#### RADAR/LIDAR

The following guidelines shall apply to the use of Radar or Lidar devices for speed enforcement:

- (a) Only properly trained and certified officers may use Radar or Lidar devices for speed enforcement. The training must be POST approved.
- (b) Only Department approved devices that adhere to National Highway Traffic Safety Administration guidelines may be used.
- (c) The operation, care, and maintenance of any Radar or Lidar device shall be in accordance with the manufacturer's guidelines. Officers with assigned speed enforcement devices shall be responsible for the proper operation, care, and maintenance of the devices.
- (d) The Traffic Bureau supervisor or designee shall be responsible for ensuring that all devices are calibrated as required by law or the manufacturer, that any inoperative devices are repaired and returned to service, and that appropriate records are maintained to document assignments and maintenance.

### 500.7 IMPAIRED DRIVING ENFORCEMENT PROGRAM

Due to the seriousness and the significance of the impact on society of driving under the influence of drugs or alcohol, the Burbank Police Department will participate in and promote strategies, such as those listed below, to combat impaired driving.

- (a) Patrol and traffic officers should consider the enforcement of impaired driving violations as a high priority.
- (b) Whenever feasible, field supervisors should assign officers to target impaired drivers.





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- (c) When possible, the Patrol and Traffic Bureaus should participate in regional impaired driving enforcement programs or conduct local checkpoints using locations with high incidence of drug/alcohol related accidents or arrests.
- (d) Alternative means of impaired driving suppression evaluated and approved by the Patrol Division Captain.

### CHECKPOINTS

All checkpoints shall be reviewed and approved by the Traffic Bureau Lieutenant to ensure that the guidelines established by the United States and California Supreme Courts are followed. The following guidelines should be applied to sobriety and other checkpoints:

- (a) The decision to establish a sobriety checkpoint, the selection of the site, and the procedures for the checkpoint operation should be made and established by the Traffic Bureau Lieutenant.
- (b) A neutral formula (such as every driver or every third, fifth or tenth driver should be employed) shall be used as determined by the operation supervisor or commander.
- (c) Proper lighting, warning signs and signals, and clearly identifiable marked vehicles and uniformed personnel should be utilized to minimize the risk of danger to motorists and police personnel. The checkpoint should be operated only when traffic volume allows the operation to be conducted safely. The on-site operation supervisor or commander shall alter the screening procedures as necessary depending on traffic volume.
- (d) The operation supervisor or commander shall exercise good judgment in setting times and durations, while considering the effectiveness of the operation with the safety of motorists being the primary consideration.
- (e) The checkpoint should be visible from a far distance so motorists have advance warning to reassure them that the stop is duly authorized and to give them time to stop safely.
- (f) The detention time of each motorist should be minimized to reduce the intrusiveness of the stop on the individual driver and to maintain safety by avoiding traffic congestion. Drivers displaying signs of intoxication should be directed to a secondary screening area for further investigation.
- (g) The Department shall give advance notice prior to conducting any checkpoint operation. Publicity both reduces the intrusiveness of the stop and increases the deterrent effect of the checkpoint. The site of the checkpoint should not be included in the advance notice.
- (h) A traffic control plan should be prepared and approved by the Traffic Engineering Office.
- (i) Personnel assigned to a foot post shall wear a high visibility vest (ANSI approved).

### **500.8 REQUEST FOR A RE-EXAMINATION OF A DRIVER**

Traffic enforcement and collision investigation activities frequently lead to the discovery of drivers who have suspected incompetency, physical or mental disabilities, or other conditions that might interfere with their ability to safely operate a motor vehicle. Drivers who exhibit driving behavior that presents a clear or potential danger of risk to the driver or others should be issued a Notice of Re-Examination of



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Driver (DMV Form DS-427). The form shall be completed in accordance with the form instructions and shall be submitted to the Watch Commander prior to the end of the issuing officer's shift.

If in the officer's judgment the driver should not continue to drive prior to the re-examination, the officers should request a supervisor to respond and encourage the driver to make other arrangements to reach his or her destination. Absent other authority, officers cannot lawfully seize a vehicle in these circumstances. The final determination shall be made by the on-scene supervisor.

### **500.9 PARKING ENFORCEMENT**

It is the policy of the Burbank Police Department to enforce parking violations. The Parking Control Unit and Patrol and Traffic officers shall be responsible for parking enforcement. The Citation Management Unit is responsible for the collection of payments, processing overpayments, and reconciling reports submitted by the City of Inglewood, who manages notices to registered owners and handles web payments, and delinquent citation payment collections. The Citation Management Unit is also responsible for updating parking violations and bail amounts on the citation envelopes.

A court addressed envelope containing the bail information shall be provided with each parking violation citation.

Vehicles in violation of a combination of parking and other rules of the road will require two citations: Notice of Illegal Parking for the parking violation and a Notice to Appear for the violation of any rules of the road.

### **500.10 TRAFFIC DIRECTION AND HIGH-VISIBILITY VESTS**

All uniformed officers may be assigned to traffic direction and control functions to maintain or restore the safe and efficient movement of vehicular and pedestrian traffic during emergencies, adverse weather conditions, special events, or collision scenes. Officers assigned to traffic direction and control should follow to the listed general guidelines:

- (a) When possible, traffic should be diverted around collision scenes.
- (b) Officers should ensure that the utilization of manual traffic control is apparent to those using the roadway.
- (c) Officers should use uniform hand signals and gestures to direct traffic.
- (d) Officers should consider utilizing Parking Control Officers or traffic control devices (e.g., barricades, sign trailers) at the scenes of critical incidents or incidents that may be prolonged or affecting a wide area.
- (e) During adverse weather or road conditions, officers and field supervisors should coordinate efforts with other City Departments or other agencies that may share responsibility for traffic control and for removing or mitigating hazards.



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### 500.10.1 REQUIRED USE OF HIGH VISIBILITY VESTS

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, 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.

The Department will provide 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 or maneuvering or operating vehicles, machinery, and equipment (23 CFR §655.601; 8 CCR §1598).

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.

### 500.10.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests should be maintained in the trunk of each patrol or investigation unit, in the side saddlebags of each police motorcycle, and in the saddlebag or gear bag of each police bicycle. Each vest should be properly stored and maintained 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 by the Department for replacement of damaged or unserviceable vests. The Training Coordinator should be responsible for ordering vests to replace or replenish supplies.

### 500.11 SPECIAL EVENTS

The Traffic Bureau Lieutenant shall be responsible for planning special events and to establish standards for police response to ensure the safety of the public and to protect life and property. A special event is defined as follows:

- (a) Any organized formation, parade, procession, or assembly consisting of 75 or more persons that may include animals, vehicles, or any combination thereof involving the assembling or traveling in unison on any street that does not comply with normal or usual traffic regulations or controls.
- (b) Any organized gathering of 75 or more persons at any public park for a common purpose under the direction and control of a person or an organization.
- (c) Any other organized activity that involves the use of or has an impact on public property or facilities or public safety.

Examples of special events include concerts, parades, circuses, fairs, festivals, demonstrations, block parties, community events, mass participation sports, (such as marathons, running events, bicycle



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ances or tours) and spectator sports (such as football, basketball, baseball games, and golf tournaments).

### 500.11.1 PROCEDURES

All requests for police services for special events shall be forwarded to the Patrol Division Captain or designee. The Event Sponsor may be affiliated with the City or may be a private organization.

Upon receipt of a request for police services, the Patrol Division Captain or designee shall determine the nature and type of resources necessary to sufficiently staff and police the event. The Event Sponsor may be responsible for the Department's cost of planning, staffing, and the use of other necessary resources for the special event. The Department may establish exceptions, such as City co-sponsored events (e.g., Fourth of July fireworks event).

When applicable and as determined by the Patrol Division Captain, a preliminary estimate of the necessary services, including the number of hours within the given job classification and cost estimates, shall be forwarded to the Event Sponsor.

On-duty personnel should not be used for planned special events when their use will create an unreasonable or adverse impact on the normal operations of the Department.

The Patrol Division Captain or designee will appoint an event Incident Commander (Lieutenant) or Incident Supervisor (Sergeant), as appropriate, who will be responsible for the following:

- (a) Preparing an operations plan that includes planning for contingencies such as alternate traffic routes, temporary traffic controls, or parking restrictions. The plan should also include a written estimate of traffic, crowd control, and crime problems expected for the event.
- (b) Personnel assignments.
- (c) Logistical requirements.
- (d) Coordination with other City departments or outside agencies (as necessary).
- (e) Notifications to the Watch Commander, Communications Center, and the Area-C Mutual Aid Coordinator if mutual aid may be requested for the event.
- (f) Establishment of a command post or staging area in the event of a mutual aid activation.
- (g) When required, completion of an after action report to be submitted to the Patrol Bureau Captain with 10 calendar days.

Every effort should be made to handle any special event without affecting regular police services. However, if additional resources or personnel become necessary, the on-duty Watch Commander should be contacted for assistance.

The Department reserves the right to withdraw from or modify its participation in a special event when it is in the best interest of the City or the Department

The Event Sponsor shall be responsible for securing all necessary and required inspections, permits, and licenses and for obtaining the required insurance before final approval of the event.



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### 500.11.2 UNPLANNED EVENTS

Due to the nature of police services, some special events may be unplanned and unexpected. In those circumstances, the on-duty Watch Commander shall be responsible for the planning and operation of such an event.

In response to the unplanned special event, the on-duty Watch Commander should plan and execute operations as closely as possible to the procedures outlined in §500.11.1. If the unplanned event results in the need for resources beyond available on-duty personnel, the on-duty Watch Commander should contact the Patrol Division Captain to initiate the allocation of additional resources. Mutual aid should be considered when appropriate. The Watch Commander shall notify the Patrol Captain as soon as possible (refer to the Outside Agency Assistance Policy).

### 500.12 TRAFFIC SAFETY EDUCATION

The Traffic Bureau should participate in educational programs to increase public understanding and awareness of traffic safety and should make traffic safety educational materials available to the public.

### 500.13 HAZARDOUS ROADWAY CONDITIONS AND OBSTRUCTIONS

Roadway and roadside hazards are contributing factors in many collisions. Officers should make a reasonable effort to remove hazards or warn motorists when it can be accomplished in a safe manner.

If a hazardous condition (e.g., downed power lines, inoperative traffic control devices) requires a response by another agency or department for mitigation, the involved officer shall inform a supervisor and request the Communications Center to make the appropriate notifications. The on scene officers or the supervisor shall evaluate the situation and determine if traffic control may be necessary.

### 500.14 TRAFFIC COMPLAINT AND DATA REVIEW PROCESS

The Traffic Bureau Supervisor is responsible for reviewing and responding to traffic complaints and for coordinating efforts with the City Traffic Engineering Section to ensure that proper action is taken to address complaints, suggestions, or deficiencies involving traffic control devices, street markings, or street design. The City Traffic Engineering Section shall have access to traffic collision data for engineering planning and improvements.

The Traffic Bureau Supervisor shall regularly analyze injury collisions by location and primary collision factor to evaluate the effectiveness of enforcement efforts. The analysis should be conducted at least annually and documented in a report to the Patrol Division Commander.

The Traffic Bureau Supervisor or designee should attend Burbank City Transportation Commission meetings to stay informed and to provide recommendations.



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## **500.15 LAW ENFORCEMENT ESCORTS**

The Traffic Bureau shall be responsible for the planning and coordination of authorized escorts involving dignitaries, emergency vehicles, funerals, oversized vehicles, or hazardous cargo.

Unless authorized by the Watch Commander in exceptional circumstances, the emergency escorting of civilian vehicles is prohibited. If authorized, escorting of civilian vehicles shall be conducted while reasonably adhering to all traffic laws and control devices. Vehicle Code §21057 prohibits police officers from using a siren or driving at an illegal speed when serving as an escort of any vehicle, except when the escort is for the preservation of life or when assisting any federal, state, or local governmental agency during an emergency.

As soon as practicable after the escort, the approving supervisor shall submit a memorandum to the Patrol Division Commander, detailing the circumstances of the escort and the supervisor's justification for authorizing the escort.

## **500.16 STUDENT SAFETY PROGRAM**

The Traffic Bureau assists local schools in organizing, training, and supervising participants in student safety valet programs. Student who participate in these safety programs enhance student safety during morning drop off times but do not direct or control vehicular traffic.



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Scott LaChasse, Chief of Police

## Policy 502

CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

### CHAPTER 5 – TRAFFIC OPERATIONS

## Traffic Collision Reporting

### 502.1 PURPOSE AND SCOPE

The Burbank 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.

### 502.2 RESPONSIBILITY

The Traffic Bureau Lieutenant is responsible for distribution of the Collision Investigation Manual and for notifying personnel of any changes in the State manual to ensure conformity with this policy.

The Records Bureau is responsible for processing and releasing collision reports. The Department shall make copies of collision reports available to authorized persons or entities either in hard copy format or electronic format through a contracted online service. A fee may be collected for processing in accordance with the City's fee schedule.

### 502.3 TRAFFIC COLLISION RESPONSE

Responsibilities at collision scenes include providing emergency services, investigating collisions, and restoring the flow of traffic. Members of this Department shall respond to the scene of any traffic collision involving any of the following:

- (a) Death or injury.
- (b) Hit and run.
- (c) Impairment due to alcohol or drugs.
- (d) Damage to City vehicles or property.
- (e) Hazardous materials.
- (f) Disturbance between involved parties.
- (g) Traffic congestion as a result of the collision.
- (h) Damage to vehicles is to the extent towing is required.





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### 502.3.1 COLLISION SCENE RESPONSIBILITIES

Officers responding to the scene of a collision are responsible for the following, depending on the circumstances:

- (a) Identifying and dealing with injured persons.
- (b) Identifying and dealing with fire hazards or hazardous materials.
- (c) Protecting the collision scene.
- (d) Collecting information.
- (e) Taking reasonable steps to protect property belonging to collision victims.

The officer first to arrive at the scene of a collision shall be the officer in charge of the scene unless or until the arrival of the assigned officer or traffic investigator or as directed by a supervisor.

### 502.3.2 TRAFFIC COLLISION REPORTING

All collision reports requiring the CHP 555 Form shall be completed using the electronic collision reporting system. Officer should inform the involved parties how they may obtain a copy of the report online. During exceptional circumstances, the Traffic Bureau Lieutenant or the Watch Commander may authorize reports to be handwritten.

Traffic collision reports completed by members of this Department using an electronic collision reporting system shall be approved by the Watch Commander or the Traffic Bureau Supervisor, as appropriate. In the absence of the Traffic Bureau Supervisor, the Watch Commander shall approve the reports in the system without delay.

Collision reports completed and approved within the electronic collision reporting system will be processed automatically. Any hand-written collision reports shall be forwarded to the Records Bureau by the approving supervisor for processing and data entry into the Records Management System.

The Traffic Bureau Lieutenant or designee is responsible for monthly and annual reports on traffic collision statistics to the Patrol Division Commander. The Traffic Bureau Lieutenant shall also report traffic collision statistics at the Monthly Management Team meetings.

### 502.4 REPORTING SITUATIONS

#### 502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports (CHP 555) shall be taken (except as provided by §502.4.6 and §502.4.7) when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. Whenever there is damage to a City vehicle, a City Property Damage Report shall be completed and forwarded through the chain of command to the appropriate



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Division Commander. The Records Bureau shall be responsible for distributing copies of the report to the appropriate departments.

The handling officer and/or supervisor shall ensure that photographs of the collision scene and vehicle damage are taken.

Department employees involved in traffic collisions while driving a city vehicle are required, except when incapacitated, to immediately notify their supervisor. If their immediate supervisor is unavailable, the employee shall notify the Watch Commander. The Watch Commander shall then notify the Patrol Division Commander, and, if applicable, the Division Commander of the employee. The Watch Commander shall also make notifications as required by Major Incident Notification Policy (§358.3.1).

### **502.4.2 TRAFFIC COLLISIONS INVOLVING POLICE DEPARTMENT EMPLOYEES**

If a Department employee becomes involved in an on-duty traffic collision, either in a City owned vehicle or the employee's privately owned vehicle while on official business, the employee shall immediately notify the Communications Center to request an officer (preferably a motor officer) and any medical aid (paramedics) if necessary for the employee or other party involved. Communications Center personnel shall be responsible for notifying a Patrol Supervisor or the Watch Commander. The handling officer shall confirm with the Communications Center that a sergeant is responding to the accident scene.

Upon arrival on scene, the Patrol Supervisor shall immediately determine if any injuries occurred and ensure that medical assistance is responding if necessary. The supervisor will inquire from the involved employees about what occurred and consult with the investigating officer regarding the preliminary findings.

The supervisor should ensure that the scene, involved vehicles, signs or signals, and other pertinent aspects are photographed and that efforts are made to identify and interview all witnesses. If a Department vehicle is damaged, the supervisor should ensure that the vehicle is removed from service and tagged for City mechanics (if appropriate). City vehicles sustaining minor damage may remain in service at the discretion of the supervisor.

The Patrol Supervisor shall submit a concise memorandum to the Patrol Division Commander regarding the details of the traffic collision including:

- (a) The report number.
- (b) Time of day or night.
- (c) Location.
- (d) A brief summary of the incident.
- (e) Primary collision factor and party at fault (if determinable).
- (f) A brief description of property damage.
- (g) A description of injuries, including complaint of pain.
- (h) Roadway and weather conditions.



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- (i) Dispositions of involved vehicles.
- (j) Speed.
- (k) Presence of signs or signals.
- (l) Whether the collision involved turning movements.
- (m) Whether the officer was operating Code 3.
- (n) Any Vehicle Code violations.
- (o) Any potential policy violations.

The supervisor shall make a recommendation in the memorandum regarding driver culpability in the traffic collision, including whether it was preventable or non-preventable.

The memorandum shall be reviewed and approved by the Watch Commander before it is submitted to the Patrol Division Commander for review. A copy of the collision report, if available, should accompany the memorandum. The employee's Division Commander will make a final determination on any policy violations and further personnel action involving collisions not reviewed by the Critical Incident Review Board (refer to the [CIRB Policy](#)). The employee's Division Commander shall forward the supervisor's memorandum, the collision report, and related documents to the Chief's Office for entry into the IA Pro Early Warning System and final disposition.

Executive notification is required when Department personnel are involved in an injury traffic collision. Refer to the [Major Incident Notification Policy](#) (§358.3.1) for further information.

When an employee of this Department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Burbank Police Department resulting in a serious injury or fatality, the Traffic Lieutenant or the Watch Commander, may notify the California Highway Patrol for assistance.

### **502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS**

The Traffic Lieutenant or 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.

### **502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY**

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, a Vehicle Code violation, or it involves an on-duty Department or City employee. A Miscellaneous Investigation report may be taken at the discretion of a supervisor.

### **502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS**

A traffic collision investigation report shall be taken when a collision occurs on a roadway or highway within the jurisdiction of this Department under any of the following circumstances:



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- (a) When there is a death or injury to any persons involved in the collision.
- (b) When a report is requested by any involved driver.
- (c) When there is an identifiable violation of the Vehicle Code where prosecution may be sought. This includes, but is not limited to, hit and run, DUI, and evasion.
- (d) When the collision involves a City of Burbank vehicle (except as provided by §502.4.6 and §502.4.8), or the vehicle of another governmental agency.
- (e) When a school bus collision occurs while transporting students if not investigated by the California Highway Patrol (refer to the Collision Investigation Manual).
- (f) When the collision involves a hit and run with sufficient information or evidence for follow up and potential prosecution at a later time.

### 502.4.6 TRAFFIC COLLISIONS – OTHER JURISDICTIONS

If a Department employee becomes involved in an on-duty traffic collision, either in a City owned vehicle or the employee's privately owned vehicle while on official business, the collision should be investigated by the law enforcement agency where the collision occurred. Burbank traffic investigators may respond to the scene to take measurements and photographs as decided by the Patrol Division Commander.

### 502.4.7 COLLISIONS INVOLVING HAZARDOUS MATERIALS

Collisions in which hazardous materials are present or suspected of being present shall be handled as follows (refer to the Hazardous Material Response Policy):

- (a) The first officer on scene will evaluate and determine if hazardous materials are or could be present.
- (b) If the presence of hazardous materials is known or suspected, the Fire Department shall be notified immediately.
- (c) A field supervisor shall respond to manage the scene with the Fire Department Incident Commander.
- (d) The field supervisor shall notify the Watch Commander if the incident will require additional resources or if it will have a significant impact on the community.
- (e) The on scene supervisor will coordinate traffic control and evacuations as necessary.

### 502.4.8 PROPERTY DAMAGE ONLY COLLISIONS – REPORTING

Officers may document collisions involving only property damage using the CHP Traffic Collision Report – Property Damage Only form (CHP 555-03) if required by the Vehicle Code or requested by an involved party and the following conditions apply (regardless of whether towing will be required):

- (a) No City property is involved (CHP 555-03 form may be used when a City vehicle strikes an unoccupied or non-moving vehicle or other property causing only minor property damage).



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- (a) When no injuries are reported.
- (b) When no primary collision factor citation is issued or prosecution sought (citations for insurance or driver license violations, however, are permissible).
- (c) When no more than two parties are involved.

Officers may also use the form to document a non-injury hit and run collision where prosecution is not anticipated or no follow-up information is available. If a hard-copy form is completed in the field, officers must provide a copy of the form to the involved parties at the scene. Officers shall retain and submit the original copy to the Watch Commander or the Traffic Bureau Supervisor for approval. If the form is completed using an electronic collision reporting system, then the handling officer should inform the involved parties how they may obtain a copy of the report online.

Use of the Officer's Daily log solely for the documentation of any traffic collision is not authorized.

### **502.4.9 REPORTS FOR TRAFFIC COLLISIONS INVOLVING CITY PROPERTY DAMAGE**

In cases where a City vehicle is involved in a traffic collision resulting in only minor property damage with other than a driven vehicle, and the owner of the other vehicle or property involved wishes no traffic collision report be made, one will not be taken unless the City employee or supervisor wishes one. In such cases, a City Property Damage Report and a Miscellaneous Investigation Report or CHP 555-03 Form shall be completed as a courtesy report.

### **502.4.10 TRAFFIC COLLISIONS INVOLVING MTA BUSES**

When an MTA bus is involved in a traffic collision within the City of Burbank, the Communications Center shall notify LASD and determine if LASD will respond to handle. If LASD requests that this Department conduct the investigation, the Communications Center shall inform the responding officers and shall assign a unit to handle.

### **502.5 TRAFFIC BUREAU NOTIFICATION**

In the event of a traffic collision fatality or serious injury likely to result in death or dismemberment, the Watch Commander shall notify the Traffic Bureau Lieutenant for assistance from the Traffic Bureau. In the absence of a Traffic Bureau Lieutenant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision. The assigned investigator should ensure that all evidence is marked, collected, and photographed. The investigator or assigned motor officer should mark the location of roadway evidence with marking paint or other acceptable markings (e.g., high-visibility grease pencil for wet conditions).

The Traffic Investigator shall assume responsibility for the investigation of the collision. The Watch Commander shall also be responsible for notifications required by Major Incident Notification Policy (§358.3.1).



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### 502.5.1 ON-CALL TRAFFIC INVESTIGATOR

The Traffic Bureau Lieutenant shall be responsible to ensure that a Traffic Investigator is on standby at all times for after-hours response and that the Watch Commander has been provided this information.

The assigned on-call Traffic Investigator shall be responsible for being readily available to respond as directed by the Watch Commander or Traffic Bureau Commander.

### 502.5.2 FOLLOW UP INVESTIGATIONS

The Traffic Bureau Detective shall be responsible for all collision investigation follow-up activities, including:

- (a) Collisions involving serious injury or fatality.
- (b) Injury collisions involving City employees.
- (c) Collisions involving criminal conduct (e.g., Hit and run, DUI, reckless).

### 502.5.2 PRESS RELEASES

The Department Press Information Officer (PIO) or the Traffic Bureau Lieutenant is responsible for promptly drafting a press release for collisions meeting the criteria contained in §502.5. The release of any information to the media shall conform to News Media Relations Policy.

### 502.6 NOTIFICATIONS

Handling officers shall be responsible for:

- (a) Ensuring reasonable efforts are made to notify property owners of damage. If a property owner cannot be located, a BPD Notification Card shall be left securely in a conspicuous location for the owner.
- (b) Notifying the Metropolitan Transportation Authority if road closures will significantly disrupt bus routes.
- (c) Notifying City crews to alleviate any hazards or repair any damage created by a collision.

### 502.7 INFRACTION FILINGS RELATED TO TRAFFIC COLLISIONS

Officers who are qualified to issue citations at the scene of a traffic collision pursuant to Vehicle Code §40600 should do so when substantial facts and independent witness statements support the violation, unless precluded by the below listed or other extenuating circumstances:

- (a) Violator refuses to sign the "Notice to Appear." Officer shall not make physical arrest for refusal to sign unless the officer observed the violation. If not arrested, the violator shall be informed that a compliant will be requested and notification will be made if a court





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appearance is required. The refusal shall be recorded (refer to the Use of Audio or Video Recorder Policy).

- (b) Violator is injured to the extent of being removed from the scene for medical treatment. If possible, the officer shall inform the violator that a complaint will be requested.
- (c) The violator is under the age of thirteen, except for citations to Juvenile Traffic Safety School for such things as bicycle, skateboard, and pedestrian violations. The Juvenile Bureau shall follow up for enforcement in other cases.
- (d) A "Notice to Appear" was not issued at the scene, except where juveniles are involved. Officers shall not issue a "Notice to Appear" at a later time.
- (e) In single vehicle collisions where there are no witnesses to the driving or identification of the driver prior to or at the time of the collision and the driving is established only by the driver's statement.
- (f) When a conflict of interest may occur (collisions involving on-duty Police, Fire, or City Attorney personnel). These cases will be forwarded to the District Attorney's Office for review and filing of possible charges.
- (g) When the investigation does not result in a traffic collision report being taken.

If a "Notice to Appear" was not issued at the scene because the officer could not establish sufficient cause, did not qualify under Vehicle Code 40600, or for any other extenuating circumstances, the officer shall so indicate in the collision report.

The Traffic Bureau may seek a complaint regarding a traffic violation when it is justified by a traffic collision report and no "Notice to Appear" has been issued.

### 502.7.1 PROCEDURE

#### Officer Responsibility

- (a) Complete a CHP 555 form traffic collision report, listing all parties involved (the CHP 555-03 form is not authorized if infraction filing will be requested).
- (b) The traffic collision report shall positively identify the offender. Examples of circumstances supporting identification include: offender still at scene, witnesses place the offender behind wheel, or photo or other evidence places the offender behind the wheel.
- (c) The investigation and report shall be completed in a timely manner.

#### Detective Responsibility

The Traffic Bureau Detective will review the collision report and:

- (a) Positively identify all independent witnesses involved.
- (b) Positively identify the infraction offender.
- (c) Analyze all evidence relating to the infraction.





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- (d) Determine the likelihood of successful prosecution.

If the Traffic Bureau Detective determines that an infraction filing is supported by the documentation and is appropriate, the Detective shall complete an official Burbank Police Department "Notice to Appear" citation in triplicate. The citation shall include the following information:

- (a) Original violation date and time.
- (b) Complete violator information and vehicle information.
- (c) Complete listing of applicable violations.
- (d) Original violation location as listed on the collision report.
- (e) The name of the "Citing Officer" (the officer who completed the traffic collision report).
- (f) The name of the "Arresting Officer" (the Detective issuing the complaint citation).
- (g) The Appearance Date, listed as 30 days from the citation preparation date, not the actual collision occurrence date.

Additionally, the Traffic Bureau Detective shall also be responsible for the following:

- (a) Prepare a letter of appearance, in duplicate, which shall include "Proof of Service" information.
- (b) Mail to the violator via regular mail one copy of the "Letter of Appearance" and the yellow copy of the "Notice to Appear."
- (c) Send to the court without delay the original "Letter of Appearance," the original white copy of the "Notice to Appear" citation, a copy of the official traffic collision report, and a form identifying all witnesses.
- (d) Send the pink copy of the "Notice to Appear" to the Record Bureau for data entry.

### Supervisor Responsibility

Supervisors are responsible to identify shift officers who are qualified to issue citations at the scene of traffic collisions pursuant to Vehicle Code §40600. If the facts surrounding the collision and subsequent investigation support the issuance of a citation in accordance with this Policy, supervisors should have a qualified officer respond to the collision scene to issue the citation when possible. When reviewing traffic collision reports, supervisors should verify that officers have followed the procedures of this policy.



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CALEA

Approved: *Scott LaChasse*

Effective Date: July 25, 2013

## CHAPTER 5 – TRAFFIC OPERATIONS

# Vehicle Towing and Release

### 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Burbank Police Department. Except when required by law, nothing in this policy shall require the Department to tow a vehicle.

#### 510.1.1 DEFINITIONS

**Community Caretaking Doctrine** – A court recognized exception to the Fourth Amendment prohibition against unreasonable seizure of property when officers are engaged solely in caretaking and traffic-control activities, “*totally divorced from detection, investigation, or acquisition of evidence relating to the violation of a criminal statute*” (*Cady v. Dombrowski* (1973) 413 US 433, 441). The basis for the doctrine is the officer’s attempt to protect the owner’s property (vehicle) or to clear the street of a traffic obstruction. The community caretaking doctrine may only be used to justify removals – never impounds.

Vehicle Code §22651(h)(1) requires a Community Caretaking justification (e.g., unable to secure the vehicle in a high crime area).

**Impounding** – A seizure of a vehicle for a legitimate *investigative* (evidence) or *regulatory* purpose. An impounded vehicle is one which has been removed from a highway, public or private property, under legal authority and is subject to a conditional release or is being held as evidence. Investigative impounds are statutorily authorized by Vehicle Code 22655.5.

**Forfeiture** – Takes away the owner’s right to immediate possession and right of ownership and transfers all right and title in the vehicle to the State. Forfeiture is due to the owner’s unlawful use of the vehicle.

**Removal** – Causing a vehicle to be moved from a highway, public or private property, (under legal authority) and storing it temporarily someplace else for the purpose of providing safe custody. After a removal, the owner retains the right of possession and title, thus, the vehicle is subject to an unconditional release. Examples include removing damaged, inoperable vehicles following a traffic collision or removing vehicles that are blocking driveways or otherwise obstructing traffic.



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**Seizure** – Seizure in this policy is used with the same meaning as in the Fourth Amendment; that is, “A seizure of [a vehicle] occurs when there is some meaningful interference with an individual’s possessory interest in that [vehicle]. As used in this policy, a vehicle is considered “seized” if it is removed, impounded, or forfeited.

**Storage** – Moving a vehicle and storing it temporarily at a designated place for safekeeping (e.g., contracted tow yard). Storage is not an authority for seizure of a vehicle but each of the three kinds of vehicle seizures includes storage.

Note: All impoundments and forfeitures involve removal of a vehicle. It is possible to have a removal with or without a consequent impoundment. It is also possible to have a removal and impoundment with or without a consequent forfeiture.

### 510.2 REMOVALS [61.4.3(b)]

If a vehicle presents a hazard, such as being abandoned on the roadway, it may be removed immediately (Vehicle Code §22669). Officers of the Patrol Division shall obtain the approval of a supervisor prior to removing and storing a vehicle. Supervisors shall verify that sufficient facts exist to support a lawful removal and storage prior to issuing authorization.

The Community Caretaking function only applies to removal of vehicles. The principle shall never be applied to impound a vehicle. For example, the Community Caretaking principle cannot be applied to “impound” the vehicle of a subject arrested for a warrant if the vehicle is legally parked.

The responsibilities of those employees towing, storing, or impounding a vehicle are listed below.

#### 510.2.1 VEHICLE REPORT [61.4.3(c)]

Department members removing and storing 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 Watch Commander as soon as practicable after the vehicle is removed for storage.

#### 510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES [61.2.2(h)]

When a vehicle involved in a traffic collision is not subject to impoundment and is not obstructing traffic or otherwise creating a traffic hazard, the officer should allow the driver to select a towing company of their choice to remove such vehicle.

When a vehicle has been involved in a traffic collision and is obstructing a traffic lane or must otherwise be expeditiously removed, the officer must use the City contracted towing company to remove such vehicle. Officers shall not request a City contracted towing company to temporarily move the vehicle to the side of the road so that a towing company selected by the owner can later remove the vehicle.

A vehicle involved in a traffic collision may be left legally parked at the scene at the request of the vehicle owner, unless the vehicle poses a risk to public safety due to leakage of hazardous fluids or any other unsafe condition.



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Officers shall ensure that the handling tow service removes all glass and debris from the scene prior to departing.

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 should request the dispatcher to call the City contracted towing company. The officer will then document the removal and storage of the vehicle per §510.2.1. The circumstances requiring the storage shall be documented in the report.

### 510.2.3 REMOVAL OR IMPOUNDMENT 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 when the community caretaker doctrine would reasonably suggest that the vehicle should be stored per Vehicle Code §22651(h)(1) (e.g., traffic hazard, high crime area), subject to the exceptions described below.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- (a) Traffic related warrant arrest.
- (b) Situations where the vehicle was not used to further the offense for which the driver was arrested.
- (c) Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- (d) Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages. The advisement shall be documented in the arrest report.

The vehicle shall be impounded, however, whenever it is needed for the furtherance of the investigation or prosecution of the case (i.e., vehicle as evidence).

### 510.2.4 REMOVAL OF VEHICLES 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 responsible officer shall record 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



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license and current vehicle registration and payment of any applicable fees. There shall be no other conditions of release imposed by the police Department.

### 510.2.5 OPERATING A PRIVATE VEHICLE FOR PURPOSES OF REMOVAL

Private vehicles shall not be driven by Department personnel unless moving a vehicle a short distance is necessary to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

### 510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, dispatchers shall promptly telephone the appropriate towing service. The officer shall be advised that the towing service has been summoned.

### 510.2.7 RECORDS BUREAU RESPONSIBILITIES

Records personnel shall promptly enter pertinent data (e.g. removal and the location to which the vehicle is removed) from the completed Vehicle Report form (CHP Form 180) into the Stolen Vehicle System (Vehicle Code §22651.5(b), §22851.3(b), and §22854.5).

Approved Vehicle Report forms shall be promptly completed so that they are immediately available for vehicle release or review should inquiries be made.

Within 48 hours of the storage of any vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau through DMV or CLETS computers to determine the names and addresses of the registered and legal owners of the vehicle. Notice shall be sent to all such individuals having an interest in the vehicle by first-class mail (Vehicle Code §22851.3(d), §22852(a), and §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.

### 510.2.8 OFFICER RESPONSIBILITIES

Officers shall submit the Vehicle Report form (CHP 180) and related reports to the Watch Commander as soon as practicable after the removal, impoundment, or forfeiture of a vehicle. Members of the Traffic Bureau may submit reports to the Traffic Bureau supervisor or the Watch Commander.

The following documents shall be attached to the Vehicle Report:

- (a) A copy of the DMV teletype for the impounded/stored vehicle.



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- (b) A copy of the driving record of the driver when a vehicle is impounded for a regulatory purpose involving the status of the driver's license. If the driver has never been licensed, printout indicating that no record is on file for the person shall also be included.

## **510.2.9 WATCH COMMANDER RESPONSIBILITIES**

The Watch Commander or the approving supervisor shall be responsible for reviewing the legal authority for vehicle seizure and for approving related reports. Approval shall be based upon, but not necessarily limited to the following:

- (a) Does the officer state the Vehicle Code authorization for the vehicle seizure?
- (b) Does the officer correctly state what type of seizure was taken? (e.g. removal or impoundment)
- (c) Does the stated authorization for the particular vehicle seizure correspond to the action taken? (e.g. removal per Vehicle Code 22651(b); impoundment per Vehicle Code 22655.5)  
See attached Vehicle Removal, Impoundment, and Forfeiture Guide.

Approved reports shall be forwarded to the Records Bureau without delay.

The Watch Commander or any sworn supervisor may release any vehicle that has been removed for storage or seized for regulatory purpose. Vehicles that are subject to forfeiture or have been seized for an investigative purpose shall be administered by the appropriate members of the Investigation Division.

## **510.2.10 INVESTIGATOR RESPONSIBILITIES**

Investigators shall promptly review vehicle seizures associated with crimes they are investigating. The investigator shall make all reasonable attempts to complete searches, forensic examinations, photographs, or other investigative actions related to seized vehicles in a timely manner. Investigators should authorize the release of a vehicle from storage as soon as possible.

The assigned investigator is responsible to:

- (a) Promptly notify the registered and/or legal owner when a vehicle is authorized for release. If the notification is made telephonically, the investigator is responsible to document the notification in a supplemental report. Alternatively, the investigator may direct the Investigation Division Police Technician to send a letter to the registered or legal owner indicating that the vehicle has been authorized for release with instructions for claiming the vehicle. The Investigation Division Police Technician shall forward a copy of the letter to the Records Bureau to be filed with the original report.
- (b) When the registered owner of the vehicle is a witness or victim of a crime, the investigator shall request a waiver of the administrative fees by marking the impound release form with "WAIVE BPD FEES" in bold letters at the top of the form (see §510.2.11).





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In the absence of the assigned investigator, the investigator's supervisor may release a vehicle from storage if the supervisor is certain that the vehicle is no longer needed for an investigative purpose. Upon authorizing the release, the investigator or supervisor shall complete an Impound Release form (B320-18) and forward the form to the Front Desk.

### 510.2.11 WAIVER OF FEES

Administrative agency fees shall not be collected on vehicles impounded/stored when:

- (a) The vehicle is a recovered stolen and the vehicle is being released to the owner or an agent of the owner
- (b) The vehicle was taken as evidence, or as the container of evidence, or as a part of a criminal investigation, and the registered owner of the vehicle was a witness or victim of a crime, and not the suspect
- (c) The vehicle was seized in error. In this case, the Department will also assume responsibility for towing and storage fees by directing the tow company to bill the Department. The appropriate Division Commander and the Police Finance Office shall also be notified.
- (d) If a post-seizure hearing is required per the Vehicle Impound Hearings Policy, the hearing officer will determine if the facts disclosed warrant a waiver of fees. The hearing officer shall approve the waiver of fees and whether or not the Department should be responsible for towing and storage fees.

### 510.3 TOWING SERVICES

The City of Burbank periodically selects a private contractor to act as the official tow service. The contract tow company will be used in the following situations:

- (a) When it is necessary to remove a vehicle in accordance with the *"Community Caretaking Function"* due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is impounded as evidence in connection with an investigation.
- (c) When it is otherwise necessary to store a motor vehicle. This would include the recovery of stolen or abandoned vehicles.

### 510.4 VEHICLE INVENTORY [1.2.4]

Vehicle inventory procedures are to protect 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.

All property in a seized vehicle shall be inventoried and listed (itemized) on the Vehicle Report form (CHP 180). The inventory shall include the trunk and any compartments or containers. A reasonable effort shall be made to inventory the contents of closed or locked containers and any unsuccessful attempts shall be documented on the Vehicle Report. Employees should conduct a thorough and accurate inventory of a vehicle's contents.





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### 510.5 SECURITY OF VEHICLES AND PROPERTY [1.2.4]

Unless it would cause an unreasonable delay in the completion of a vehicle seizure or create an issue of officer safety, officers should allow a driver or owner to retrieve small items of value or necessity (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband. Any such items removed from the vehicle shall be documented in the Vehicle Report form (CHP 180).

If an inventory search of a vehicle after removal or a vehicle search pursuant to an evidentiary or regulatory impoundment leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, the officer responsible for the seizure shall take such steps as are reasonably necessary to secure or preserve the vehicle or property from such hazards.

### 510.6 RELEASE OF VEHICLE

The Department will maintain a listed 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code §14602.6).

- (a) Vehicles removed pursuant to Vehicle Code §22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code §22850.3 and §22850.5).
- (b) Vehicles removed and impounded 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., §22652 et seq., §22850.3, and §22850.5).
- (c) A vehicle removed and impounded 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 circumstances as set forth in Vehicle Code §14602.6
  - 4. When there is no remaining community caretaking need to continue impound of the vehicle (*Brewster v. Beck*) 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 Section under which the vehicle was removed or impounded for any specific requirements prior to release.



# Burbank Police Department

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## Policy 510

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. When the facts indicate that a vehicle was seized without proper legal authority, supervisors should release the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

### **510.7 VEHICLES SEIZED AS EVIDENCE**

All vehicles seized and impounded as evidence shall be reviewed by assigned investigators to determine the necessity for continued retention and to provide for their release as soon as may be appropriate.

Vehicles seized as evidence should be photographed and processed for evidence within 10 business days and subsequently released, barring an investigative or a prosecutorial necessity. Any vehicle which requires retention for a period longer than 10 business days requires approval from Investigation Division Commander. The assigned investigator is responsible to receive Commander approval every 30 days thereafter for continued retention. The assigned investigator shall document each approval in a supplemental report.

#### **510.7.1 SCIENTIFIC EXAMINATION**

Occasionally, a scientific examination of the vehicle or a laboratory analysis of its contents is desired, and conditions at the scene or the authorized tow facility are unfavorable, or are not conducive to a thorough examination. To ensure the safekeeping and security of the vehicle under such conditions, a supervisor may authorize the storage of the vehicle in the secured area of the police parking structure or another secure location until such time as the examination can be performed. When the examination has been completed, the vehicle shall be removed to the authorized tow facility. The officer completing the Vehicle Report form (CHP 180) is responsible for documenting the location where the vehicle is taken for the examination.

If an impounded vehicle is to be held for evidentiary examination, the impounding officer shall print "HOLD FOR EVIDENCE" in large upper case letters in the upper right hand corner of the Vehicle Report form (CHP 180). If the vehicle is to be later processed for latent fingerprints, the impounding officer shall print "HOLD FOR PRINTS" in large upper case letters in the upper right hand corner of the Vehicle Report form. In either case, the officer shall also verbally advise the tow operator regarding the evidentiary impoundment.

### **510.8 STORAGE REVIEWS**

The Investigation Bureau Lieutenant shall regularly review all vehicles which remain held as evidence by the Department and shall notify the Investigation Division Commander with a memorandum of all vehicles retained for longer than 30 days. This review of vehicles shall be done as often as required but on at least a monthly basis. The Investigation Division Commander will direct appropriate action for the disposition of those vehicles and will submit a memorandum to the Deputy Chief documenting the reasons for the lengthy storage and the final disposition of those vehicles.



# Burbank Police Department

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**Policy  
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## Vehicle Removal, Impoundment, and Forfeiture Guide

	Removal	Impoundment	Forfeiture
Vehicle as Hazard	22651(b) VC • Left standing on highway 22669 VC • Abandoned		
Stolen Vehicle	22651(c) VC		
Vehicle Blocking Driveway	22651(d) VC		
Vehicle Blocking Fire Hydrant or Equipment	22651(e) VC		
Arrest	22651(h)(1) VC		
Registration Expired Over 6 Months	22651(o)(1) VC		
Unlicensed Driver or Driving with Suspended or Revoked License	22651(p) VC • <b><u>Requires issuance of a Notice to Appear</u></b> for 12500, 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604 VC.	14602.6(a)(1) VC • <b><u>Requires arrest</u></b> for unlicensed driver or suspended or revoked license, or • Vehicle involved in a traffic collision.  14607.6(a) VC • Driver is the registered owner, <b><u>and</u></b> • Has a prior misdemeanor conviction for 12500, 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5 VC.  14607.6(c)(1) VC • Unable to produce a valid driver's license. • Officer <b><u>shall</u></b> attempt to verify license status. • Vehicle <b><u>shall</u></b> be impounded regardless of ownership. • Exceptions apply (license expired within preceding 30 days or driving in the course of employment)	Vehicle may be subject to State forfeiture as a nuisance per 14607.6 VC
Vehicle as Evidence of Crime		22655.5 VC	
Vehicle Involved in Hit and Run		22655 VC	

### Notes:

- Removed vehicles shall be subject to unconditional release.
- This guide is not intended to be comprehensive. Officers are expected to refer to the applicable regulations for full and complete description of the codes.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
512**

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 5 – TRAFFIC OPERATIONS

# Vehicle Impound Hearings

### 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code §22852.

### 512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Burbank Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his or her agent (Vehicle Code §22650(a) and §22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer should be the rank of Lieutenant or higher (see exception in §512.2.1) and must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code §22852(c)).

#### 512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. There is no requirement for the employee who caused the storage or removal of the vehicle 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(d)). The person requesting the hearing may record the hearing at his or her own expense.

The Traffic Bureau Lieutenant will generally serve as the hearing officer. In his or her absence, the Traffic Bureau Sergeant, Watch Commander, or the commander of the bureau that ordered the impoundment should conduct the hearing.

The failure of either the registered or legal owner or interested person or his or 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) and 22852(d)).



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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) and §14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code §14602.6(b) or §14608(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. 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. Under such circumstances, the Department is responsible for costs incurred for Towing and storage of the vehicle (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 memo 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.

The hearing officer is responsible to notify the person requesting the impound hearing of his or her determination in a timely manner. The notification may be provided verbally or in writing. The hearing officer should document that the notification was made.



# Burbank Police Department

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## **512.2.2 HEARING DISPOSITIONS & DOCUMENTATION**

The hearing officer is limited to one of two findings:

- (a) The storage was lawful
- (b) The storage was unlawful

The hearing officer shall document the findings of the hearing in a Vehicle Storage Hearing Report using the same report number as the original impound. The report shall include the facts known and the basis upon which the hearing officer made his or her determination. The report shall be filed in the Record Bureau with the original impound report.

## **512.2.3 DEPARTMENT FOLLOW UP**

When an impoundment is determined to be unlawful, the Traffic Bureau Lieutenant shall forward a copy of the Vehicle Storage Hearing Report, a copy of the impound report, and any other relevant documentation to the Patrol Division Commander for administrative disposition with the officer/supervisor ordering or approving the impoundment.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 514

CALEA

Approved: *Scott LaChasse*

Effective Date: August 16, 2013

### CHAPTER 5 – TRAFFIC OPERATIONS

## Impaired Driving

### 514.1 PURPOSE AND SCOPE

This policy provides guidance to those Burbank Police Department members who play a role in the detection and investigation of driving under the influence (DUI) of drugs, alcohol, or both.

### 514.2 POLICY

The Burbank Police Department is committed to the safety of the roadways and the community. The Department will engage in fair but aggressive enforcement of California's impaired driving laws.

#### 514.2.1 DUI ENFORCEMENT EFFORTS

Patrol and traffic officers should always be vigilant to observe and apprehend impaired drivers. Patrol Supervisors should ensure that DUI enforcement is held in high priority.

The Patrol Bureau Captain is responsible for ensuring that the appropriate resources are available to support the Agency's DUI enforcement program, especially during high traffic holiday periods and in areas where analysis has shown that a significant number of violations or collisions involving impaired drivers have occurred.

Whenever possible, the Burbank Police Department will participate in regional efforts to combat DUI, including:

- (a) National Drunk and Drugged Driving Prevention Month (December).
- (b) Grant funded impaired driving enforcement programs.
- (c) Purpose specific inter-agency enforcement efforts.
- (d) Participation in awareness campaign (California Avoid Campaign).

The Traffic Bureau Lieutenant is responsible for coordinating regional and grant funded efforts.





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### 514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms and appropriate investigative forms 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:

- (a) The field sobriety tests (FSTs) administered and 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, witness) and their observations.
- (d) Information about any audio and/or video recording of the individuals driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in California or another jurisdiction.

### 514.4 FIELD TESTS

The Patrol Bureau Captain should identify standardized field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

### 514.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code §23612):

- (a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code §23152.
- (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).



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- (d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code §23153).
- (e) The person was operating a commercial vehicle defined in Vehicle Code §15210 while having a blood alcohol content of 0.04 or more (Vehicle Code §23152 (d)).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

## **514.5.1 STATUTORY NOTIFICATIONS**

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

## **514.5.2 PRELIMINARY ALCOHOL SCREENING**

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

## **514.5.3 PRELIMINARY ALCOHOL SCREENING FOR MINORS**

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officers has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officers shall request that the person take a PAS test to determine the presence of alcohol in the person. If a PAS test device is not immediately available, the officers may request the person to submit to chemical testing of his/her blood, breath, or urine, conducted pursuant to Vehicle Code §23612 (Vehicle Code §13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officers shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code §13388).

## **514.5.4 CHOICE OF TESTS**

A person arrested for DUI has the choice of whether the test is of his/her blood or breath. Officers shall advise the person that he/she has that choice. If the person arrested either is incapable or states that he/she is incapable of completing the chosen test, the person shall submit to the remaining test. If a blood or breath test (or both) is unavailable, the person shall be deemed to have given his or her consent to chemical testing of his or her urine and shall submit to a urine test. (Vehicle Code §23612(d)(2)).



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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 officers may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code §23612(a)(2)(C)).

### 514.5.5 BREATH SAMPLES

The Traffic Bureau Lieutenant 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 for at least two years.

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 officers 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).

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, the officer shall advise the person that he or she is required to submit to and complete a blood test. Evidence of the officer's reasonable belief shall be included in the officer's report (Vehicle Code §23612(a)(2)(C)).

### 514.5.6 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code §23158). The blood draw should be witnessed by the assigned officers. No officers, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. If the arrestee requests a separate sample, two samples should be collected (unless medical personnel object) and retained as evidence, so long as only one puncture is required. Requests for a separate sample or objections by medical staff shall be documented in the officer's report.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he or she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee shall be required to complete another available and viable test.



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### 514.5.7 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officers shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code §23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility. Refer to the Property and Evidence Manual for proper packing instructions.

### 514.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

- (a) Advise the person of the requirement to provide a sample (Vehicle Code §23612).
- (b) Audio and/or video record the admonishment and the response if practicable.
- (c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code §23612(e) and §23612(f)).

#### 514.6.1 BLOOD SAMPLE WITHOUT CONSENT

Following the United States Supreme Court's ruling in *Missouri v. McNeely* (2013), a nonconsensual warrantless blood draw may be considered a violation of the Fourth Amendment right to be free from unreasonable searches of a person.

As such, when a person who has been arrested for DUI refuses to submit to a viable and appropriate test or fails to complete a selected test, a sample of that person's blood may be obtained by force only under the following to circumstances:

1. The officer has obtained a search warrant signed by a judge of the County of Los Angeles (Penal Code §1524), or
2. Based on the totality of circumstances, an exigency exists that makes obtaining a search warrant impractical.

The Supreme Court held in the above case that "the natural dissipation of alcohol in the bloodstream does not constitute an emergency in every case sufficient to justify conducting a blood test without a warrant." Therefore, when officers in drunk-driving investigations can reasonably obtain a warrant before having a blood sample drawn without significantly undermining the efficacy of the search, the Fourth Amendment mandates that they do so. Specific and articulable facts are necessary to support using the exigency exception to the warrant requirement.



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When a forced blood draw becomes necessary, officers shall contact a supervisor for direction. The supervisor shall consider all facts to determine if an articulable exigency exists or if a search warrant will be required. In most cases, a search warrant should be obtained.

Factors to consider in determining whether obtaining a search warrant would cause an unreasonable delay and threaten the destruction of evidence shall include but are not limited to the following:

- (a) Seriousness of the offense (e.g., DUI collision causing death or serious bodily injury).
- (b) Length of time since the consumption of alcohol.
- (c) Presence of other evidence to support DUI.
- (d) Whether or not the warrant process would produce unacceptable delay under the circumstances, such as, the unavailability of a judge to review and sign a search warrant.

If a supervisor determines that based on the circumstances the exigencies of the situation are so compelling that a warrantless search is *objectively reasonable*, the supervisor shall document those facts in a supplemental report. Otherwise, in the absence of an exigency, the supervisor shall direct the arresting officer to apply for a search warrant using the DUI Search Warrant Form.

### 514.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer shall request a supervisor to respond.

The involved supervisors shall be responsible for the following:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to and completes a viable form of testing in a timely manner.
- (c) Advise the person of his or her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue shall be recorded on audio and/or video if practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the suspect 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



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- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

### 514.7 ARREST AND INVESTIGATION

#### 514.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code §836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of

the same, when (Vehicle Code §40300.5):

- (a) The person is involved in a traffic accident.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to him/herself or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

#### 514.7.2 OFFICER RESPONSIBILITIES

Officers 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 Records Bureau to be sent to the Department of Motor Vehicles (DMV).
- (b) Forward a sworn report to the Records Bureau to be sent to the DMV that contains the required information in Vehicle Code §13380.

Property Room personnel will forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

#### 514.8 RECORDS BUREAU RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

The Records Bureau will ensure that all appropriate reports and documents related to administrative license suspensions are forwarded to DMV.



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## **514.9 ADMINISTRATIVE HEARINGS**

Officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Officers 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. The Records Bureau shall forward supplemental reports to the prosecuting attorney as part of the case file.

## **514.10 TRAINING**

The Training Coordinator 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 Coordinator should confer with the prosecuting attorney's office and update training topics as needed.





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
516**

CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 5 – TRAFFIC OPERATIONS

# Traffic Citations

### 516.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for traffic citations and the procedures for dismissal, correction, and voiding of traffic citations.

### 516.2 RESPONSIBILITIES [82.3.4]

The Traffic Bureau Lieutenant shall be responsible for the development, design, and ordering of all Department traffic citations in compliance with state law and the Judicial Council. The Juvenile Traffic Court, Jail Manager, Burbank branch of the Superior Court, and Juvenile Detail should also be consulted for necessary revisions. The Traffic Bureau Lieutenant shall affix a reminder tickler to the supply of boxes of citation books to alert him/her when the supply is low.

The Records Manager shall be responsible for the supply and accounting of all traffic citations issued to employees of this Department. The Records Manager shall notify the Traffic Bureau Lieutenant when the supply of citation books is low or when the supply tickler has been reached.

#### 516.2.1 OWNER RESPONSIBILITY CITATIONS

Citations for equipment violations, registration, size, weight, or load restrictions, and other circumstances described in Vehicle Code §40001, shall be issued to the vehicle owner, unless the offense is clearly within the responsibility of the driver. If it is owner responsibility, the driver should not be required to sign the original citation or be provided with a copy of the citation. The issuing officer shall submit the court copy of the citation in the designated citation processing box and shall forward the violator's copy to the Traffic Bureau for mailing to the registered owner of the vehicle.

#### 516.2.2 CORRECTABLE VIOLATIONS

Officers shall mark citations correctable under Vehicle Code §40610(b) for registration, mechanical, or bicycle equipment violations, unless any of the following conditions are present:

- (a) Evidence of fraud or persistent neglect.
- (b) The violation presents an immediate safety hazard.



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- (c) The violator does not agree to, or cannot, promptly correct the violation.

If an officer marks the violation as not correctable, the officer should note the reason on the citation.

### 516.2.3 DOCUMENTATION OF FACTS

Officers are responsible for documenting facts to support prosecution of traffic citations. The reverse side of the Officer's copy of the citation should be used to record sufficient facts to refresh the officer's recollection for prosecution. Relevant factors to document may include:

- (a) Location of the officer when the violation was observed.
- (b) Location of the violator when the officer observed the violation.
- (c) Location of the traffic stop.
- (d) Lane position and any lane changes.
- (e) Roadway conditions.
- (f) Roadway signage (where applicable).
- (g) Statements made by the violator.
- (h) Aggravating circumstances.
- (i) Distance travelled.
- (j) Any other relevant information.

### 516.2.4 REGISTRATION CITATIONS – GRACE PERIOD

Due to the manner in which the DMV processes vehicle registration renewals, citations for registration violations (Vehicle Code §4000 and §5204) should not be issued within the first two months after the expiration of the registration (refer to the DMV Law Enforcement Memo 11-03(a)).

### 516.3 DISMISSAL OF TRAFFIC OR PARKING CITATIONS

Employees of this Department do not have the authority to dismiss a citation once it has been issued. Only the appropriate court has such authority (Vehicle Code §40500(d)). In limited cases involving extenuating circumstances, the Traffic Bureau Lieutenant may review a request from a recipient to dismiss a citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. The Traffic Bureau Lieutenant shall document actions of any such review in a memorandum to the Patrol Division Commander. All other recipients of traffic citations or those whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Pursuant to Penal Code §853.6(j) and Vehicle Code §40500(d), officers may request that a citation be dismissed. Officers shall submit the appropriate form to the Traffic Bureau via their Chain of Command. Officers shall use form B320-304 for misdemeanor and parking violations and the Superior Court form TR-22 for traffic infractions.



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Scott LaChasse, Chief of Police

## Policy 516

Officers are expected to respond to subpoenas prepared to competently testify regarding matters in which they have been involved. Upon receipt of a subpoena, officers shall research the citation and supporting documents. If an issue is identified requiring the case to be dismissed, the officer shall prepare a memorandum to the officer's Division Captain to provide reasonable justification and to request dismissal, as soon as possible after receiving the subpoena. The Division Commander shall advise the officer if the request for dismissal will be approved and forward the request to the appropriate court. Any officer who appears in court while on overtime to request a traffic citation dismissal when the dismissal request could reasonably have been conducted before the court date, may be face discipline.

Except as prohibited above, 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 based on the officer's verbal request, the officer shall submit a memorandum to his or her immediate supervisor describing the circumstances surrounding the dismissal. The memorandum shall then be forwarded to the officer's Division Commander for review.

### 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor attached to a memorandum explaining the reasons for voiding the citation. All copies of the citation shall then be forwarded to the Traffic Bureau for archiving.

### 516.5 CORRECTIONS OR CHANGES TO TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, officers issuing the citation shall submit the citation and a memorandum requesting a specific correction to their immediate supervisor. The citation and memorandum shall then be forwarded to the Traffic Bureau. The Traffic Bureau shall prepare and send a letter of correction to the court having jurisdiction and to the violator.

Once an officer has prepared a Written Notice to Appear and delivered a copy to the violator, no employee of this Department shall alter, conceal, modify, nullify, or destroy, any remaining original or copy of the citation for any reason (Vehicle Code §40500(d)).

#### 516.5.1 CHANGE OF VENUE

When a traffic violator resides or their principal place of employment is closer to the county seat than to the Burbank Court, they may request a change of venue. When this occurs, the person shall be cited to appear at one of the four branch courts closest to their residence or place of employment (Vehicle Code §40502(b)):

- Metro Traffic Court 1945 S. Hill Street, Room 101, Los Angeles, CA 90007.
- Van Nuys Court, 14400 Erwin Street Mall, Room 222, Van Nuys, CA 90401.
- Chatsworth Court, 9425 Penfield, Room 1200, Chatsworth, CA 91311.



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The County Seat information is also contained on the Burbank Police Department court citation calendar (B320-65). The violator should be cited to appear 30 calendar days from the violation date, excluding holidays or weekends, at 0800 hours.

### **516.6 DISPOSITION OF TRAFFIC CITATIONS [82.3.4]**

Prior to their end of shift, officers shall place the Department and court copies of issued citations in the designated collection box. The Records Bureau is responsible for the data entry and the processing of all citations (including forwarding the court copies to the appropriate courts). The Department copies of misdemeanor and traffic citations shall be archived in the Records Bureau and the Traffic Bureau, respectively.

Upon separation from employment with the Department or upon the expiration of the citation forms, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

### **516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE [61.1.13]**

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code §40215.

#### **516.7.1 APPEAL STAGES**

Appeals may be pursued sequentially at three different levels Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Bureau. Forms to request an administrative review are available in the lobby, at the Traffic Bureau counter, and on the Department's 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.
- (b) If the appellant wishes to pursue the matter beyond an administrative review, an administrative hearing may be conducted in person or by written application, at the discretion of the appellant. Independent referees review the administrative file, amendments, and any testimonial material provided by the appellant and may conduct further investigation or follow-up as necessary.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

#### **516.7.2 TIME REQUIREMENTS**

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.



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- (a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code §40215(a)).
- (b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code §40215(b)).
- (c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code §40200 - §40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code §40215).
- (d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code §40209 and §40210).

### 516.7.3 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.

### 516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing the juvenile a citation (refer to the Temporary Custody of Juveniles Policy).

### 516.9 REFUSAL TO SIGN A WRITTEN PROMISE TO APPEAR

If a traffic violator refuses to sign a Notice to Appear, a supervisor shall be requested. The supervisor should verify the violator has been properly advised and that he or she understands the Vehicle Code requirement for mandatory appearance. If the violator persists in their refusal to sign the citation, the supervisor shall approve taking the violator before a magistrate or the transportation and booking of the violator if a magistrate is not immediately available. The violator shall be booked for the original violation, not Vehicle Code §40302(b). At the time of booking, the violator shall be given the opportunity to post appropriate bail or sign the citation. The arresting officer shall prepare a report documenting the arrest.

### 516.10 CITY, UTILITY, AND MAIL VEHICLES WHILE PARKING

The provisions of the Burbank Municipal Code regulating the parking or standing of vehicles shall not apply to any vehicle of a City department or public utility while necessarily in use for construction or



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repair work, or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail (Burbank Municipal Code §6-1-305(B)).



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 520

CALEA

Approved: *Scott LaChasse*

Effective Date: August 16, 2013

### CHAPTER 5 – TRAFFIC OPERATIONS

## Disabled Vehicles

### 520.1 PURPOSE AND SCOPE [61.4.1(a)]

Vehicle Code §20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

### 520.2 OFFICER RESPONSIBILITY [61.4.1(a)]

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

### 520.3 EXTENT OF ASSISTANCE [61.4.1(c)]

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 Department resources, and the vulnerability of the disabled motorist.

#### 520.3.1 MECHANICAL REPAIRS [61.4.1(B)]

Department personnel shall not make mechanical repairs to disabled vehicles. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair. Officers should assist in calling a tow service if requested by the motorist or if the vehicle is blocking the roadway (see Vehicle Towing and Release Policy).

#### 520.3.2 EMERGENCY ASSISTANCE [61.4.1(D)]

In emergency situations, officers should use discretion in determining the appropriate action to assist a motorist while ensuring the public's safety. Officers should direct or transport motorists with emergencies to the nearest safe location. Officers should provide emergency first aid when needed and should arrange for emergency medical or fire response when appropriate.





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## **520.3.3 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.

## **520.3.4 RELOCATION OF DISABLED MOTORISTS**

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.

## **520.4 PUBLIC ACCESS TO THIS POLICY**

This written policy is available upon request (Vehicle Code §20018).



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
524**

CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 5 – TRAFFIC OPERATIONS

# 72-Hour Parking Violations

### 524.1 PURPOSE AND SCOPE [ 61.4.3(a)]

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Burbank City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §22652.6 and §22669.

### 524.2 MARKING VEHICLES [ 61.4.3(a)]

Vehicles suspected of being in violation of the City of Burbank 72-Hour Parking Ordinance or the California Vehicle Code should be marked using reliable method for determining a violation. Photographs may substitute for physical markings when the photographs reliably depict the parking position of the vehicle and establish a violation of the 72-hour parking statute.

A Burbank Police Department Warning Notice (C320-159A) shall be completed and securely attached to the vehicle in a conspicuous location. A Warning Notice is not necessary for successive markings within a 90-day period. Warning Notices are intended to inform the vehicle owner of the requirements of the law and to encourage compliance. The Parking Control Supervisor or assigned Parking Control Officer shall issue an Abandoned Vehicle Complaint number.

The method of markings and their location shall be noted on the Abandoned Vehicle Complaint (C320-308). All Warning Notices shall be submitted to the Traffic Bureau for filing. Except as described below, 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.

#### 524.2.1 ABANDONED VEHICLE COMPLAINT FILE

The Parking Control Supervisor shall be responsible for maintaining a file for all Warning Notices (C320-159A) and Abandoned Vehicle Complaints (C320-308).

Parking Control Officers assigned shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Abandoned Vehicle Complaint.



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## **524.2.2 VEHICLE STORAGE [ 61.4.3(b)]**

Any vehicle in violation shall be removed and stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer initiating 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 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) (see the Vehicle Towing and Release Policy).

## **524.2.3 SUCCESSIVE ACTS OF PARKING**

Successive acts of parking in the same block between intersections shall be presumed to be a single act of parking within the meaning of this section when the vehicle is moved merely for the purpose of avoiding the parking limitation prescribed by Burbank Municipal Code §6-1-1010A. Officers shall provide adequate documentation in the impound report that supports such a determination.

## **524.3 CLOSING COMPLAINTS**

Under normal circumstances, complaints should be closed after two attempts of marking the vehicle. Continued efforts to determine a violation are appropriate when an enforcement officer reasonably believes that the marks upon the subject vehicle may have been altered or upon other circumstances indicating possible efforts by the vehicle owner to interfere with enforcement. Complaints of abandoned vehicles shall be closed after reasonable efforts have been made to determine whether a violation of law has occurred.

The Parking Control Officer assigned to the complaint shall be responsible for submitting completed Warning Notices and Abandoned Vehicle Complaint forms to the Parking Control Supervisor when the complaint is closed.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
600**

Approved: *Scott LaChasse*

CALEA

Effective Date: February 15, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Investigation, Custodial Interrogation, 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 Burbank Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

### 600.3 INITIAL INVESTIGATION

#### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or



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the Watch Commander.

4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  5. Ensure the collection of any evidence.
  6. Take any appropriate law enforcement action.
  7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

### 600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

### 600.4 FOLLOW-UP INVESTIGATION

Follow-up investigations shall be conducted on active cases or cases assigned by a supervisor. The procedures may vary from case to case, but each follow-up investigation should include the following steps, as appropriate:

- (a) Reviewing and analyzing all reports prepared in the preliminary phase, Department records, and results from laboratory examinations.
- (b) Examining of physical evidence.
- (c) Inspection of the crime scene.
- (d) Canvass of areas associated with the crime scene for witnesses and/or electronic recordings.
- (e) Conducting additional interviews and interrogations, as necessary.
- (f) Seeking additional information (witnesses, informants).
- (g) Planning, organizing, and conducting searches to collect additional evidence.
- (h) Identifying and apprehending suspects.
- (i) Researching suspects' criminal histories.
- (j) Determining involvement of suspects in other crimes.
- (k) Preparing cases for court presentation.



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### 600.4.1 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or City Attorney's Office only as authorized by the Investigation Division Commander or the Chief of Police.

### 600.5 CUSTODIAL INTERROGATION REQUIREMENTS

Officers shall record any custodial questioning that occurs at the police station.

- (a) Sworn personnel shall notify their direct supervisor or lieutenant regarding any custodial interview conducted in the station prior to the commencement of any such interview. Any interruption of recordings and the reason for it shall be fully documented in the officer's report (e.g., power failure, equipment malfunction, transported the suspect to identify a location, etc.).
- (b) Interrogations involving violent felony offenses should be conducted in designated interview rooms that are equipped with audio and video recording equipment. The interrogation shall be recorded in its entirety regardless of where it occurs. Every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.
- (c) For interrogations involving other offenses, assigned digital audio recorders (PUMA) should be used.
- (d) Digital audio recorders may be used when the interview room recording equipment is inoperative or when using alternate interview rooms (see §600.3.1).
- (e) Individuals who voluntarily agree to be interviewed in any criminal matter should be recorded whenever practicable.
- (f) Documentation of recorded interviews shall include the date, time, location, and a list of everyone present.
- (g) In the event an interview cannot be recorded due to malfunctions or the lack of recording equipment, a supervisor or the Watch Commander shall be notified before the interview commences. If recording equipment is not available despite reasonable efforts to secure one, the reason for not recording, the efforts to locate suitable recording equipment and the name of the supervisor who was notified about the inability to record shall be documented in the report.
- (h) No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Investigation Division Commander. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate, and complete copies and are made only for authorized and legitimate law enforcement purposes.
- (i) Officers should prepare written summaries of interrogations and investigative interviews. Whenever feasible and at the discretion of the investigator, sworn personnel may obtain



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written statements from criminal suspects. Personnel shall not assist a criminal suspect in any way when drafting a written statement.

### 600.5.1 EXCEPTIONS TO CUSTODIAL INTERROGATION INTERVIEW RECORDINGS

The following are examples of exemptions to the recording requirements of §600.3:

- (a) The recording equipment malfunctioned. The officer shall notify a supervisor immediately and the supervisor shall test the equipment as soon as possible and attempt to locate a suitable alternative recording device.
- (b) Exigent circumstances prevented recording or made recording unfeasible. The officer shall notify a supervisor as soon as possible and provide an articulable explanation.

In all such cases where the requirements of this policy are not or cannot be met, the reasons for such deviation shall be thoroughly documented in the officer's report.

### 600.5.2 STORAGE OF CUSTODIAL INTERVIEW RECORDINGS

All evidence, including original recordings of custodial question or interrogations, shall be promptly booked into evidence or uploaded into the appropriate digital file management system (Foray or Puma) and documented in the appropriate police report (see Use of Audio Recorders Policy and Digital Evidence Recording and Storage Policy.)

Detectives shall ensure, for any case assigned to the detective, that any associated video recordings of interviews conducted in designated interview rooms are either preserved on storage media and booked into evidence or uploaded into the Foray System.

### 600.5.3 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

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

- (a) Recording is not feasible because of exigent circumstances that are later documented in a report.
- (b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
- (c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
- (d) The interrogation occurs when no member conducting the interrogation has a





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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).

### 600.6 INTERVIEW ROOMS

The following guidelines are intended to establish procedures for utilizing designated rooms in the Investigation Division, Jail, and front lobby of the station for interviews and interrogations:

- (a) With the exception of interviews conducted in the Jail Interview Room, officers have discretion whether or not they maintain their authorized weapon on their person while in the interview rooms. Should an officer elect to remove the weapon, it shall be properly secured. Otherwise, the weapon shall be secured in the holster.
- (b) Subjects who pose a threat to self or others should only be interviewed in the Jail Interview Room. The interviewing officer is responsible for conducting a safety and security inspection of the room immediately before and after an interview. All subjects shall be monitored while in the interview room. Habitual/serious offenders and suspects of violent crimes should be searched for weapons prior to the interview.
- (c) Habitual/serious offenders and suspects of violent crimes should be searched for weapons prior to the interview. Prisoners may remain handcuffed during an interview if they pose a threat to officers.
- (d) The number of personnel in interview rooms should be kept to a minimum but safety shall never be compromised.
- (e) To summon help, officers should use a portable radio or the interview room telephone to call the Communications Center.
- (f) Interview rooms should only have those items necessary to conduct the interview and provide for the safety and comfort of the officer and the person being interviewed. Designated rooms are equipped with video and audio capabilities



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- (g) Subjects being interviewed must have reasonable access to water and a restroom. Female subjects shall be escorted by a female employee if an escort is necessary.

### 600.7 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information any time after submission of the case to a prosecutorial agency, the officer shall document the information in a supplemental report and notify the prosecutor as soon as practicable. The date, time, and method of the notification to the prosecutor should also be documented in a supplemental report.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result 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 uncertain about whether evidence or facts are material should address the issue in written correspondence to an appropriate prosecutor. The correspondence shall be reviewed through the concerned chain of command and will be forwarded by the Investigation Division Commander. A copy of the letter shall be retained in the Department case file.

### 600.8 CASE SCREENING AND INVESTIGATION

Case screening allows allocation of resources to the investigation of crimes that have the highest likelihood of being solved. Investigation Division supervisors shall screen new cases to determine the appropriate assignment and status. Supervisors shall consider the seriousness of the crime and the presence of solvability factors to include:

- (a) Suspect identification leads;
- (b) Availability of witnesses;
- (c) Identifiable suspect vehicles;
- (d) Distinctive methods of operation;
- (e) Availability of physical evidence.
- (f) Availability of traceable property.

Cases should be assigned per the Case Assignment Policy.

### 600.9 INVESTIGATION OF COLD CASES

A Cold Case is any major case, to include homicide, rape, and suspicious missing persons, which have not been solved and have been suspended from active investigation. An investigation may turn into a "Cold Case" due to a lack of current technology to analyze evidence, uncooperative witnesses, or lack of investigative leads.



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The Investigation Division Commander shall maintain a current list of cold cases and shall review the list on an annual basis. The review should take into consideration changes in law, technology, and resources. The results of the review shall be documented in a memorandum and forwarded to the Chief of Police.

Cold cases shall be assigned at the discretion of the Investigation Division Commander based on criteria that includes the investigator's experience, areas of expertise, training, and current caseload. If an investigation meets the criteria to be classified as a cold case while assigned to an investigator, the investigator shall remain on the case until the Investigation Division Commander chooses to reassign the case.

### 600.10 HABITUAL OR SERIOUS OFFENDERS

Penal Code §13853 lists the criteria for classifying a person as a career criminal. Penal Code §667, §667.5, §667.7, §667.71, §999e, and §999i, list the criteria for classifying a person as a habitual/serious offender. Individuals meeting these guidelines may be subject to special prosecution by the LA County District Attorney's Office and may receive enhanced penalties upon conviction.

Habitual/serious offenders are responsible for the majority of crimes and investigators should ensure that all appropriate charges and enhancements are considered. Although the District Attorney's Office will decide what charges are appropriate, investigators should include all pertinent criminal history information in reports to notify and aid the prosecuting attorney when seeking a criminal filing.

The Investigation Division Crime Analyst should assist in the tracking and identification of serious/habitual offenders based on crime reports or information developed from attending patrol and detective briefings or crime control meetings.

### 600.11 ON-CALL SCHEDULE

The Detective Bureau produces an on-call schedule for the purpose of having assigned investigators available at times outside of normal business hours. The monthly on-call schedule shall be made available to the Communications Center, Watch Commander, and administrative staff. The Investigation Bureau Lieutenant or designee is responsible for notifying the Watch Commander of any changes to the on-call schedule. The on-duty Watch Commander shall evaluate the need for a call-out based on the seriousness of the offense, complexity of the case, staleness of the crime, and availability of on-duty staffing and their expertise. If there is a need for a call-out, the Watch Commander shall contact the on-call Detective Bureau supervisor who will have final authority as to the investigative response and whether investigators are called out.



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Scott LaChasse, Chief of Police

**Policy  
601**

CALEA

Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Case Assignment

### 601.1 PURPOSE AND SCOPE

Detectives are responsible for the follow-up investigations of all cases involving crimes against persons, property crimes, and family crimes.

The Mission of the Investigation Bureau is to report and investigate crimes, identify and arrest criminal violators, recover property and evidence, and assist in the prosecution of criminal offenders during the judicial phase of the criminal justice process.

Support personnel, including volunteers and the Investigation Bureau secretary, may assist Bureau personnel as necessary.

### 601.2 PROCEDURE

The following general guidelines should be applied by supervisors to support a spirit of teamwork and cooperation:

- (a) All cases shall be assigned to a detective to ensure accountability.
- (b) All cases shall be assigned as “Active” or “Inactive” at the discretion of the unit supervisor.
- (c) The Juvenile Detail will handle a case when all or the majority of the suspects are juveniles.
- (d) The Persons, Property, Intelligence, or Vice/Narcotics Detail will handle cases when all or the majority of the suspects are adults.
- (e) In cases with an equal number of adult and juvenile suspects, supervisors from the two affected details will coordinate the assignment based on relative caseloads, specific expertise, or other factors. The assigned detective in these cases shall work all suspects.
- (f) Murders with juvenile suspects will be assigned to the Persons Detail and worked by a team that includes a Juvenile Detail detective.
- (g) Sex crimes and physical abuse cases involving juvenile victims, will generally be worked by the Juvenile Detail, whether or not the juvenile lives or is in the legal custody of the suspect. This does not preclude the Persons Detail from assisting.
- (h) Cases involving child abduction by a family member will be assigned to the Juvenile Detail.



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- (a) Once a case has been assigned to a detective, it should not be transferred to another detective if it is later determined that the suspect is or is not a juvenile. A case should not be split to allow Juvenile Detail detectives to work juveniles and other detail detectives to work adult suspects on the same case.
- (b) Crimes requiring specific expertise will be assigned to detectives designated as experts in those areas (e.g. gangs, bombs, arsons, etc.). Hate crimes should be assigned to the Intelligence Detective (see the Hate Crimes Policy).
- (c) At the discretion of the Investigation Bureau Lieutenant, other cases may be assigned to the Juvenile Detail based on relative caseloads, specific expertise, or other factors. The Juvenile Detail supervisor will be responsible for tracking multiple cases involving a single juvenile suspect, regardless of where the case is assigned.

High caseloads may require supervisors to deviate from the above guidelines to provide timely and adequate follow-up investigation.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
602**

Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Sexual Assault Investigations

### 602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Senior and Disability Victimization Abuse policies.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** – Any crime or attempted crime of a sexual nature, to include but not limited to, offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

### 602.2 POLICY

It is the policy of the Burbank 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.

### 602.3 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.



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- (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) Coordinate with SART.

### 602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### 602.5 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.

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.

#### 602.5.1 VICTIMS RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2 and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).





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(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).
2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

### 602.5.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code §293).

Except as authorized by law, members of this Department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code §293).

### 602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

#### 602.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).



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In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the Persons Detail Sergeant or Juvenile Detail Sergeant 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 sergeant determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the sergeant shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned sergeant shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is an issue and is not going to be analyzed within 18 months of the crime, the assigned detective 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.

### 602.6.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g. delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance policy.

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).
  1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  2. Absent a written request, no member of this Department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
  1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.



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2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA database, providing that disclosure would not impede or compromise an ongoing investigation.
  3. To be informed if the DNA profile of the assailant developed from evidence has been entered into the DOJ Databank of case evidence.
- (c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
  2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

### 602.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of an Investigation Division supervisor.

Classification of a sexual assault case as unfounded requires an Investigation 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 be determined as unfounded.

#### 602.7.1 JOINT AGENCY INVESTIGATIONS

If the assigned investigator conducts a parallel investigation with a regulatory agency (e.g., Medical Board of California), the assigned investigator should maintain primary jurisdiction over the investigation, unless otherwise directed by the District Attorney (DA) or City Attorney (CA) following consultation. The assigned investigator should request and utilize any reports/findings provided by the regulatory agency as evidence for the case. The decision to present the case to the DA or CA for filing purposes shall not be based solely on the regulatory agency's finding.

### 602.8 CASE REVIEW

The Persons Detail supervisor should review case dispositions on a periodic basis, at least annually. The reviews should include an analysis of:

- Case dispositions



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- Decisions to collect biological evidence
- Submissions of biological evidence for lab testing

### 602.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation 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.

### 602.10 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators 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.



# Burbank Police Department

Scott LaChasse, Chief of Police

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606**

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Asset Forfeiture

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal Agent** – The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Burbank Police Department seizes property for forfeiture or when the Burbank 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 and §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.



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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, §11366.5, or §11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
  5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors..
- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code §186.2 and §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.

## 606.2 POLICY

The Burbank 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 Burbank 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.

## 606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy. Personnel involved in asset forfeiture should be familiar with and should utilize the Asset Forfeiture Manual authored by the Los Angeles County District Attorney's Office for guidance.

### 606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:



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- (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 and §11488):
  - 1. The property subject to forfeiture is legally seized incident to an arrest.
  - 2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code §186.6 and §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.

## **606.3.2 PROPERTY NOT SUBJECT TO SEIZURE**

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code §11471).
- (c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code §11470A).
- (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 associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code 11362.1).

## **606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS**

When property or cash subject to this policy is seized, the officer making the seizure should 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 separately and should not be combined with any other evidence related to the case.





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Photographs should be taken of items seized, particularly cash, jewelry, and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### 606.5 MAINTAINING SEIZED PROPERTY

The 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.

### 606.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a Department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly Health and Safety Code §11469 et seq. and Penal Code §186.2 et seq. and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:



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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, Training Bulletins (TBs), or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
  2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4) .
  4. Property is promptly released to those entitled to its return (Health and Safety Code §11488.2).
  5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to officers.
  9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
- (k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest



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holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code §11469).

- (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).
- (m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds \$5,000.00 (Health and Safety Code §11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code §11495).

## **606.7 TRAINING**

The Department shall implement on-going training as determined by the Investigation Division Commander for personnel assigned to forfeiture programs (Health & Safety Code §11469e).

## **606.8 DISPOSITION OF FORFEITED PROPERTY**

Forfeited funds distributed under Health and Safety Code §11489 et seq. shall only be used for purposes allowed by law. In no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he or she achieves (Heath and Safety Code §11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code §11473 and §11473.5).

### **606.8.1 RECEIVING EQUITABLE SHARES**

When participating in a joint investigation with a federal agency, the Burbank 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.

## **606.9 RELEASE OF SEIZED PROPERTY**

In recognition of the rights afforded all persons by the United States Constitution, the Department should make expeditious efforts to evaluate claims of improper or unlawful seizure of property. It is the intent of this agency to expeditiously release seized property, where appropriate, and facilitate the prompt resolution of claims of innocent ownership (Health & Safety Code §11469d).



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If any person(s) allege(s) to a member of this agency that property or assets seized under the laws described in this policy was conducted improperly or unlawfully, that member of the Department shall notify the Deputy Chief in writing via the chain of command as soon as possible.

As may be appropriate, the Deputy Chief may assign either IAB or the Investigation Division Commander to review the facts and merits of the claim. As may be reasonably necessary, the personnel assigned to review the appropriateness of the seizure should interview or consult with:

- All personnel who participated in the seizure of the property.
- The District Attorney's Office.
- The claimant and all potential civilian witnesses.
- And review all related documentation.

The Investigation Division Commander or Deputy Chief, in concurrence with the District Attorney's Office, may order the release of property or assets seized based on the findings of the review. The Deputy Chief will also make a determination for any further potential administrative disciplinary action.

## **606.10 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).



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Scott LaChasse, Chief of Police

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608**

Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Informants

### 608.1 PURPOSE AND SCOPE [42.2.7]

The purpose of this policy is to provide guidelines for the use of informants.

#### 608.1.1 DEFINITION

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Burbank Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Burbank Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

#### 608.2 LETTER OF LENIENCY

All letters of leniency shall be approved by the Investigation Division Commander. Prior to a letter being written, the prosecuting attorney shall be advised of the fact that a letter of leniency is being considered.

#### 608.3 POLICY

The Burbank 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.

#### 608.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Vice Narcotics Detail Supervisor or their authorized designees.
  - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.



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- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Burbank Police Department, and that they shall not represent themselves as such.
- (d) The relationship between Department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation and only with prior approval of the Vice Narcotics Detail Supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place/public place unless accompanied by at least one additional officer or with prior approval of the Vice Narcotics Detail Supervisor.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

## **608.4.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him or her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the Vice Narcotics Detail 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 or her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant is on probation or parole.
- (d) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (e) The informant appears to be using his or her affiliation with this department to further criminal objectives.



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- (f) The informant creates officer safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (g) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (h) The informant commits criminal acts subsequent to entering into an informant agreement.

## **608.5 USE OF INFORMANTS**

Officers using informants shall adhere to the following general guidelines:

- (a) Informants shall not be brought into the Vice-Narcotics Detail office area without a supervisor's approval.
- (b) Officers shall make every attempt to limit the exposure of other officers and undercover vehicles to an informant.
- (c) All meetings with informants shall be monitored by the handling officer and at least one cover officer, unless the Bureau Commander provides prior authorization for the meeting to take place with less officers.
- (d) Officers shall not allow an informant to be involved in the preparation of a tactical plan.
- (e) Officers shall have no business or financial dealings with informants.
- (f) An officer shall not manage an informant who is a friend or a relative. In such cases, another officer shall be assigned as the handling officer.
- (g) Officers shall not give the home address, telephone number, or any personal information of any employee to an informant. Handling officers may give appropriate office, cell phone, or pager number to the informant for official calls or notifications only.
- (h) Officers shall not give police reports to informants unless otherwise allowed by law or policy.
- (i) Officers shall not provide the names of other officers to informants.
- (j) Officers shall not provide information about the status of a police investigation to informants unless approved by a supervisor.
- (k) Officers shall search informants both before and after any "controlled buy" operation.
- (l) No informant shall be allowed to drive a motor vehicle under the immediate supervision of a handling officer unless they have in their possession a valid driver's license.
- (m) Officers shall not use personal funds to compensate an informant.
- (n) Suspects in pending cases involving crimes against persons shall not be used as informants without the approval of the Division Commander.
- (o) If an informant is utilized in an operation, officers should assess the risks to the informant and make reasonable attempts to limit exposure of the informant to any unnecessary risk.





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### 608.5.1 INITIAL APPROVAL

Before using an individual as an informant, officers must obtain approval from the Investigation Division Commander. 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 or her reliability and credibility.

Members of this Department shall not guarantee absolute safety or confidentiality to an informant.

### 608.5.2 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.

### 608.5.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the Burbank Police 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 the Investigation Bureau Lieutenant before being finalized with the informant.

### 608.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his or 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.



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The Vice Narcotics Detail Supervisor will discuss the above factors with the Investigation Division Commander and recommend the type and level of payment subject to approval by the Chief of Police or designee.

## **608.6.1 REPORTING OF PAYMENTS**

Each informant receiving a cash payment shall be advised of his or 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 or 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.

## **608.6.2 PAYMENT PROCESS**

Payments to an informant should be made using the following process:

- (a) Payments of \$500 or less may be paid in cash from the Vice Narcotics Detail fund.
  - 1. Payments of \$100 or less may be approved by the Vice Narcotics Detail Supervisor.
  - 2. Payments of more than \$100 but less than \$250 require approval by the Detective Bureau Lieutenant.
  - 3. Payments of more than \$250 but less than \$500 require approval by the Investigation Division Commander.
- (b) Payments exceeding \$500 should be made by issuance of a check unless otherwise approved by the Chief of Police.
  - 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 or her actions in the case.



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- (c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash payment receipt.
  1. The cash payment receipt shall include the following:
    - a. Date
    - b. Payment amount
    - c. Burbank Police Department case number
    - d. A statement that the informant is receiving funds in payment for information voluntarily rendered.
  2. The cash payment receipt shall be signed by the informant.
  3. The cash payment receipt will be kept in the informant's file.

## **608.6.3 AUDIT OF PAYMENTS**

The Vice Narcotics Detail 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 twice a year, the Chief of Police should direct the Audits and Inspections Unit to conduct unannounced audits 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) should be examined during the audit process.

## **608.7 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 Vice Narcotics Detail. The Vice Narcotics Detail 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, Investigation Division Commander, Vice Narcotics Detail 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 Vice Narcotics Detail supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.



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## 608.7.1 FILE SYSTEM PROCEDURES

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases.
- (b) Date of birth.
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features.
- (d) Photograph.
- (e) Current home address and telephone numbers.
- (f) Current employers, positions, addresses and telephone numbers.
- (g) Vehicles owned and registration information.
- (h) Places frequented.
- (i) Briefs of information provided by the informant and his or her subsequent reliability.
- (j) 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.
- (k) Name of the officer initiating use of the informant.
- (l) Signed informant agreement.
- (m) Update on active or inactive status of informant.



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Michael Albanese, Chief of Police

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Approved: \_\_\_\_\_

CALEA

Effective Date: February 15, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Eyewitness Identification

### 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code §859.7).

#### 610.1.1 DEFINITIONS

Definitions related to the policy include:

***Eyewitness Identification Process*** – Any field identification, live lineup or photographic identification.

***Field Identification*** – A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

***Live Lineup*** – A live presentation of more than one individual 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.

***Blind Administration*** – The administrator of an eyewitness identification procedure does not know the identity of the suspect.

***Blinded Administration*** – The administrator of an eyewitness identification procedure may know who the suspect is, but does not know where the suspect, or his or her photograph, as applicable, has been placed or positioned in the identification procedure.

### 610.2 POLICY

The Burbank Police Department will strive to use eyewitness identification techniques to enhance the investigative process and will emphasize the importance of identifying persons responsible for crimes while exonerating the innocent.



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## 610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once the interpreter comprehends the process and can explain it to the witness, the eyewitness identification process may proceed as outlined in this policy.

## 610.4 EYEWITNESS IDENTIFICATION FORM

The Investigation Bureau Lieutenant or designee shall be responsible for the development and maintenance of an eyewitness identification process for use by officers when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code §859.7):

- (a) The date, time, and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.
- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all individuals present during the identification procedure.
- (e) An instruction to the witness that the suspect's photograph may or may not be among those presented and that the witness is not obligated to make an identification.
- (f) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he or she did on the date of the incident.
- (g) An instruction to the witness that the investigation will continue regardless of whether identification is made by the witness.
- (h) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (i) Statement from the witness describing how certain he or she is of the identification or non-identification shall be accurately documented using the witness's own words. This statement shall be taken at the time of the identification procedure.
- (j) Any other direction to meet 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 by the Investigation Division Lieutenant and modified when necessary.

## 610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to influence a witness in any way as to whether any subject or photo presented in a lineup is connected to the case. Members must avoid mentioning:



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- Whether or not the individual was apprehended near the crime scene.
- Whether or not the evidence points to the individual as the suspect.
- Whether 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.

Each witness should be admonished that he or she is not required to make an identification of any person shown during an eyewitness identification process.

The entire eyewitness identification procedure shall be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code §859.7).

### **610.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS**

When feasible, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. The member presenting a lineup to a witness should not 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.

Other persons or photographs used in any lineups should bear similar characteristics to the suspect to avoid causing the suspect 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 order of the suspect or the photographs and fillers should be randomized before being presented to each witness.

Prior to conducting a photographic lineup, the witness(es) should be admonished using BPD form C320-336 (Photographic Line-Up Admonition).

#### **Live Lineups**

The Burbank Police Department does not have the capability to independently conduct live lineups. As such, live lineups will be conducted by the Los Angeles County Sheriff's Department or another agency when necessary. The agency conducting the live lineup on behalf of the Burbank Police Department will be the lead agency for the procedure and will dictate the manner in which the live lineup is conducted. The assigned investigator should ensure that witnesses do not discuss the case prior to or after the lineup is conducted. Whenever possible, multiple witnesses should be transported in separate vehicles by Department personnel. The assigned investigator should consult with the Deputy District Attorney assigned to the case, prior to conducting a live lineup.





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The assigned officers shall preserve all documentation generated during this process and shall fully document the lineup process and the results.

## **610.5.2 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications (also known as field elimination show-ups or one-on-one identifications) may be helpful in certain cases, especially where circumstances make it impracticable to conduct a photo or live lineup identifications. When initiating field identification, the following guidelines should be followed:

- (a) Obtain a complete description of the suspect from the witnesses.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. The length of time that has elapsed since the witness observed the suspect.
  - 7. Any other circumstances affecting the witness's opportunity to observe the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) Prior to conducting field identifications, officers should admonish witnesses using BPD form B320-240 or the admonishment printed upon the Field Notebook.
- (e) When feasible, members should bring the witness to the location of the suspect and not the suspect to the witness.
- (f) A suspect should not be shown to the same witness more than once.
- (g) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
- (h) A person in a field identification 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.

## **610.5.3 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 or do 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).



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If the eyewitness identifies a suspect, the investigating member shall immediately inquire as to the confidence level and record in writing, verbatim, what the witness says.

### 610.6 DOCUMENTATION

A thorough description of the eyewitness process, including the use of the applicable admonition form (B320-240 or C320-336), and the result of any eyewitness identification should be documented in a report. If the circumstances of a field identification required the suspect to be handcuffed and/or to remain in a patrol vehicle during the field identification process, those facts should be included in the police report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness and the admonition form (BPD C320-336) should be attached to the report. In addition, the order in which the photographs were presented to the witness should be documented in the report.

#### 610.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code §859.7).

#### 610.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using a blind administration, the handling member shall document the reason (Penal Code §859.7).



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Scott LaChasse, Chief of Police

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Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Pawn Shops and Pawn Slips

### 611.1 PURPOSE AND SCOPE

This policy provides direction to Department members upon locating stolen property in the possession of a pawn broker, secondhand dealer, or coin dealer. The term pawn broker shall be inclusive of secondhand dealers and coin dealers for the purposes of this policy. The policy also provides direction on dealing with pawn slips.

### 611.2 STOLEN PROPERTY HOLDS AND APS ENTRIES

#### Placing Holds:

Whenever any peace officer has probable cause to believe that property, except coins, monetized bullion, or "commercial grade ingots" as defined in Business and Professions Code §21627(d), in the possession of a pawnbroker, the peace officer may place a hold on the property for a period not to exceed 90 days.

When a peace officer places a hold on the property, the peace officer shall give the pawnbroker a written notice at the time the hold is placed, describing the item or items to be held. During that period the pawnbroker shall not release or dispose of the property, except pursuant to a court order or upon receipt of a written authorization signed by any peace officer who is a member of the law enforcement agency of which the peace officer placing the hold on the property is a member.

#### Removing Holds:

When property that is in the possession of a pawnbroker is subject to a hold, and the property is no longer required for the purpose of a criminal investigation, the hold on the property shall be released upon receipt of written authorization. When the Department has knowledge that the property has been reported lost or stolen, notification to the person who reported the property as lost or stolen shall be made.

#### DOJ APS Entries:

It is the responsibility of the assigned investigator to ensure that entries made into DOJ Automated Property System by this Department for allegedly lost or stolen property found in the possession of a pawn broker be deleted when required by Business and Professions Code §21647(f).



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## **611.2.1 ACCESS TO PROPERTY**

Whenever property that is in the possession of a pawnbroker, whether or not the property has been placed on hold, is required by a peace officer in a criminal investigation, the pawnbroker, upon reasonable notice, shall produce the property at reasonable times and places or may deliver the property to the peace officer upon request.

## **611.2.2 NOTIFICATION TO REPORTING PERSON**

Whenever a member of this Department has knowledge that property in the possession of a pawnbroker has been reported as lost or stolen, the member shall notify in writing the person who reported the property as lost or stolen of the following:

- (a) The name, address, and telephone number of the pawnbroker who reported the acquisition of the property.
- (b) That the law neither requires nor prohibits payment of a fee or any other condition in return for the surrender of the property, except that when the person who reported the property lost or stolen does not choose to participate in the prosecution of an identified alleged thief, the person shall pay the pawnbroker, the "out-of-pocket" expenses paid in the acquisition of the property in return for the surrender of the property.
- (c) That if the person who reported the property as lost or stolen takes no action to recover the property from the pawnbroker within 60 days of the mailing of the notice, the pawnbroker may treat the property as other property received in the ordinary course of business. During the 60-day notice period, the pawnbroker may not release the property to any other person.
- (d) That a copy of the notice, with the address of the person who reported the property as lost or stolen deleted, will be mailed to the pawnbroker who is in possession of the property.

## **611.3 PAWN SLIPS**

A pawn slip is a transaction slip documenting a pawned or purchased item by a pawn broker, secondhand dealer, or coin dealer. The term pawn slips is not limited to traditional paper pawn transaction slips since some pawn transactions are submitted in electronic format.

### **611.3.1 PAWN SLIP PROCESSING AND FILING**

It is the responsibility of the Property Bureau Sergeant or designee to ensure pawn slips are entered into the Tiburon Pawn Slip module, to be periodically analyzed for suspicious or illegal activity and to ensure they are retained in the pawn slip file. Pawn slips received electronically should be stored in a designated electronic library.



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Scott LaChasse, Chief of Police

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CALEA

Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Case File Management

### 612.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the procedures for the Investigation Bureau Case File Management System.

### 612.2 POLICY

It is the policy of the Burbank Police Department to maintain accurate records of all cases assigned to investigators. These records should include up-to-date information concerning each assigned case.

### 612.3 PROCEDURE

Investigators shall be responsible for the timely documentation of case activities in the Tiburon Case Management System and when necessary, in a supplemental report. Investigators are accountable for regularly reviewing their assigned cases and reports to ensure the timely investigation of cases and processing of reports.

Investigation Bureau supervisors shall use the Tiburon Case Management System to assign new cases, update case statuses, reopen cases, or to close cases with a final disposition. To ensure quality control, supervisors shall regularly query the Case Management System to identify cases that require report assignment, approval, or disposition.

### 612.4 CASE STATUS [42.1.3(a)(b)]

All assigned cases shall be entered into the Investigative Case Management System with the appropriate status code for tracking. Each assigned case shall be classified as one of the following:

**Active** – Any case assigned to an investigator and investigative efforts are active.

**Closed** – Any case assigned to an investigator that does not require further follow up investigation.

**Pending** – Any case awaiting final disposition by a supervisor.



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**Reopened** – Any case which was previously suspended or closed and is reopened. This applies only when an additional follow up report is to be made. This does not include previously cleared cases on which a follow up report is made to record the court disposition.

### 612.5 CASE DISPOSITIONS [42.1.3(a)(b)]

All cases shall have a disposition based on the following guidelines:

**Cleared** – A case can be “cleared” only by “Arrest” or “Exceptional.” For arrest, the suspect must be physically arrested for that specific case. For an Exceptional clearance, all of the following must exist:

- (a) The investigation has established the identity of the suspect.
- (b) There is enough evidence to support the arrest, charge, and transfer to the court for prosecution of the suspect.
- (c) The investigator knows the location of the suspect so that he/she could take him/her into custody at any time.
- (d) There is some reason beyond police control that prevents the arrest, charge, and prosecution of the suspect.

NOTE: When the suspect is not in custody but the City Attorney issues a complaint and sends an arraignment letter in lieu of issuing a warrant, an exceptional clearance is justified.

**Closed** – No further action or disposition is contemplated or pending. Cases closed as “Unfounded” originated as a reported crime but the facts were determined to be baseless. Cases closed as “Otherwise” originated as a report other than a crime and no crime is developed, so they cannot be “Cleared” (e.g., Lost or Found Property, Suicide, Dead Body, Sick Cared For, Missing Persons, Miscellaneous Investigations, etc.).

**Suspended** – All leads reasonably likely to identify a suspect or result in the recovery of property have been exhausted but no final disposition has been made. A suspended case may be reopened if additional information becomes available.

**Continued** – No disposition has been made, but the follow up investigation is still in progress. This indicates that additional follow up reports are forthcoming, there is workable information, and there will be an ultimate disposition in the future.

### 612.6 CASE FILES [42.1.3(c)(d)(e); 82.3.5]

Investigators should maintain case files on all active cases. The case files may be either electronic or hard copy. Hard copy case files may contain copies of relevant reports and documents but all original supervisor approved reports shall be maintained in the Records Bureau.

Access to investigator case files shall be limited to employees with an official need to review the case files. Investigators shall make the location of their case files readily apparent to their supervisors.



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Hard copy case files should be purged following case closure and court adjudication. Any remaining original reports or documents shall be forwarded to the Records Bureau for consolidation with Records Bureau files. Any items of evidentiary value shall not be kept in case files and must be booked into evidence to maintain a record of the chain of custody. At the discretion of the Investigation Bureau Lieutenant, certain case files may be retained by the Investigation Bureau in a designated storage location.





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Scott LaChasse, Chief of Police

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*Scott LaChasse*

CALEA

Effective Date: November 12, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Criminal Intelligence and Homeland Security

### 613.1 PURPOSE AND SCOPE [42.1.6(a)]

The purpose of this policy is to establish Department guidelines for the collection and sharing of criminal intelligence information. These guidelines are intended to achieve a balance between civil rights of citizens and the needs of law enforcement to collect and disseminate criminal intelligence on persons or groups who may be engaged in systematic criminal activity.

### 613.2 CRIMINAL INTELLIGENCE

**Criminal Intelligence** is information compiled, analyzed, and disseminated in an effort to anticipate, prevent, or monitor criminal or terrorist activity.

### 613.3 RESPONSIBILITIES [42.1.6(a)(b)(g)]

The Investigation Division Intelligence Officer is primarily responsible for the collection, analysis, and dissemination of intelligence information to the appropriate Department personnel or to other organizations or agencies. The Intelligence Officer shall have direct access to the Chief of Police when necessary to brief the Chief on sensitive intelligence matters and to obtain executive guidance.

Information gathering to support the intelligence function is the responsibility of each member of this Department. Any employee who becomes aware of suspicious activity or who receives intelligence information shall forward the information to the Intelligence Officer through the chain of command.

### 613.4 CRIMINAL INTELLIGENCE FILE GUIDELINES [42.1.6(d); 82.3.5]

A criminal intelligence file consists of stored information on the activities and associations of:

(a) Individuals who:

1. Are suspected of being involved in the actual or attempted planning, organizing, financing, or commission of criminal acts.



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2. Are suspected of being involved in criminal activities with known or suspected crime figures.
- (b) Organizations, businesses, and groups that:
1. Are suspected of being involved in the actual or attempted planning, organizing, financing, or commission of criminal acts; or
  2. Are suspected of being operated, controlled, financed, or infiltrated by known or suspected crime figures for use in an illegal manner.

Intelligence information can originate from multiple means, to include both covert and overt methods and sources. Covert sources may include human surveillance and technical surveillance information. Overt sources may include open source documents, public records, and other agency records.

The Intelligence Officer shall be responsible for the maintenance and security of all intelligence files, in electronic or hardcopy format.

### **613.4.1 FILE CONTENT [42.1.6(e)]**

Only information with a criminal predicate that presents a potential threat to the City of Burbank should be stored in the criminal intelligence files. Specifically excluded materials include:

- (a) Information on an individual or group merely on the basis that such individual or group supports unpopular causes.
- (b) Information on an individual or group merely on the basis of ethnic background.
- (c) Information on any individual or group merely on the basis of religious or political affiliations.
- (d) Information on an individual or group merely on the basis of non-criminal personal habits.
- (e) Criminal Offender Record Information (CORI) should be excluded from an intelligence file. This is because CORI may be subject to specific audit and dissemination restrictions which are designed to protect an individual's right to privacy and to ensure accuracy.
- (f) Also excluded are associations with individuals that are not of a criminal nature.

### **613.4.2 FILE CRITERIA**

All Department intelligence files shall be categorized as either permanent or temporary:

- (a) Permanent Status – Information that relates an identifiable individual, organization, business, or group of being involved in the actual or attempted planning, organizing, financing, or committing of one or more of the following criminal acts:
  1. Narcotic trafficking or manufacturing.
  2. Unlawful gambling.
  3. Loansharking.
  4. Extortion.



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5. Vice and pornography.
  6. Infiltration of legitimate business for illegitimate purposes.
  7. Stolen securities.
  8. Bribery.
  9. Major crimes including homicide, sexual assault, burglary, auto theft, kidnapping, destruction of property, robbery, fraud, fencing stolen property, and arson.
  10. Manufacture, use, or possession of explosive devices for purposes of fraud, intimidation, or political motivation.
  11. Threats to public officials and private citizens.
- (b) Temporary Status – Information that does not meet the criteria for Permanent Status but may be pertinent to an investigation involving one of the categories listed in (a). The retention of temporary files should not exceed one year unless an extension is necessary to identify an individual or a group.

Information to be retained in criminal intelligence files should be evaluated by the Intelligence Officer for reliability and content validity prior to filing.

## **613.4.3 FILE DISSEMINATION** [42.1.6(f)]

Sound procedures for disseminating stored information shall be followed to protect individual privacy rights and to maintain confidentiality of the files. Information from a criminal intelligence report shall be released only to persons who have demonstrated both a "Right-to-Know" (statutory authority to the information) and a "Need-to-Know" (information is pertinent to the requestor's investigation).

## **613.4.3 FILE REVIEW AND PURGING** [42.1.6(h); 82.3.5]

Information stored in criminal intelligence files should be reviewed periodically or at least annually to ensure that the files are current, accurate, and relevant. Information that is no longer useful or that cannot be validated should be purged or reclassified, as necessary.

## **613.5 REVIEW OF PROCEDURES AND PROCESSES** [42.1.6(i)]

The Investigation Division Commander shall conduct a documented annual review of the Criminal Intelligence procedures and processes (in accordance with the 28 Code of Federal Regulations Part 23) and submit findings and recommendations to the Chief of Police. The Investigation Division Commander may request the Professional Standards Bureau to assist in conducting an audit of the Criminal Intelligence files as part of the annual review.

## **613.6 CRIMINAL INTELLIGENCE AND HOMELAND SECURITY TRAINING** [42.1.6(c)]

All employees shall receive training on the sharing of information related to criminal intelligence and terrorism. The training may be formal (e.g., in-service training) or provided during roll call briefings.



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The Intelligence Officer may also provide training by routinely distributing homeland security bulletins to employees.

The [National Criminal Intelligence Sharing Plan \(NCISP\)](#) and the [Core Criminal Intelligence Training Standards](#) may be used as training aids.

### **613.6 HOMELAND SECURITY [46.3.1]**

The Intelligence Officer, as the Terrorism Liaison Officer (TLO), shall be the primary liaison with the FBI Joint Terrorism Task Force (JTTF) and other organizations for the exchange of information relating to terrorism.

#### **613.6.1 REPORTING TERRORISM RELATED INTELLIGENCE [46.3.2]**

Any officer receiving information concerning possible terrorist activities will immediately notify a direct supervisor and document the information in a police report, as appropriate or as directed by a supervisor. The information shall be forwarded to the Intelligence Officer who shall evaluate the validity of the information and determine the appropriate action, which may include notification to other local law enforcement agencies, JTTF, the Joint Regional Intelligence Center (JRIC), or the appropriate state and federal agencies. If the information is critical and time sensitive, the supervisor shall make the notification to JTTF and forward relevant information to the Intelligence Officer.

Contact information for reporting terrorism related information is as follows:

LA JTTF/JRIC: (888) 705-5742

#### **613.6.2 PROVIDING AWARENESS INFORMATION [46.3.3]**

The role of the public in observing and reporting terrorism related activities is essential to homeland security effectiveness. The Department's website should provide timely terrorism awareness information to the public and methods for reporting suspicious activity related to terrorism (including how to submit tips electronically to the FBI at [tips.fbi.gov](https://tips.fbi.gov)).

### **613.7 VIP OR DIGNITARY SECURITY [46.2.6]**

All requests for police services for VIP or dignitary visits shall be directed to the Chief of Police or designee who will determine the level of service that will be provided.

The Intelligence Officer shall be responsible for compiling and analyzing intelligence and identifying possible threats. If another agency has primary security responsibility or if the VIP or dignitary has an accompanying security detail, the Intelligence Officer shall be the Department Liaison and shall coordinate efforts with the person in charge of the security detail. The Intelligence Officer should consult with the Traffic Bureau Lieutenant and be prepared to recommend the most expeditious and safest routes of travel within the City.

If this Department is to take an active role in providing police security services, the Investigation Division shall provide the details of the visit to the Investigation Division Commander who will have



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overall responsibility for coordinating the activities of this Department and for coordination with other agencies.

Every member assigned to a security operation shall be fully briefed on the types of identification that will be worn by plainclothes members of the security detail.



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Scott LaChasse, Chief of Police

**Policy  
614**

CALEA

Approved: *Scott LaChasse*

Effective Date: February 15, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Use of Procurement Cards for Criminal Investigations

### 614.1 PURPOSE AND SCOPE

The purpose of the policy is to establish guidelines for using Department issued procurement cards for criminal investigations.

### 614.2 POLICY

Procurement cards have been obtained by the Department and issued to specialized investigative units to be used *exclusively* to conduct criminal investigations as specified by this policy.

Unapproved or personal use of a Department procurement card is prohibited and may lead to disciplinary action.

### 614.3 ISSUANCE

Designated employees or bureaus of the Department approved by the Chief of Police may be issued procurement cards to be used solely during criminal investigations. These cards shall only be used by the person to whom it has been issued, or when applicable, by an authorized employee.

### 614.4 USE AND DOCUMENTATION

Occasionally, the use of a procurement card is necessary to conduct criminal investigations. Unless an exigency exists, the written approval of a Bureau Commander or his/her designee is required prior to using a Department procurement card for a criminal investigation. The request shall be in the form a memorandum describing the purpose, type of purchase, estimated dollar amount of the purchase, and the associated police report number.

Approval by the Bureau Commander or designee shall be limited to:

- (a) Official on-duty criminal investigations in which the use of the procurement card is necessary to collect evidence or further information intended to prove a violation of law.



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- (b) Other methods of payment are unfeasible, or would jeopardize the investigation or safety of the personnel.

If there is any question or doubt as to the appropriateness of the request, the Bureau Commander shall consult with the Division Commander.

Employees using a Department procurement card shall obtain a receipt for the purchase and submit the receipt to the Bureau Commander by the next business day, excluding weekends and holidays. In no case shall forwarding documentation to the Bureau Commander exceed four calendar days. The Bureau Commander shall attach the receipt to the original memorandum.

The BPD Finance Department shall maintain all credit card statements in compliance with the Records Retention Schedule.

Procurement cards issued under the scope of this policy shall not be used to circumvent established City purchasing protocols for equipment, supplies, fuel, or other materials.

### **614.4.1 DIVISION COMMANDER REVIEW**

The memorandum requesting approval and purchase receipt shall be forwarded to the Division Commander for review who shall initial the memo and forward it to the BPD Finance Division by the next business day. If the Division Commander detects inappropriate or unauthorized use of a procurement card, appropriate action shall be taken.

### **614.4.2 LOST OR STOLEN CARD**

The provisions of the City of Burbank Administrative Procedure VI-II shall be followed for lost or stolen procurement cards.

### **614.4.3 AUDITS**

Audits of the use of Department procurement cards used during criminal investigations may be conducted by the Audits and Inspections Unit, IAB, any Division Commander, or as directed by the Chief of Police.





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615**

CALEA

Approved: *Scott LaChasse*

Effective Date: June 6, 2014

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Special Services Cash Fund

### 615.1 PURPOSE AND SCOPE

This policy is to establish procedures for the administration of the Special Services Fund.

### 615.2 POLICY

The Special Services Fund is a cash fund that may be used by authorized members of the Investigation Division for expenses related to confidential informant management or for special investigations. The Investigation Division Commander may authorize the use of money from the Special Services Fund to be maintained by the Vice-Narcotics Unit for ongoing informant management expenses. Supervisors of other Investigation Units may request funds via a memorandum, to the investigation Division Commander, for special investigations, as needed.

The Special Services Fund may also be used for exigent circumstances in limited situations (e.g., emergency travel expenses) as authorized by the Chief of Police.

### 615.2 PROCEDURES

The Police Finance Office will ensure that sufficient cash funds are maintained in the Chief's safe for use as the Special Services Fund. The Investigation Division Commander will request the transfer of funds from the Special Services Fund to the Investigation Division by submitting a memorandum to the Police Administrator detailing the requested amount and the purpose for the request. Once approved by the Chief of Police or designee, the cash funds will be transferred to Vice-Narcotics Office safe.

Any request for use of the funds for exigent circumstances shall be fully document in a memorandum to the Chief of Police.

### 615.3 RESPONSIBILITIES

The Police Administrator will be responsible for replenishing the Special Services Fund and for maintaining records of its disbursements. The Police Administrator shall conduct quarterly audits of the Fund maintained in the Chief's safe and shall submit the audit report to the Chief of Police for review. The amount of cash funds to be maintained in the Chief's safe should be at least \$10,000 but



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in no case less than \$5,000. Replenishments should occur within three business days following the transfer of funds from the Chief's safe.

Each Investigation Division supervisor who receives, maintains, or disburses cash funds shall submit a report on a monthly basis (or as necessary if an ongoing balance is not maintained) to the Chief of Police to document the activities involving the receipt and disbursement of cash funds. The report shall indicate the beginning balance, receipts, disbursements, and the ending balance for the month. Receipts shall be attached for each disbursement. In the absence of a receipt, a memorandum, approved by the Investigation Division Commander, shall be attached describing the purpose of the disbursement and to whom in sufficient detail.

### **615.4 RECORD RETENTION**

All records related to the Special Services Fund shall be maintained in accordance with the City's retention schedule but in no case less than for a period of five years.



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**Policy  
616**

Approved: *Scott LaChasse*

CALEA  
Effective Date: March 5, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Evidentiary Digital Imaging and Video

### 616.1 PURPOSE AND SCOPE

This policy establishes procedures for all members who capture, use, and manage evidentiary digital images or video.

### 616.2 DEFINITIONS

**Archiving** – The process of storing data in a manner suitable for long-term availability and retrieval.

**Authentication** – The process of substantiating that the data (digital evidence) is an accurate representation of what it purports to be (i.e., original image).

**AXON Capture** – A mobile application available for download onto departmentally provided smart devices that can be used to capture digital images, audio recordings, and video recordings.

**Capturing** – The process of recording data, such as an image or a video sequence.

**Chain of Custody** – The chronological documentation of the movement and possession of evidence.

**Copy** – An accurate reproduction of information (e.g., digital image).

**Digital Evidence** – Information of probative value stored in digital (binary) form.

**Digital Image** – An image represented by discrete numerical values that appears like a photograph when viewed on a monitor or paper.

**Downloading** – Receiving data to a local system from a remote system.

**Evidence.com** – A cloud based application used to store Body Worn Camera and In-Car Video (BWC/ICC) as well as other forms of digital evidence.

**Integrity Verification** – The process of confirming that the data presented is complete and unaltered since the time of acquisition.



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**Intermediate Storage** – Any media (memory card) or device (camera internal memory) on which data is temporarily stored for transfer to permanent storage.

**Media (Storage Media)** – Objects on which data can be stored.

**Metadata** – Data, frequently embedded within a file that describes a file, which can include location, date and time, and equipment used to record file.

**Processed Image** – Any image that has undergone enhancement, restoration, or other operation.

**Propriety File Format** – Any file format that is unique to a specific manufacturer or product.

**Uploading** – The transfer of data or files from one device (camera / smart device) to another (computer).

**Work Copy** – A copy or duplicate of a recording or image that can be used for subsequent processing or analysis.

## 616.3 POLICY

All members handling digitally stored evidence from digital cameras, smart devices, or video recorders shall comply with the procedures in this policy to ensure the integrity and admissibility of such evidence.

Once digital evidence is recorded, it shall not be deleted, processed, or altered in any way prior to the uploading of the images into the designated digital evidence management system. All recorded evidentiary photographs shall be preserved regardless of the quality, composition, or relevance. Additionally, the following general guidelines shall apply to all digital files:

- (a) Copies of digital files shall be used and distributed only for official business.
- (b) Digital evidence shall not be distributed or posted on the internet without specific authorization from the Investigation Division Commander. This does not apply to images required for creating crime bulletins by authorized personnel. Images to be included in crime bulletins may be approved by an Investigation Bureau supervisor.
- (c) Sensitive digital evidence, such as child pornography, shall be carefully protected to ensure the images are not distributed, viewed, or possessed in violation of any laws or by members not directly involved with the case. Any member uploading sensitive digital evidence shall notify the Forensic Specialist supervisor as soon as practicable after the evidence is uploaded.
- (d) Digital images that are enhanced to provide a better quality photograph for identification or for investigative purposes must only be made from a work copy of the original file. If any enhancement is done to the copy of an original for distribution to investigators or in response to a legal process, the existence of the enhanced copy and the reasons for the enhancement shall be documented by the member creating the enhanced copy in a supplemental report.
- (e) Members shall not access the digital evidence management system except for official business, which may include to further criminal investigations or prosecutions or to prepare



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for an internal investigation, unless doing so would jeopardize the integrity of the investigation as determined by the Chief of Police. The Professional Standards Bureau will conduct regular audits of the digital evidence management system. The audit shall include a review of user logs to verify that images are accessed only for official purposes.

### 616.4 RECORDING OF DIGITAL EVIDENCE

In addition for investigative purposes, digital images should be captured when evidence cannot be preserved by other means. Members should not use personal digital cameras or cell phone cameras in the course of their official duties and should use only Department issued equipment to record digital evidence. A Forensic Specialist should be requested to record major crime scene images or incidents requiring specialized documentation.

### 616.5 PRESERVATION OF DIGITAL EVIDENCE

Chain of custody must be maintained for all digital evidence recorded by members of this Department. Chain of custody documentation should include who captured the image and who uploaded it into the digital evidence management system. Once digital files are uploaded, the system will authenticate original files and will maintain an audit trail of all access to digital files. Integrity verification of digital evidence shall be the responsibility of the Forensic Specialist Supervisor or designee.

#### 616.5.1 MEMBER RESPONSIBILITIES

The following procedures shall be followed by members:

- (a) Any member, who responds to the scene of an accident or crime and captures the photographic image/images of a deceased person by any means, including, but not limited to, by use of a personal electronic device or a device belonging to the Department shall only use that image/images for official law enforcement purposes.
- (b) Unless there is an investigative necessity, image files should not be opened or reviewed prior to uploading and storage. Once uploaded into the digital evidence management system(s), member may review images as necessary to prepare reports.
- (c) Where possible, the cameras, smart devices, or storage devices should be connected to designated workstations and uploaded directly into the digital evidence management system(s) or by using the AXON Capture wireless upload. Digital files should not be copied to a temporary location before they are uploaded into the system(s).
- (d) Each member is responsible for uploading still images or video captured using a digital camera or Department provided smart device into the designated digital evidence management system(s) at the end of the member's shift or as soon as practicable before the end of the member's workweek.
- (e) Sets of images related to a specific case should be identified by using "DR/Photo Cards" immediately before the first and after the last images.
- (f) If a member uploads an image into the wrong folder, the member shall immediately notify the FS Supervisor via email, providing sufficient information to correct the error.



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- (g) Each member will be responsible for ensuring that no images remain in the camera or on the removable memory card before the camera or memory card is placed back into service.

### 616.5.2 ADMINISTRATOR RESPONSIBILITIES

The Professional Standards Lieutenant and/or Forensic Specialist Supervisor will be the custodian of all digital evidence stored on the designated digital evidence management system(s) and shall be responsible for its administration. The Administrator shall ensure that digital files are being properly uploaded and stored, that sufficient storage capacity is available in the system(s), and that archiving and purging schedules are followed. The Administrator shall also be responsible, upon notification, for protecting sensitive files or images against unauthorized access.

### 616.6 DIGITAL EVIDENCE MANAGEMENT SYSTEM

The Department utilizes the Foray Digital Evidence Management System to store and preserve digital still and video evidence. The system consists of three modules:

Workplace – Used by Forensic Specialists and Administrators for image management, enhancement, and system administration.

Digital Acquire – Used by authorized personnel to upload digital images into the system.

Adams Web Portal – Used by authorized personnel for viewing, printing, or copying digital evidence.

All members with the need to view or copy digital evidence stored in Foray will have access to the *Adams Web* portal. *Adams Web* may be accessed only for official business and only from Department computers. Members shall be responsible for deleting work copies of digital evidence when the need for analysis or review ends. No digital image shall be viewed or copied onto a non-Department computer or device. No member shall permanently store or duplicate any digital evidence on any device or system outside of Foray without written supervisory approval. Such approval may be in the form of an official memorandum or an email.

The Department will also utilize the AXON Evidence.com portal as a means to store digital evidence including, still images, videos, and audio recordings obtained using the AXON Capture App on departmentally provided smart devices. The same parameters related to the Foray Digital Evidence Management System will apply to items uploaded to Evidence.com.

#### 616.6.1 REQUESTS FOR IMAGES NOT AVAILABLE IN FORAY

Authorized personnel who need to view or obtain a copy of a digital image that was produced prior to the implementation of Foray and was not transferred into Foray must request copies of the images via email ([BPDForensics@burbankca.gov](mailto:BPDForensics@burbankca.gov)) from the Forensic Specialists. The request should contain sufficient information about the case to help locate the images and determine authorization.



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## **616.6.2 NON-EVIDENTIARY DEPARTMENT PHOTOS**

Foray may be used to store historical or significant Department photographs in a designated, special folder. Any storage of such photographs in Foray will require the approval of a Division Commander. The request for the storage of such photographs shall be directed to the Forensic Specialist Supervisor once approval is obtained.

Department photographs shall not be stored in any folder containing digital evidence. Access to Department photographs stored in Foray may be authorized only by the Chief of Police or designee.

## **616.7 PURGING AND ARCHIVING**

The Forensic Specialist Supervisor is responsible for ensuring that digital evidence is retained or purged in accordance with applicable evidence codes or retention schedules. Digital evidence related to a Cold Case shall not be purged without the written approval of the Investigation Division Commander.

The Forensic Specialist supervisor shall also be responsible for archiving any digital images identified for long-term storage. Images should be archived when long-term storage is necessary. Unless specifically authorized by the Investigation Division Captain, the primary storage (Foray server) should only be used to store images for active cases. The method and location for archiving shall be determined by available resources and in consultation with the Investigation Division Commander.

Items collected and retained in Evidence.com will fall under the same parameters as those in the Foray server.





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Scott LaChasse, Chief of Police

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617**

*Scott LaChasse*

CALEA

Effective Date: November 12, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Deception Detection Technology Use

### 617.1 PURPOSE AND SCOPE [32.2.5; 32.2.6; 42.2.6]

The purpose of this policy is to establish guidelines for the use deception detection technology in criminal investigations and pre-employment.

### 617.2 DEFINITIONS

**Deception Detection Device (“Lie Detector”)** – Use of technology that records physiological functions to ascertain truth or falsehood in responses. The two common types are Polygraph and Computer Voice Stress Analyzer (CVSA).

**Examiner** – Truth verification examiners are persons authorized by the Department to conduct such examinations by using questioning techniques and deception detection devices. Only persons who have been trained and certified by an approved program may conduct pre-employment or criminal investigation examinations. The certification must be renewed every three years.

### 617.3 DETECTION OF DECEPTION

Department use of deception detection equipment shall be in compliance with the guidelines of the National Institute for Truth Verification (NITV).

#### PRE-EMPLOYMENT

- (a) Deception detection examinations may be used as a tool for the screening of candidates for employment.
- (b) Prior to the administration of an examination, the subject of the examination shall be given an appropriate consent form to read and sign.
- (c) The results of examinations shall not be used as a single determinant of employment status.
- (d) The COPS Bureau Lieutenant shall be responsible for the coordination and oversight of the pre-employment examinations and the review, approval, and retention of all related reports.



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- (e) The Examiner shall be responsible for the proper administration of the examination in strict compliance with all applicable laws and policies and the completion of all required documentation.

## CRIMINAL INVESTIGATIONS

Deception detection analysis can be used in criminal investigations as an investigative tool to assist investigators but they shall not be used to replace sound investigative procedures. Any truth verification examination shall be conducted in accordance with applicable laws and the following guidelines:

- (a) Request for examinations require Investigation Bureau Supervisor approval.
- (b) If approved, the examination may be administered to any witness or suspect connected with a criminal investigation. Use of deception detection examinations on victims shall require the approval of the Investigation Division Commander. Per Penal Code §637.4, CVSA examinations shall not be used for establishing the validity of claims on a reported victim of a sexual abuse or attack.
- (c) Prior to the administration of an examination, the subject of the examination shall be given an appropriate consent form to read and sign.
- (d) The administration and evaluation of examinations shall be conducted only by trained and certified examiners.
- (e) The results of the examination shall not be the sole determinant of criminal involvement. The results of an examination shall not be the sole basis for an arrest or submission of a case to a prosecuting agency.
- (f) The Examiner shall be responsible for the proper administration of the examination in strict compliance with all applicable laws and policies and the completion of all required documentation.



# Burbank Police Department

Scott LaChasse, Chief of Police

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Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Brady Material Disclosure

### 618.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “Brady information”) to a prosecuting attorney.

#### 618.1.1 DEFINITIONS

Definitions related to this policy include:

**Brady Information** – Information known or possessed by the Burbank Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant. The information may be either exculpatory or impeaching and applies to government witnesses, including police officers, who may be called to testify in criminal proceedings.

#### 618.1 POLICY

The Burbank Police Department will conduct fair and impartial criminal investigations and will provide the prosecutor 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 Burbank Police Department will assist the prosecution by complying with its obligation to disclose information that may be both favorable and material to the defense. The Department will identify and disclose to the prosecutor potentially exculpatory information, as provided in this policy.

### 618.2 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 shall 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 the 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.



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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 memorandum to the Investigation Division Commander who will discuss the matter with the appropriate prosecutor. A copy of the memorandum should be retained in the Department case file.

### 618.3 DISCLOSURE OF PERSONNEL INFORMATION

In accordance with relevant court cases and Department of Justice or Los Angeles County District Attorney's Office guidelines, the Department may have an affirmative obligation to disclose possible impeachment information involving officers who may be witnesses in criminal proceedings. The following types of information may constitute potential impeachment information:

- (a) Sustained finding of misconduct related to truthfulness.
- (b) Finding of misconduct related to bias-based profiling.
- (c) Any criminal convictions involving acts of dishonesty.

Allegations made against witness officers that have not been substantiated, are not credible, or have resulted in the officer's exoneration are generally not considered to be potential impeachment 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:

- (d) 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.
- (e) The prosecuting attorney should then be requested to file a Pitchess motion in order to initiate an in camera review by the court.
- (f) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
- (g) A member of IAB 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.
- (h) 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 IAB Lieutenant 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.



# Burbank Police Department

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### 618.4 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.

### 618.5 TRAINING

Department members should receive periodic training on the requirements of this policy.



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Scott LaChasse, Chief of Police

**Policy  
619**

CALEA

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Vice Narcotics, Organized Crime, and Covert Operations

### 619.1 PURPOSE AND SCOPE

The investigation of vice, drug, and organized crime activities can involve large expenditures of time, money, and effort. This policy will help to evaluate the accuracy and credibility of initial information and determine the scope and relative importance of the problem.

### 619.2 COMPLAINT HANDLING

When alleged vice, drug, or organized crime activity information is received by this Department, it shall be documented, including the source, the activity, dates and times, the name and employee number of the person receiving the information, and any other pertinent information. Documentation may be by official police report, memorandum, email to the appropriate investigative unit, or CAD incident printout. This section does not apply to information received from confidential informants (refer to Confidential Informants Policy).

Reports regarding vice, drug, or organized crime shall be forwarded to the Investigation Bureau Lieutenant. The case may be assigned to a detective for possible follow-up or routed to the appropriate jurisdiction. If the case or information is forwarded to another agency or jurisdiction, such routing shall be documented by the referring employee.

The Investigation Bureau Lieutenant shall notify the Chief of Police, via chain of command, of any high profile vice, drug, or organized crime arrests or cases.

### 619.3 RECORD KEEPING

The Investigation Bureau Lieutenant shall ensure that the security of sensitive case files is maintained. Access shall be restricted to a "need to know" basis. Records and reports relating to active vice, drug, and organized crime investigations should be securely filed and maintained separately from central records.



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## **619.4 SURVEILLANCE AND UNDERCOVER EQUIPMENT**

The Investigation Bureau Lieutenant or designee shall be responsible for Department owned surveillance and undercover equipment. Such equipment may include night vision devices, binoculars, cameras, cellular phones, recorders, and unmarked vehicles. The equipment should be securely stored. Any Department member with an official need to use the surveillance equipment may contact the Investigation Bureau Lieutenant and request its use.

The Investigations Bureau Lieutenant or designee shall maintain an equipment checkout system that at all times accounts for the Department surveillance and undercover equipment. Any sworn employee requesting the use of such equipment shall sign for it upon receipt, note purpose of request, and return it promptly when the purpose is complete. Upon return, the receiving investigator shall sign the equipment back in, and note any discrepancies or damage.

## **619.5 COVERT OPERATIONS**

When any surveillance, undercover, or decoy operation is planned, the officer in charge of the operation shall prepare an operations plan prior to engaging in the operation. The supervisor in charge of the operation shall ensure that personnel engaged in the operation are appropriately briefed on the plan. Officers shall not participate in surveillance, undercover, or decoy operations without the written approval of the appropriate Division Commander or designee as appropriate for the type of planned operation.

Any covert operation conducted outside the City limits should be overseen by a supervisor directly involved in the operation. If a supervisor is not available, the appropriate bureau commander shall designate a member of the operation as the person or investigator in charge.

Due to the exigency, the requirement for an operations plan does not apply to surveillance or any undercover activity conducted during an in progress crime or incident.

Unless otherwise approved by a Division Commander, uniformed personnel should be informed about covert operations conducted in the City to prevent conflicts and potential misidentification of personnel involved in the covert operation.

## **619.6 OPERATIONAL PLANS**

Operational plans should be submitted and approved prior to the execution of any pre-planned operation. Operational plans should include, if available:

- (a) Case summary and objectives.
- (b) Identification of involved personnel, including supervisors, and their specific roles and responsibilities.
- (c) Identification of all involved vehicles and assignments.
- (d) Complete address and description of the location (maps should be attached to the plan)





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- (e) Suspect descriptions, including photographs if available.
  - (f) Suspect's criminal history.
  - (g) Identification of any known hazards or obstacles (e.g., weapons, animals, surveillance equipment, environment).
  - (h) Identification of expected occupants.
  - (i) Weapon and equipment assignments.
  - (j) Designation of entry and arrest teams.
  - (k) Designation of personnel to make the necessary notifications.
  - (l) Description and pertinent information about informants, as applicable.
  - (m) The means of normal and emergency communications.
  - (n) Identification of nearby medical facilities (maps should be attached to the plan).
  - (o) Identification of arrest and help signals.
  - (p) Tactical plan, including when to retreat.
  - (q) Essential contact information, including telephone numbers for outside agencies if operation is conducted outside the City of Burbank.



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Scott LaChasse, Chief of Police

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CALEA

Approved: *Scott LaChasse*

Effective Date: July 5, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Juvenile Intervention Procedures

### 620.1 PURPOSE AND SCOPE [1.1.3; 44.1.1]

This policy is to establish guidelines and operational procedures for the Department regarding aspects of preventing and combating juvenile delinquency.

### 620.2 RESPONSIBILITIES OF MEMBERS [1.1.3; 44.1.1; 44.2.1]

The Burbank Police Department recognizes the importance of preventing and controlling juvenile delinquency. To meet its commitment to provide exceptional services to the community, the Department should support community recreational programs designed to prevent young people from developing criminal tendencies.

The basic philosophy of juvenile law is to protect juveniles from abuse or neglect, to prevent delinquency, and to rehabilitate them where possible. When deciding what action to take with juvenile offenders during an initial contact, members of the Burbank Police Department should use the most amenable or moderate enforcement alternative that is suitable and is in accordance with applicable laws.

All employees share in the responsibility for participating in and supporting the juvenile function to ensure that the appropriate actions are taken in all cases where juveniles come to the attention of the Department. All sworn personnel will maintain a working knowledge of the California Welfare and Institutions Code concerning the handling of juveniles and should familiarize themselves with the various support programs used by the Juvenile Court.

### 620.3 SCHOOL RESOURCE OFFICERS [1.1.3; 44.2.4]

The Burbank Police Department recognizes the importance of having employees who are specially trained regarding the juvenile justice system. School Resource Officers (SROs) serve as the Department's juvenile intervention specialists. The SRO's may assist in the development and implementation of delinquency prevention programs and act as the liaison between the Department, schools, and other components of the juvenile justice system. SRO responsibilities include:

- Identify high-risk or criminal activity in and around the schools.
- Act as resource to delinquency prevention.



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- Provide guidance on ethical issues in classroom (e.g., DARE).
- Provide individual informal counseling to students if needed.
- Be cognizant of classroom and cyber bullying tendencies and victimization.
- Be cognizant of suicidal or homicidal ideations in the juveniles' expressions and behaviors.

### **620.3.1 OUTSIDE COMMENT AND INPUT ON JUVENILE POLICIES [44.1.2]**

The Juvenile Bureau Supervisor should act as a liaison between the Police Department and other juvenile agencies within Los Angeles County. The supervisor should encourage other agencies to review and comment on existing policies and emerging trends pertaining to juveniles. This collaboration may be formal or informal as required. The supervisor is responsible for submitting any suggested changes to the Investigation Division Captain via the chain of command.

### **620.4 JUVENILE POLICY DEVELOPMENT AND REVIEW [44.1.3]**

The Juvenile Bureau supervisor should meet annually with the BUSD administration to review and obtain feedback on relevant juvenile and school resource programs currently in force. The Investigation Division Captain will include a summary of that meeting in his or her Annual Juvenile Intervention Program Report. The Annual Juvenile Intervention Program Report shall be submitted to the Chief of Police. The report will evaluate the Department's efforts and programs related to juvenile enforcement and prevention programs and include recommendations whether specific programs should continue, be modified, or be discontinued.

### **620.5 COMMUNITY RECREATION PROGRAMS [44.2.5]**

Members of this Department should be familiar with the youth programs available through the City's Parks, Recreation, and Community Services Department. Information about various youth or community recreation programs may be obtained by contacting the Burbank Youth Task Force member assigned to the COPS Bureau. The Department encourages members to consider becoming active in community recreational youth programs.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
621**

*Scott LaChasse*

CALEA

Effective Date: November 12, 2013

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Arrest and Search Warrants

### 621.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the service of arrest and search warrants to help reasonably mitigate risks to the community, officers, and other involved persons.

### 621.2 CRIMINAL WARRANTS AND COURT ORDERS

Officers may be required to serve the below listed warrants or court orders in the performance of their duties:

- (a) Arrest Warrants.
- (b) Ramey Warrants.
- (c) Search Warrants.
- (d) Criminal Protection Orders.
- (e) Any other criminal warrant or order issued by the Court.

#### 621.2.1 TERRITORIAL LIMITATIONS FOR EXECUTION OF WARRANTS

Officers may serve or attempt to serve criminal process warrants anywhere in the State of California, but certain restrictions apply:

##### NO BAIL ARREST WARRANTS

Suspects arrested on a no-bail felony warrant outside the county of issuance do not have a right to a bail hearing in the county of arrest and may be transported without delay to the county in which the crime occurred.

##### ARREST WARRANTS WITH BAIL SET

If bail has been set on a warrant, suspects have the right to appear before a judge in the county of arrest for the limited purpose of posting bail or seeking a bail reduction. In such cases, suspects must be informed in writing of their right to be taken before a magistrate in the county of arrest. Unless a



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suspect waives his or her right to be taken before a magistrate in the county of arrest, he or she shall be taken before a magistrate in the county of arrest.

### PROBABLE CAUSE OR WARRANTLESS ARRESTS

If a warrantless arrest is made outside Los Angeles County for a crime committed within the County, the suspect may be transported to this County without restrictions.

Officer shall be responsible for complying with territorial limitations or restrictions and for providing arrestees with a Bail Rights Notice form to review and sign, as appropriate (the forms may be found in the Department's electronic documents library).

#### **621.2.2 TIME REQUIREMENTS FOR EXECUTION OF WARRANTS**

Officers may serve a felony arrest warrant on any day and at any time and a misdemeanor arrest warrant on any day, between 0600 hours and 2200 hours (Penal Code §840). A misdemeanor arrest warrant may be served on any day and at any time if:

- (a) The arrest is made in a public place.
- (b) The person is already "in custody" on another lawful matter.
- (c) The warrant directs that it may be served at any time of day or night.

Officers may serve a search warrant between 0700 hours and 2200 hours, unless the authorizing judge directs that it may be served at any time (Penal Code §1533).

Officers shall execute a search warrant and return it to the issuing Court within 10 days of issuance (Penal Code §1534). After the expiration of 10 days (beginning with the day after the warrant is issued), the warrant is void if not executed.

#### **621.3 COUNTYWIDE WARRANT SYSTEM (CWS) AND DUE DILIGENCE**

Los Angeles County maintains a Countywide Warrant System (CWS) that centrally stores, reports, and manages warrants for Los Angeles County law enforcement agencies. CWS also interfaces with the Los Angeles County trial and traffic court system, the California DOJ state repository, and the National Crime Information Center (NCIC) to report and manage out-of-state extraditable warrants. The Burbank Police Department can access the system to update it when arrest warrants are served or when wanted persons are arrested.

The Records Bureau Warrant Office shall be responsible for updating CWS with notations required to demonstrate due diligence in the service of arrest warrants. Investigators are responsible for following up on active arrest warrants involving their cases and for submitting updated Due Diligence forms to the Warrant Office. Due diligence activities should be prioritized based on the seriousness of the offense or the likelihood of the commission of additional crimes by the wanted person. Patrol officers should attempt to serve active misdemeanor or infraction arrests warrants that are not assigned to an investigator.



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## **621.3.1 ARREST WARRANT FILES**

The warrant and wanted persons file procedures are as follows:

- (a) The criteria for entering warrants into CWS are established by DOJ and warrants are entered into the system primarily by the appropriate court of jurisdiction or by DOJ.
- (b) Per DOJ guidelines, once a warrant is entered into CWS, this Department receives a printed teletype notice of the warrant.
- (c) Based on the teletype, the Warrant Office prepares due-diligence packets and forwards them to the appropriate detectives, as applicable.
- (d) Accuracy for warrant entries is verified each month by Records supervisors through the monthly DOJ Validation List that is mailed directly to this Department.
- (e) Warrant cancelations are initiated by the Warrant Office by submitting the supporting documents to the appropriate court for judicial review. Upon receiving the approval from the court, the Warrant Office updates CWS and Department files.
- (f) All warrants are maintained in electronic format allowing for 24-hour access to Records personnel.

## **621.4 WARRANT OPERATION RISK ASSESSMENT**

Officers and incident commanders shall critically evaluate information during the planning of warrant operations to assess the associated risks of the operation to determine the appropriate tactics and personnel necessary for the safety of the community, the involved officers, and the suspects. The risk assessment shall be documented and reviewed and approved at each supervisory level.

### **621.4.1 INVESTIGATING OFFICER RESPONSIBILITIES**

The investigating officer shall use the Department Operational Risk Assessment Checklist (available in the Electronic Documents Library) to help assess and document risk factors associated with warrant services and to assist in determining what resources are to be utilized to minimize these risks. Investigating officers shall complete the Operational Risk Assessment Checklist and receive appropriate supervisory approval prior to serving any warrant, other than warrants of an administrative nature (e.g., warrants ordering the release of information/records from a financial institution, telecommunications company, or internet service provider) or warrants where the location has been secured prior to the warrant service (e.g., crime scene warrants).

The investigating officer shall submit the completed checklist to an immediate supervisor for approval prior to submitting the warrant for judicial approval. The investigating officer or supervisor must submit the form to the bureau lieutenant or designee for approval prior to serving the warrant.

If personnel from one unit obtain a warrant and subsequently turn the warrant over to a different unit for service, personnel from the unit serving the warrant must refer to the form and add any additional information they have pertaining to the location. Any additional information that meets or increases the risk factors to that of a "high-risk" warrant will require that the SWAT Commander or designee screen the warrant.



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Once the investigating officer's supervisor, bureau lieutenant, and, if applicable, the SWAT commander or supervisor, have reviewed/signed the Operational Risk Assessment Checklist should be maintained by the Investigation Division Commander.

### 621.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors reviewing operational plans for the service of a warrant must review the Operational Risk Assessment Checklist to verify that the investigating officer has checked all applicable boxes that apply to the operation. If applicable or necessary, the supervisor shall consult with the SWAT Commander or a SWAT sergeant, prior to submitting the warrant for judicial approval. Supervisors are encouraged to consult with SWAT on those warrants deemed a moderate risk. Supervisors shall ensure that their Bureau Lieutenant or his designee approves the Operational Risk Assessment Checklist prior to serving the warrant.

The SWAT Team should be utilized for the service of high-risk search warrants where there is a likelihood of violent resistance or confrontation.

### 621.4.3 BUREAU COMMANDER RESPONSIBILITIES

The bureau lieutenant for the unit responsible for the warrant operation shall review the operation plan, including the Risk Assessment Checklist, approved by the unit supervisor. If the bureau lieutenant has any reservations or questions regarding the tactical operations plan, he or she should consult with SWAT.

### 621.4.4 SWAT RESPONSIBILITIES

The SWAT commander or supervisor to whom the Operational Risk Assessment Checklist is submitted shall review the checklist to determine if the factors present fall within the criteria for SWAT to serve the warrant as outlined in SWAT Policy and the SWAT Manual. Any warrant involving SWAT will necessitate a tactical operations plan prepared by SWAT personnel, which will include written justification for the use of SWAT. In those situations where the criteria for a full SWAT deployment are not present, it may still be desirable to use a smaller contingent of SWAT members as a tactical entry team or an arrest team.

The SWAT commander or supervisor reviewing the Operational Risk Assessment Checklist shall check the appropriate boxes indicating whether the SWAT Team will be involved and to what extent. The SWAT commander or supervisor shall sign the Warrant Risk Assessment Checklist, maintain a copy for SWAT records, and return the original to the bureau lieutenant over the unit initiating the operation.

### 621.5 PROCEDURES

- (a) Arrest or search warrants shall be served only by sworn law enforcement officers.
- (b) All non-uniformed personnel serving an arrest or search warrant shall wear distinctive clothing that clearly identifies them as police officers. When practical, the team should include a uniformed officer.





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- (c) Officers shall verify the validity of a warrant prior to service.
  - (d) Unless exigent circumstances exist, supervisor approval and on-scene-presence are required for forcible entries.
  - (e) The investigating officer shall review the search warrant and affidavit to ensure that the judge has signed the warrant and that the address of the location to be served is correctly listed.
  - (f) The investigating officer shall be responsible for contacting the law enforcement agency with local jurisdictional responsibility prior to the service of a warrant (as applicable). The investigating officers shall also contact LA CLEAR (regional criminal information clearinghouse) for any ongoing investigations by other jurisdictions involved the location of service.



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622**

Approved: *Scott LaChasse*

Effective Date: June 3, 2019

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Unmanned Aircraft Systems (sUAS) Operations

### 622.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Small Unmanned Aircraft Systems (sUAS) and for the storage, retrieval, and dissemination of images and data captured by the sUAS during the Department's sUAS Pilot Program.

#### 622.1.1 DEFINITIONS

Definitions related to this policy include:

**Small Unmanned Aircraft Systems (sUAS)** - An unmanned aircraft weighing less than 55 pounds that is capable of sustaining directed flight. An sUAS includes all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

**Pilot-in-Command (PIC)** – sUAS team leader and operator of the sUAS. May also serve as a Visual Observer and report to the assigned PIC.

**Visual Observer (VO)** – Responsible for maintaining visual observation of the sUAS while it is in flight and alerting the PIC of any hazardous conditions (e.g., obstacles, air traffic, weather).

### 622.2 POLICY

Members of the Department may utilize approved sUAS to enhance the Department's mission of protecting lives and property when other means and resources are not available or are less effective. Any emergency or routine use of an sUAS will be in strict accordance with applicable federal, state, and local laws and regulations.

A minimum of a two-member team, consisting of a PIC and a VO, is required to operate an sUAS. Some missions may require additional VOs to ensure the safety of the operation.



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## **622.3 PRIVACY**

The use of an sUAS may involve privacy considerations. Absent a warrant or exigent circumstances, PICs and VOs shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. PICs and VOs shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during sUAS operations.

## **622.4 PROGRAM COORDINATOR**

The Chief of Police will appoint a program coordinator who will be responsible for the management of the sUAS program. The program coordinator will ensure mission readiness of personnel and equipment and that policies and procedures conform to applicable laws and regulations.

## **622.5 PROCEDURES**

Only designated and authorized PICs shall operate a Department sUAS.

The operation of an sUAS at the scene of a critical incident shall be at the request of the Incident Commander (IC) and shall operate under the supervision of the IC. Pre-planned or non-emergency use of an sUAS should be requested through the Program Coordinator.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. When necessary, the authorizing supervisor should consult with legal counsel.

The following is a list of possible missions for which the sUAS may be utilized:

- (a) Searches (e.g., outstanding suspect, article, public safety hazard)
- (b) Video / photographs for investigative support (e.g. crime or traffic collision scenes)
- (c) HAZMAT response
- (d) Search and rescue
- (e) Missing persons
- (f) Barricaded persons
- (g) Overwatch for officers and SWAT operations
- (h) Disaster response
- (i) Special events



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## **622.6 DUTIES AND RESPONSIBILITIES**

### **622.6.1 PILOT IN COMMAND (PIC)**

PIC's primary duty is the safe and effective operation of an sUAS. Additional duties include:

- (a) Coordination with the IC
- (b) Mission risk assessment
- (c) Designating members to required team roles
- (d) Notifications
- (e) Completion of flight and maintenance logs
- (f) Transportation, storage, and inspections

The PIC shall receive training on the operation and basic maintenance of all equipment used during the operation of an sUAS. In addition to any FAA pilot certification requirements, the PIC shall comply with all Department certification and currency requirements.

### **622.6.2 VISUAL OBSERVER (VO)**

VOs are responsible for maintaining visual observations of an sUAS while it is in flight and maintaining constant communication with the sUAS PIC. To be effective, the VO should be in close proximity to the PIC, utilizing clear communication via direct voice, police radio, or cellular phone.

The VO is responsible for all communications with IC and for all aviation related communications, including with air traffic controlling facilities, as directed by the PIC.

## **622.7 OPERATIONAL CONSIDERATIONS**

Whenever feasible, an sUAS should be operated within a secured perimeter, with controlled access into and out of the area. The PIC should attempt to offset operations from members of the public.

### **622.7.1 SEARCH WARRANTS**

Search warrants shall be obtained when required by law.

## **622.8 PRE AND POST- FLIGHT RESPONSIBILITIES**

The PIC must conduct pre-flight checks prior to each flight in accordance with the Department checklists or sUAS manufacturer's recommendations. The PIC shall record on the maintenance log any maintenance issues found during pre or post-flight checks. The PIC will determine if the issue may be



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deferred and whether the sUAS is airworthy and safe to operate. The PIC shall make an immediate notification to the Program Coordinator if an sUAS is found to be in unairworthy condition.

The PIC shall abort the flight if he or she becomes aware of any unsafe conditions. The PIC, VO, or a supervisor has the authority to terminate a flight. In case of a conflict, the flight shall be terminated and the IC shall notify the sUAS Program Coordinator immediately. Federal Regulations grant the PIC *"the final authority as to the operation of [an] aircraft"* (FAR §91.3).

### 622.8.1 PUBLIC NOTIFICATION

Whenever possible, officers should attempt to utilize a PA system, and/or Department social media platforms, to make announcements to alert the public in the area of the sUAS operation. The announcements should request members of the public to stay indoors for their safety.

### 622.9 COLLISIONS

If a collision occurs during the operation of an sUAS and results in serious injury to any person including any loss of consciousness, or if it causes damage to any property (other than the sUAS) in excess of \$500 to repair or replace the property, an immediate notification shall be made to the Program Coordinator. It will be the Program Coordinator's responsibility to make notifications to the FAA and NTSB.

While at the scene, the PIC shall notify the IC, who shall have a supervisor document the incident, including photographs of any damage or injuries. The PIC shall be responsible for completing the appropriate police report describing the incident and damage, as directed by a supervisor.

If the collision results in less than \$500 in damage, or the only damage is to the sUAS, the PIC shall complete a police report and notify the sUAS Coordinator.

Any incident involving the operation of an sUAS will be reviewed by the Critical Incident Review Board (CIRB). The sUAS Coordinator should be present to help determine if the incident was preventable and to make recommendations on preventing future incidents.

### 622.10 MAINTENANCE

Assigned team members shall inspect each sUAS on a regular basis and maintain them in airworthy condition in accordance with the manufacturer's specifications. Only properly trained members or authorized service providers shall complete repairs or perform maintenance on the sUAS.

### 622.11 TRAINING

All sUAS PICs and VOs must meet Department training and certification requirements, including recency of experience, to accept or conduct an sUAS mission. Each PIC shall be certified in accordance with current FAA requirements and standards (FAR 107, Subpart C). The PIC will stay proficient in the job function by participating in regularly scheduled Department training activities as determined by the Program Coordinator. During these training sessions, the PIC will be required to demonstrate



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proficiency in the required normal and emergency procedures developed or approved by the Program Coordinator

A PIC who does not have documented training or flight time within the preceding 90 days will have to demonstrate proficiency prior to any deployment. The Program Coordinator may suspend a PIC or VO until the member has had updated training and completed a proficiency check.

### 622.12 DOCUMENTATION

The PIC or an involved officer shall document all sUAS field deployments involving police activity in the appropriate police report. The documentation must include:

- (a) Reason for the flight
- (b) Name of approving supervisor
- (c) Details of the mission

#### 622.12.1 LOGS

The sUAS Program will maintain the following logs:

**Deployment Log** – Following the completion of an sUAS mission or activity, the assigned PIC shall record the details of the activity in the Deployment Log. The supervisor authorizing the deployment shall review and sign the log.

**PIC/VO Log** – Each PIC or VO will be responsible for recording his or her activities in the PIC/VO Log.

**Maintenance Log** – A PIC shall complete a maintenance log entry any time a maintenance issue has been noted or maintenance is performed. The assigned PIC shall review the maintenance log prior to any mission to ensure that no maintenance work is pending and to be aware of recently recorded maintenance items.

**UAS Complaint Log** – Any complaint received by the Department related to the deployment of an sUAS shall be recorded on the sUAS Complaint Log. The log will be reviewed at the monthly CIRB meetings and appropriate actions will be taken based on the recommendation of the CIRB. Members of CIRB should consult the Program Coordinator for recommendations. Any complaints other than those related to the deployment of an sUAS should be handled per existing complaint procedures.



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## **622.13 PROHIBITED USE**

The use of an sUAS for the following activities are prohibited:

- Conduct random surveillance activities
- Target a person based solely on actual or perceived characteristics, such as, race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability
- Harass, intimidate or discriminate against any individual or group
- Conduct personal business of any type

An sUAS shall not be weaponized and no modifications to the equipment shall be made without the written approval of the Program Coordinator.

## **622.14 RETENTION OF DATA**

Data collected by an sUAS shall be stored in the appropriate Department digital evidence management system and retained in accordance with established records retention schedules.

## **622.15 COMPLAINT PROCEDURE**

All complaints in regards to the use of the Department UAS shall be forwarded to the program coordinator for review and follow-up. The program coordinator shall review the complaint and handle it, per existing complaint procedures. The program coordinator shall forward any complaint to the Critical Incident Review Board for review and recommendations.

## **622.16 COMPLAINT AUDITS**

The program coordinator will conduct an annual audit, documenting complaints in regards to the use of the Department's UAS. The program coordinator will document the findings in a memorandum addressed to the Deputy Chief.





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
625**

Approved: *Scott LaChasse*

Effective Date: June 8, 2015

## CHAPTER 6 – INVESTIGATION OPERATIONS

# Event Deconfliction

### 625.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure appropriate use of an event deconfliction pointer system. Event deconfliction (including sharing of event and investigative information with other law enforcement agencies) and proper case activation procedures enhance officer safety and the efficiency of criminal investigations. As such, this policy is to provide guidelines for executing a planned operation or conducting a high risk criminal investigation.

### 625.2 DEFINITION

Event deconfliction is the process of determining when law enforcement personnel are conducting events in close proximity to another agency at the same time. By notifying a central location of a planned event prior to its execution, officers will not unknowingly target or conflict with another law enforcement officer or compromise another investigation. Deconfliction is particularly important for agencies in concurrent or contiguous jurisdictions that are involved in high risk activities such as undercover operations, surveillances, execution of search warrants, or fugitive apprehensions.

An event deconfliction process is a pointer system, alerting officers that they may be operating near one another. When certain elements (e.g. location, date and time) are matched between two or more events or operations, a conflict ("hit") is identified by the pointer system. Immediate notification is then made by the deconfliction system to the involved agency personnel.

When a conflict exists, both agencies are notified in order for them to determine the nature of the conflict and individually decide the extent to which they wish to share case details.

### 625.3 POLICY

It is the policy of this Department to engage in event deconfliction in an attempt to avoid dangerous confrontations and/or unintentional consequences for law enforcement personnel and citizens by entering qualifying events into the Western States Information Network (WSIN) RISSafe system. All information entered is considered confidential and law enforcement sensitive.



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The following activities or events shall be entered into the event deconfliction system:

- (a) The service of search warrants.
- (b) The service of arrest warrants. Arrest warrants served in the course of regular Patrol activities within this Department's jurisdiction do not need to be entered in the event deconfliction system unless warranted by the available information or directed by a supervisor.
- (c) The planned arrest of a person immediately after he or she has delivered or received, or attempted to deliver or receive, contraband to or from an officer or informant (buybusts, reverse sting operations, controlled drug deliveries, stolen or burglarized property, etc.).
- (d) Taking delivery of any contraband from a suspect who is not arrested but permitted to leave pending further investigation ("buy-walk").
- (e) Informant or officer face-to-face meetings with suspects for the purpose of receiving, delivering, or negotiating the receipt or delivery of any contraband.
- (f) Approaching a person at his or her place of residence and requesting permission to search for any contraband ("knock and talk"), especially in anticipation of activities involving a felony crime or drug related crime.
- (g) Predetermined surveillances, whether stationary or mobile, including those occurring in our jurisdiction or the jurisdiction of a non-participating law enforcement agency.
- (h) Covert activity by officers (or by informants acting under the direction of officers) that could initiate a response from citizens or local police who may reasonably believe that a crime is in progress.
- (i) Fugitive operations which are operational (roundups).
- (j) Long term covert operations (storefronts).
- (k) Any other high-risk or specialized law enforcement activities that would benefit from event deconfliction.

Personnel conducting field operations as described above shall ensure that these operations are entered into the event deconfliction system either online (<http://www.riss.net>) or by telephone at (800) 952- 5258. The Internet Crimes against Children Task Force (ICAC) also has a deconfliction tool that may be accessed online (<https://www.icacdatasystem.com/#/login>). All operations requiring entry into the event deconfliction system shall be made as soon as information is available, but at least two hours prior to the event taking place, if possible.

Information entered into the deconfliction system shall include:

- (a) Date and time of planned operation.
- (b) Type of operation.
- (c) Location of the operation, including any staging areas.
- (d) Information about the suspect(s), including full names, aliases or monikers, date of birth, vehicle information, phone numbers, contraband to be purchased and amount of money involved.



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- (e) Lead and participating agency names.
- (f) Name and agency of the person entering the operation, including cellular telephone number, along with a secondary point of contact for the operation.
- (g) Specify the radius of deconfliction (if not preset by the deconfliction system).

If a conflict with other law enforcement activity is identified, the contact personnel from involved agencies will be notified by the event deconfliction system or watch center personnel. Each affected law enforcement entity is responsible for contacting one another and resolving the conflict before taking further action. Investigating personnel must refrain from executing any operations until identified conflicts have been resolved.

Unresolved operational conflicts will be immediately referred to command or supervisory level personnel. Any exemption or deviation from this procedure shall be considered on a case-by-case basis and approved only by the Investigation Division Captain.

### 625.4 TRAINING AND ACCESS

All personnel with assignments that may require them to perform event deconfliction shall receive training enabling them to obtain appropriate security access and to navigate through the event deconfliction system. Training is available through the Western States Information Network (WSIN). The investigation Bureau Lieutenant shall be responsible for ensuring the required personnel receive the training.

Additional information about the Officer Safety Event Deconfliction System is available at the following website:

<https://www.riss.net/Resources/RISSafe>

### 625.5 TARGETED AND INVESTIGATIVE INFORMATION DECONFLICTION

Event deconfliction applies to geographical conflicts that occur at the same time and in the same proximity. Target and investigative activity deconfliction applies to subjects, gangs, locations, telephone numbers, vehicles, and other investigative information about criminal activity.

Upon opening an investigation on any crime that is within the scope of this policy or as directed by a supervisor, information shall be queried and/or stored through available national, regional, or local systems to determine whether another agency has an ongoing investigation with common investigative information to reduce parallel investigations and to promote investigative collaboration. If a conflict is discovered in either target or investigative activity, contact shall be made with the other agency to resolve and coordinate issues and information.



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Scott LaChasse, Chief of Police

**Policy  
700**

CALEA

Approved: *Scott LaChasse*

Effective Date: December 5, 2013

## CHAPTER 7 – EQUIPMENT

# Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the issuance, replacement, and return of Department owned property. It is also to establish the required procedures when Department owned or personal property is lost or damaged.

### 700.2 EQUIPMENT ISSUANCE [17.5.2]

When a new employee begins work with the Department, the Community Outreach and Personnel Services Bureau (COPS) Bureau shall ensure that the employee receives any equipment required by policy or agreement for the position. The COPS Bureau shall be responsible for documenting the issuance of any equipment in accordance with the established methods of record keeping. The documentation shall include the employee's dated written acknowledgment of the receipt of the property.

Any equipment issued to employees working specialized assignments shall be issued by the supervisor of the Unit. The supervisor shall be responsible for documenting the issuance of any equipment in accordance with the established methods of record keeping. The documentation shall include the employee's dated written acknowledgment of the receipt of the property.

### 700.3 EQUIPMENT REPLACEMENT [17.5.2]

If any Department equipment or property needs replacement due to normal wear, the employee shall notify a direct supervisor to request the replacement. The supervisor shall inspect the item and determine if the replacement is reasonable and necessary. Any equipment or property that is replaced or reissued shall be properly documented by the issuer.

### 700.4 CARE OF DEPARTMENTAL PROPERTY

Department employees are expected to properly care for Department property assigned or entrusted to them.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 700

Employees shall be responsible for the safekeeping, serviceable condition, proper care, and use of Department property assigned or entrusted to them. The Department recognizes that employees may suffer occasional loss or damage to personal or Department property while performing their assigned duties. An employee's intentional or negligent abuse or misuse of Department property, however, may lead to discipline.

- (a) Employees shall promptly report through their chain of command, any loss, damage, or unserviceable condition of any Department issued property or equipment assigned for their use. The report shall include the circumstances leading to the loss or damage.
- (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) Department property shall only be used by those to whom it was assigned. Employees to whom Department equipment is assigned shall be responsible for the property, except when directed by a supervisor or required by exigent circumstances to allow another employee to use the equipment. 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 and written approval.
- (e) In the event that any Department property becomes damaged or unserviceable, absent exigent circumstances, no employee shall attempt to repair the property without prior approval of a supervisor.
- (f) Upon termination, separation, or retirement, all City owned equipment shall be returned in good condition to the COPS before the employee receives final compensation.

### **700.5 PROPERTY ACQUIRED THROUGH GRANT FUNDS**

In the event that City property is stolen, lost, or damaged, the supervisor to whom the damage was reported shall make an effort to determine whether the property was procured in whole or in part with grant funds by contacting the Department's Police Administrator or the Grant Manager responsible for the affected grant. The Police Administrator or Grant Manager shall, if required, notify the appropriate federal, state, county, or city granting authority from which the funds for the property were originally acquired.

### **700.6 SMARTPHONES OR TABLETS**

Employees are responsible for the proper care and safeguarding of Department issued or assigned smartphones or tablet devices. Employees may be required to reimburse the Department if a pattern of improper care or gross negligence leads to damage or loss of a smartphone or tablet device. The Division Commander of any employee who reports damage to or loss of the device shall determine, based on submitted reports and supervisory inquiry or investigation, whether the loss or damage was a result of negligence or improper care on the part of the employee. The Division Commander shall document his or her findings and recommendation to the Deputy Chief and Police Administrator. If



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Scott LaChasse, Chief of Police

## Policy 700

negligence or improper care is determined, the employee may be required to reimburse the Department the replacement cost of the device, be subject to discipline, or both.

### **700.7 FILING CLAIMS FOR PERSONAL PROPERTY**

The Department will not replace or repair any personal property, including luxurious or overly expensive items (jewelry, exotic equipment, etc.), that are not reasonably required as a part of work.

### **700.8 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 loses, 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 memorandum or report shall be submitted before the employee's end of shift or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.8.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If an employee of another jurisdiction causes damage to real or personal property belonging to the City, it shall be the responsibility of the employee of this Department present or the employee responsible for the property to make a verbal report to his or her immediate supervisor as soon as circumstances permit. The employee should complete a memorandum or written report to document the damage and the circumstances.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

In certain circumstances, employees of another jurisdiction may cause damage to real or personal property of a private party during the course of a law enforcement operation (e.g., forced entry during the service of a search warrant, etc.). In this case, any employee of this Department who is present and aware of such damage shall report the circumstances to the Watch Commander or the Incident Commander. The Watch Commander or Incident Commander shall determine the appropriate means of documenting the damage.

### **700.9 OPERATIONAL READINESS OF DEPARTMENT OWNED PROPERTY [17.5.3]**

Division Commanders are responsible for ensuring that stored Department owned property relating to their functions is maintained in a state of operational readiness. Operational readiness includes cleaning, preventive maintenance, and repair.

The operational readiness of equipment shall be examined during line inspections (refer to the Audits and Inspections Policy).





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Scott LaChasse, Chief of Police

**Policy  
701**

CALEA

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 7 – EQUIPMENT

# Safety Equipment

### 701.1 PURPOSE AND SCOPE

It is the policy of the Burbank Police Department to provide uniform safety equipment to sworn personnel. The Department shall also provide for the repair and/or replacement of uniform safety equipment for sworn personnel when the equipment becomes unserviceable (due to damage or wear) during the normal course of duty. As used herein, the term "Department provided safety equipment" shall be construed as:

- Safety equipment purchased by the Department and issued to the officer.
- Safety equipment purchased by officers for which they are reimbursed by the City.

Expenses for the repair or replacement of safety equipment due to non-job related causes, abuse or neglect, or to an officer's desire to change equipment shall be borne by the officer.

A current list of provided safety equipment is maintained in the operative Memorandum of Understanding (MOU) or collective bargaining agreement.

### 701.2 AUTHORIZED SAFETY EQUIPMENT [41.3.4]

No sworn employee shall carry or use any equipment or weapon not authorized by Departmental policy or in writing by a Division Commander prior to its use.

### 701.3 PROCEDURE

Any sworn employee who has a need for equipment (or weapon) that is not specifically authorized by written policy or approval shall submit a memorandum to the employee's Division Commander requesting approval. The employee shall also consult with the Training Coordinator who shall document his or her recommendation regarding use of the equipment and any potential training needs for the equipment. The employee's memorandum should also provide the detailed specifications of the equipment or weapon (e.g. make and model number), and the circumstances under which the equipment or weapon would be used.

The officer's memorandum and Division Commander's approval or disapproval shall be maintained in the officer's personnel file.





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### 701.3.1 EXCEPTIONS

The following are exceptions to the requirements listed above:

- (a) Authorized duty equipment provided by the Department.
- (b) During search warrant entries, the team members who are assigned breaching tools may wear gloves that have any type of plastic, carbon fiber, or hard knuckle plating or shielding for self-protection, provided the team member has obtained the specific written approval of the operation supervisor or commander to use such gloves. Such gloves have no other authorized use.

### 701.3.2 KNIVES [41.3.4]

A knife is a cutting tool and is not intended to be used as a primary defensive weapon. Manually operated folding knives may be carried by sworn employees as a utility tool without written authorization. The following knives are not authorized:

- (a) Automatic knives (e.g., switchblade, butterfly, or assisted open).
- (b) Fixed-blade knives (blade and handle permanently fused)
- (c) Any folding style knife with a locking blade greater than 4 inches.

SWAT members may use knives specifically approved by the SWAT Commander for use in only SWAT operations.

### 701.4 ALTERING EQUIPMENT

Equipment intended for on-duty use or when acting as a peace officer shall not be altered in any way to change its general appearance or function unless written approval is obtained from a Division Commander and only after consultation with the Training Coordinator and the Rangemaster.

### 701.5 OWNERSHIP OF SAFETY EQUIPMENT

All safety equipment which is provided by the City, including equipment, the purchase of which is wholly or partially reimbursed, shall remain the property of the City and shall be returned to the City upon the separation of the officer.

### 701.6 ALLOWABLE PRICES FOR REIMBURSEMENT

Officers shall be reimbursed for the actual cost of safety equipment up to the maximum allowable cost established and updated annually for each item by the Budget/Finance Division. Officers seeking reimbursement for the purchase of safety equipment should make themselves aware of the maximum allowable cost prior to making the purchase.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 702

Approved: *Scott LaChasse*

CALEA

Effective Date: December 5, 2013

### CHAPTER 7 – EQUIPMENT

## 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 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 (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA), 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, e-mailing, using video or camera features, playing games, and accessing sites or services on the Internet.

### 702.2 POLICY

The Burbank Police Department allows members to utilize Department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD, either on-duty or after duty hours for business-related purposes, may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### 702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The location capabilities and/or records shall only be utilized during the member's work hours. If a member is on-call, the location capabilities and/or records shall only be utilized if there is a serious allegation of



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## Policy 702

misconduct against the member. With the exception of a criminal investigation against the member, the member shall promptly be notified if the location capability is activated on the member's Department-issued PCD. The use of any Department-issued PCD, computer, Internet service, telephone service, or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts, and any other services are subject to monitoring if Department equipment is used.

Employees who use their personally owned PCDs for Department related business may subject themselves to disclosure of their phone records through a legal process.

### **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 notice. Member use of a Department-issued PCD 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 BEAT PHONE**

The Department is committed to efficiently deploying resources to neighborhood quality of life issues. In an effort to facilitate point of contact communications between citizens and beat officers, beat specific phones may be issued to officers assigned in those areas. Residents within the beat will be encouraged to call the phone to report certain quality of life concerns, not involving in progress criminal activity.

#### **702.4.1 OFFICER'S RESPONSIBILITY**

Officers shall check the beat phone for messages at the beginning of their shift and periodically during the remainder of the shift.

Upon receipt of a call or message, the officer should make an effort to personally meet with the citizen, if appropriate. Whether in person or over the phone, the officer receiving a call on the Beat Phone shall:

- (a) Obtain all pertinent information and assure the citizen that steps will be taken to address their issue.
- (b) Assess the issue and available resources.
- (c) As soon as practical, and no later than the end of watch, brief a supervisor on the call.
- (d) Develop an action plan including, but not limited to:
  1. Documentation.
  2. Contact City and/or outside resources.



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## Policy 702

### 3. NPT coordination.

#### **702.5 DEPARTMENT ISSUED PCD**

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

#### **702.6 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to the provisions of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) Members shall promptly notify the Department in the event a personally owned PCD that has been used for work-related purposes is lost or stolen.
- (d) The PCD and any associated services shall be purchased, used, and maintained solely at the member's expense.
- (e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications).
- (f) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Burbank Police Department and deleted from the member's PCD as soon as reasonably practicable, but no later than the end of the members shift.

The device shall not be utilized to record or disclose any business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department without the express authorization of the Chief of Police or designee.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from a supervisor, the employee may engage in work-related communications using a personally owned PCD while off-duty. Should employees engage in such approved off-duty work-related communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor on their next workday to ensure appropriate compensation. Employees who independently document off-duty Department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.



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### 702.7 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all personal PCDs that are carried while on-duty:

- (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 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 the radio 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 work-related pictures, video, or making audio recordings or making copies of any such picture or recording media unless it is directly related to official Department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or designee, may result in discipline.
- (f) Members will not access social networking sites while on-duty for any purpose that is not official Department business.
- (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.

### 702.8 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

Unless urgent and necessary, supervisors should consider delaying a contact with an employee who is off-duty until the employee is on-duty as such contact may be compensable.

### 702.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating non-emergency vehicles should not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use



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(Vehicle Code §23123). Member's may use an electronic wireless communication device while operating an authorized emergency vehicle in the course and scope of his or her duties (Vehicle Code § 23123.5(e)). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### 702.10 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private work-related communications on a land-based or other Department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

- (a) Barricaded suspects.
- (b) Hostage situations.
- (c) Mobile Command Post.
- (d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
- (e) Major political or community events.
- (f) Investigative stakeouts.
- (g) Emergency contact with an allied agency or allied agency field unit.
- (h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 704

CALEA

Approved: *Scott LaChasse*

Effective Date: November 12, 2013

### CHAPTER 7 – EQUIPMENT

## Vehicle Maintenance

### 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled, and present a clean appearance.

### 704.2 DEFECTIVE OR DAMAGED VEHICLES

When a Department vehicle becomes inoperative, damaged or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair.

When a superficial defect (i.e., dings, scratches, etc.) is detected, the officer shall check the Record of Damage to Patrol Units form for the corresponding vehicle. New defects shall be recorded on the form with the date, description of the defect and the officer's name. When damage of a more significant nature is detected, the officer shall immediately report the matter to a supervisor. A police report and a City Property Damage Report shall be completed. In such cases, the reporting officer shall ensure that photographs of the damage are taken. Officers who have any doubt as to the proper level of documentation shall consult with a supervisor.

Record of Damage to Patrol Unit forms are filed in the Watch Commander's Office.

Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to the employee's supervisor.

Officers shall not place a vehicle into service that has been tagged with a safety issue. For example:

- (a) Containing infectious waste.
- (b) An inoperative radio.
- (c) Patrol vehicle with inoperative emergency lights and siren.
- (d) Significant mechanical problem (e.g. brakes, tires, wheels, engine, etc.).

Any question about whether a vehicle may be placed into service shall be referred to a supervisor.





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## Policy 704

### 704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### 704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the Department armory or other designated location prior to the vehicle being released for maintenance, service or repair.

## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

### 704.3.1 VEHICLES

Employees are responsible for inspecting Patrol or assigned vehicles for operational readiness prior to leaving the station. Any missing or damaged items shall be reported to the employee's supervisor immediately and shall be replenished or replaced (unless supplies are not available). The inspection of patrol vehicles shall take place prior to the vehicle being placed in service unless exigent circumstances exist.

When inspecting the vehicle, the employee shall ensure that the vehicle is in good mechanical condition (e.g., brakes, tires, lights) and safe to operate and the following items are present or in good working order (as applicable):

- (a) Shotgun/Patrol rifle (check release system for proper operation).
- (b) Seat belts.
- (c) Fire extinguisher.
- (d) Emergency road flares.
- (e) First aid kit.
- (f) High-visibility vest.
- (g) Yellow "Police" tape.



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## Policy 704

- (h) Radio.
- (i) MDC (if installed).
- (j) Recorder (if installed).
- (k) Other included technology (e.g., ALPR)

Any condition or needed repairs shall be reported to a supervisor and the vehicle shall be tagged. Officers shall not drive any vehicle tagged for a potentially unsafe mechanical until it is thoroughly inspected by a City mechanic.

Lieutenants or their designees who have fleet responsibilities should inspect the fleet vehicles monthly. Any discrepancies shall be document in a memorandum to their Division Commander.

### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service or return a vehicle from service that has less than one-half tank of fuel. Vehicles shall only be refueled at the authorized locations.

### **704.5 WASHING AND CLEANING OF VEHICLES**

All vehicles shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Patrol officers shall obtain clearance from the Communications Center before responding to the car wash. No more than one Patrol unit shall be at the car wash unless approved by a supervisor. The City approved car washes shall be used during business hours. After hours, the car wash at the BWP campus may be utilized.

Employees using Department vehicles shall remove any trash or debris at the end of their shift. Confidential materials that are not needed shall be placed in a designated receptacle for shredding.

### **704.6 NON-SWORN EMPLOYEE USE**

Generally, non-sworn employees are not authorized to operate marked police cars. However, if necessary and with the prior approval of the Watch Commander, 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 light bar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

#### **704.6.1 VEHICLE SECURITY**

All vehicles are to be locked and secured when unattended unless exigent circumstances exist. This includes when parked in the police parking lot.



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Scott LaChasse, Chief of Police

**Policy  
706**

CALEA

Approved: *Scott LaChasse*

Effective Date: November 12, 2013

## CHAPTER 7 – EQUIPMENT

# Vehicle Use

### 706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure Department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of Department vehicles and shall not be construed to create or imply any contractual obligation by the City of Burbank to provide assigned take-home vehicles..

### 706.2 POLICY

The Department provides vehicles for for Department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

### 706.3 USE OF VEHICLES

#### 706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

#### 706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander for approval. A notation will be made on the shift roster or other appropriate place, indicating the operator's name and vehicle number. This subsection does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle as part of their normal assignment.



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## Policy 706

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### 706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this Department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All Department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### 706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

### 706.3.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

### 706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track 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. The Communications Center shall report any malfunctions of the system to the Watch Commander. If a vehicle is identified as having a malfunctioning vehicle location system at any time during the shift, the member operating the vehicle should exchange the vehicle for one with a working system, if available.



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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.

### **706.3.7 KEYS**

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command and copied to the Public Safety Facility Technician.

### **706.3.8 AUTHORIZED PASSENGERS**

Members operating Department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

### **706.3.9 ALCOHOL**

Members who have consumed alcohol are prohibited from operating any Department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

### **706.3.10 PARKING**

Except when responding to an emergency or when urgent Department-related business requires otherwise, members driving Department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members should not park privately owned vehicles in stalls assigned to Department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

### **706.3.11 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions or removal of any equipment or accessories without approval of the Chief of Police or authorized designee.

### **706.3.12 CIVILLIAN 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"



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placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

### **706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

#### **706.4.1 ON-DUTY USE**

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other Department members at the discretion of the Chief of Police or the authorized designee.

#### **706.4.2 UNSCHEDULED TAKE-HOME USE**

Circumstances may arise where Department vehicles must be used by members to commute to and from a work assignment. Members may take home Department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the Department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Burbank 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.

#### **706.4.3 ASSIGNED VEHICLES**

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Burbank is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Burbank may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.



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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:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
  - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
  - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or 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.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
  - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  - 2. All weapons shall be secured while the vehicle is unattended.





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3. All Department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate Department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
  1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
  2. If the member is unable to provide access to the vehicle, it shall be parked at the Department
- (i) The member is responsible for the care and maintenance of the vehicle.

## **706.9 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all employees operating a City-owned vehicle upon the toll road shall adhere to the following:

- (a) All employees operating a City-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Employees may submit a request for reimbursement from the City for any necessary toll fees incurred in the course of official business.
- (b) All employees passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

## **706.10 PERSONAL VEHICLES**

Personal vehicles must have a valid numbered Department issued parking permit properly displayed in the vehicle while parked in the Police facility. Personal vehicles or equipment shall not be stored (parked in excess of 72 consecutive hours) at the Police facility. Employees shall have no more than one personal vehicle parked at the Police facility at any given time.



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Scott LaChasse, Chief of Police

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CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 7 – EQUIPMENT

# Special Purpose Vehicles

### 707.1 PURPOSE AND SCOPE [41.1.3(a)]

The purpose of this policy is to establish guidelines for the operation of Special-Purpose Vehicles and to specify who may use these vehicles in the performance of their official duties. Special Purpose Vehicles may be used only when performing official duties or as authorized by the Chief of Police.

A Special Purpose Vehicle is any vehicle owned or operated by the Department other than a Patrol or an unmarked vehicle that requires special training for its operation.

### 707.2 TRAINING [41.1.3(b)]

Personnel assigned or approved to operate any Special Purpose Vehicle must be properly trained on the use of the vehicle. Some Special Purpose Vehicles may require special certification in addition to the training as specified below. Only Department employees who have been authorized by the Chief of Police or designee to receive training on the operation of a Special Purpose Vehicle shall receive such training.

Authorized employees should take special care when driving or moving Special Purpose Vehicles due to their size, obstructed views, or infrequent use.

### 707.3 SUPERVISOR RESPONSIBILITY [17.5.3; 41.1.3(c)]

Supervisors of units with authorized Special Purpose Vehicles shall assign one or more employees within their units to be responsible for the cleanliness and maintenance of the vehicle. For any Special Purpose Vehicle that is not used and inspected regularly, the Supervisor shall ensure that monthly inspections of the vehicle are conducted to ensure operational readiness.

### 707.4 OTHER EQUIPMENT [41.1.3(d)]

Each Special Purpose Vehicle shall have an Equipment Log easily accessible to authorized users to be used as a checklist to ensure that all equipment is available and in operationally ready condition. The log should be stored in the vehicle, if practical.



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## **707.5 MOTORCYCLES**

The primary purpose of the police motorcycle is to handle traffic related incidents and to maintain visibility in high injury accident locations in the manner authorized by law and by Department policy.

### Authorization

The Memorandum of Understanding (MOU) between the Burbank Police Officers Association (BPOA) and the City of Burbank allows all permanently assigned officers in the Traffic Bureau to take their assigned motorcycle home. The use of a take-home motorcycle is intended to provide exceptional response (supplemental staffing) to the City of Burbank during major events, emergencies, or both.

Motorcycles assigned to officers belong to the City of Burbank. Officers shall be held accountable for the safe on and off-duty operation of assigned motorcycles and for the following rules and restrictions:

- (a) Motor officers who are scheduled to be off work for more than two consecutive weeks shall park their assigned motorcycle at the Police Station. Spare motorcycles will not be assigned in such cases.
- (b) Motor officers shall be responsible for ensuring that no repairs are necessary or that scheduled maintenance will not be exceeded during their commute.
- (c) In case of inclement weather, motor officers shall use a personal vehicle for commuting. No additional compensation shall be provided for the use of a personal vehicle.
- (d) Assigned motorcycles shall be parked in a garage at the officer's residence and out of public view. The officer is responsible for ensuring that no unauthorized persons have access to the motorcycle while parked at the officer's residence. The officers shall also ensure that any weapons attached to the motorcycle are secured.
- (e) Any damage to the City motorcycle while off duty shall be reported to the Traffic Bureau supervisor or the Watch Commander as soon as practicable.
- (f) While off duty, motor officers shall not use the motorcycle for any reason other than to commute to and from work or in response to an emergency as otherwise provided by policy.
- (g) Motor officers should not make any intermediate stops. However, in case a restroom break or other stop is necessary, the officers shall inform Communications of the location of the stop and when resuming the commute.
- (h) Motorcycles shall not be driven in excess of the posted or regulated speed limits except in emergencies as authorized by law or Department Policy.
- (i) Motor officers on light duty status shall not use an assigned motorcycle to commute to and from work. While on light duty status, motor officers shall use a personal vehicle for commuting.
- (j) Motor officers shall wear the approved, on-duty uniform and shall have the required on-duty equipment while commuting on the motorcycle.
- (k) Motor officers should not initiate enforcement action while off duty and should consider reporting criminal or traffic offenses to the appropriate jurisdiction with the help of the



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Communication Center. Only when the risk to a third party in the immediate area of the officer is both clear and grave requiring immediate action should a motor officer consider taking action. In such cases, the officer shall notify Communications via the radio of the location and the nature of the emergency. Any involvement in an off-duty incident while commuting shall be fully documented in a memorandum to the Patrol Division Commander, to be submitted on the first workday after the incident or as otherwise direct by a supervisor or the Watch Commander.

### Qualifications and Training

Only those sworn employees who have successfully completed a Department approved training course in the operation of motorcycles are permitted to operate police motorcycles. Sworn employees who are licensed to operate motorcycles by the State of California may move any City owned/or operated motorcycle to the nearest place of safety when emergency circumstances demand such movement.

### Condition and Maintenance

Motor Officers are responsible for the cleanliness and general maintenance of their assigned motorcycles. Motor Officers shall inspect their assigned motorcycle and equipment prior to use. If a repair is needed, the officer shall notify the Traffic Bureau Supervisor as soon as practicable and should make arrangements to have the vehicle repaired at a Department authorized service center. All maintenance shall be performed by designated and authorized mechanics.

Officers shall not operate any vehicle or equipment in need of service or with known mechanical defects unless it has been inspected and returned to service by an authorized mechanic.

### Equipment

Motor Officers are responsible for having mission specific equipment on the motorcycle prior to going into service.

## **707.6 BICYCLES**

The primary purpose for the use of the police bicycle is to provide high visibility in the Burbank Downtown area. Police bicycle have the ability to be inconspicuous and to maneuver in areas beyond the reach of police vehicles. Bicycles provide increased mobility and allow bicycles officers to be more approachable by the public.

### Authorization

Only those sworn officers who have successfully completed a POST certified training course may operate police bicycles. Qualified officers should be recertified every two years.

### Qualifications and Training

Only those sworn employees who have successfully completed a Department approved training course in the operation of bicycles are permitted to operate them.



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## Condition and Maintenance

Certified bicycle patrol officers are responsible for the cleanliness and routine maintenance and repairs of the bicycles. Officers shall not operate any bicycle or equipment in need of service or with known mechanical defects unless it has been inspected and returned to service by a qualified person. Officers shall notify the Bicycle Patrol Unit Supervisor of any maintenance or repairs that cannot be performed by Unit personnel.

## Equipment

Bicycle patrol officers are responsible for having mission specific equipment on the bicycles prior to going into service.

## **707.7 SWAT VEHICLES**

The primary purpose of the SWAT Bearcat is to conduct rescues in high-risk operations and the purpose of the SWAT truck is to transport SWAT equipment.

## Authorization

Only those sworn employees who have successfully completed a Department approved training in the operation of SWAT vehicles are permitted to operate them.

## Qualifications and Training

No special certification is required to operate SWAT vehicles; however, assigned officers shall receive training on the proper operation of the vehicles. During an emergency, supervisors may direct any sworn member to operate a SWAT vehicle.

## Condition and Maintenance

Specific SWAT Team members shall have the collateral duty for the maintenance of SWAT vehicles. They are responsible for the cleanliness and maintenance of the vehicles. Officers assigned to operate a SWAT vehicle inspect the vehicle and equipment prior to use. If a repair is needed, the officer shall notify a SWAT Team Supervisor as soon as practicable and should make arrangements to have the vehicle repaired at a Department authorized service center. All maintenance shall be performed by designated and authorized mechanics.

Officers shall not operate any vehicle or equipment in need of service or with known mechanical defects unless it has been inspected and returned to service by an authorized mechanic.

## Equipment

SWAT Team supervisors are responsible for conducting regular mission readiness inspections to ensure the SWAT vehicles contain the necessary equipment.



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### 707.8 PRISONER TRANSPORT VAN

The primary purpose of the prisoner transport van is to transport prisoners to court or other detention facilities. The prisoner transport van may also be used for special events, crowd control, or for transporting property.

#### Authorization

Drivers of the prisoner transport van shall not engage in emergency driving unless the vehicle is equipped with identifying decals, emergency lights, and a siren, and only when there are no prisoners in the van. The prisoner transport van shall not be used in a pursuit.

#### Qualifications and Training

All sworn officers and personnel assigned to the Jail are authorized to operate the prisoner transport van with a valid California driver's license in their possession. No special training or qualification is required as long as passenger capacity does not exceed 15 occupants, including the driver.

#### Condition and Maintenance

The Jail Supervisor will be responsible for the maintenance of the prisoner transportation van. An employee operating the van shall inspect the van prior to each use. Any maintenance shall be reported to the Jail Supervisor or the Watch Commander in his or her absence.

#### Equipment

The prisoner transport van shall be equipped with a police radio, fire extinguisher, extra handcuffs, leg restraints, gloves, and a first aid kit.

### 707.9 MOBILE COMMAND POST

Operation and maintenance of the Mobile Command Post shall be in compliance with the Mobile Command Post Manual.

The Mobile Command Post is specially equipped for field operations and special events. The Watch Commander shall be the primary contact for deployment of the Command Post.

#### Authorization

Absent unusual circumstances, only authorized personnel may operate the Mobile Command Post. Employees who are assigned to operate the Mobile Command Post as a collateral duty shall become familiar with the equipment available in the vehicle.

#### Qualifications and Training

Authorized employees may operate the Mobile Command Post with a valid California driver's license.



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## Condition and Maintenance

The Support Services Lieutenant or designee shall be responsible for the maintenance of the Mobile Command Post. The operators of the vehicle are responsible to ensure that the vehicle is cleaned after each deployment.

## Equipment

The Support Services Lieutenant or designee shall be responsible for conducting regular inspections and inventory of the Mobile Command Post to ensure its operational readiness. A log shall be maintained in the vehicle documenting the inspections.

## **707.10 HELICOPTERS**

### Authorization

Only employees who meet the below requirements may operate Department aircraft:

- (a) Possess an FAA certified pilot certificate with appropriate category and class rating.
- (b) Possess a valid FAA medical certificate.
- (c) Meet FAA recency of experience requirements.
- (d) Meet Department training requirements.
- (e) Be authorized by the Chief of Police.

No employee shall operate any Department aircraft beyond the limitations of the aircraft or beyond the capabilities of the pilot. The pilot in command of an aircraft is directly responsible for and shall be the final authority as to the operation of an aircraft (14 CFR, Part 91 §3).

### Qualifications and Training

The qualification and training requirements for Department pilots and the maintenance of aircraft is contained in the Burbank and Glendale Joint Air Support Training Manual.

## Condition and Maintenance

The Air Support Unit Supervisor shall be responsible for ensuring that Department Aircraft are maintained in airworthy condition. The assigned Pilot-In-Command shall be responsible for determining whether an aircraft is in condition for safe flight.

## Equipment

The flight crew is responsible for having all equipment required by applicable Federal Aviation Regulations and any mission specific equipment on aircraft prior to each flight.





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## **707.11 TRAFFIC TRAILERS**

### Authorization

The Traffic Bureau Supervisor or designee shall have the responsibility for the deployment of the Traffic Sign Trailer and the Traffic Trailer, which is specially equipped to support Traffic Bureau operations or investigations.

### Qualifications and Training

No special qualification or training is required to deploy the traffic trailers.

### Condition and Maintenance

The Traffic Bureau Supervisor or designee shall be responsible for the maintenance of the trailers.

### Equipment

The Traffic Bureau Supervisor or designee shall be responsible for ensuring operational readiness of the trailers.

## **707.12 PARKING ENFORCEMENT VEHICLES**

The Parking Enforcement Vehicles are right hand drive and their primary purpose is parking enforcement by Parking Control Officers.

### Authorization

Only Parking Control Officers (PCO) or authorized personnel are permitted to operate the Parking Control Vehicles. Sworn employees with a valid California Driver's License may move the Parking Control Vehicles when operationally necessary.

### Qualifications and Training

PCOs shall receive training on the characteristics of right hand drive vehicles during the orientation training.

### Condition and Maintenance

PCOs shall inspect their assigned vehicles prior to use. If a repair is needed, the officer shall notify the Parking Control Supervisor as soon as practicable. All maintenance shall be performed by designated and authorized mechanics.

PCOs shall not operate any vehicle or equipment in need of service or with known mechanical defects unless it has been inspected and returned to service by an authorized mechanic.



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## Equipment

PCOs are responsible for having mission specific equipment on the PCO vehicle, prior to going into service.



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Scott LaChasse, Chief of Police

**Policy  
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CALEA

Approved: *Scott LaChasse*

Effective Date: November 12, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Crime Analysis

### 800.1 PURPOSE AND SCOPE [15.3.1]

Crime analysis can be useful to the Department's long range planning efforts by analyzing information that may help anticipate future crime trends (Predictive Policing) and help in the identifying enforcement priorities. Crime analysis should provide currently useful information to aid operations in meeting their tactical crime control and prevention objectives.

### 800.2 CRIME ANALYSIS FUNCTION AND RESPONSIBILITIES [82.1.4]

The Crime Analysis Function is shared by two analysts. The analyst assigned to the Investigation Bureau is primarily responsible for collecting, compiling, analyzing, and reporting crime data. The information developed by the Investigation Bureau Crime Analyst is intended to aid members assigned to operational components in meeting their crime control and crime prevention goals.

The analyst assigned to the Administrative Division is primarily responsible for conducting quality assurance checks on crime reports and preparing and submitting the monthly Uniform Crime Reporting (UCR) statistics to DOJ. The Administrative Division analyst is also responsible for any administrative statistical or special reports used for strategic planning or for preparing external reports.

Although the two positions have different roles and responsibilities, both analysts will work together to support the Crime Analysis Function and may be referred to as the Crime Analysis Unit.

### 800.3 DATA SOURCES [15.3.1(a)]

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports.
- Field Interview cards.
- Parole and Probation records.
- Computer Aided Dispatch data.
- Statewide Integrated Traffic Reporting System (SWITRS).
- Allied law enforcement agencies.



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## **800.4 CRIME ANALYSIS FACTORS**

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime.
- Geographic factors.
- Temporal factors.
- Victim and target descriptors.
- Suspect descriptors.
- Suspect vehicle descriptors.
- Modus operandi factors.
- Physical evidence information.

## **800.5 CRIME ANALYSIS DISSEMINATION [15.3.1(b)(c)]**

The Crime Analysis Unit shall brief the Chief of Police and management staff members on significant crime patterns, trends, or events as soon as the information is available or at the monthly Management Staff Meetings.

Additionally, for a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff members. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## **800.6 CRIME BULLETINS**

Crime Bulletins are for law enforcement use only, most commonly distributed by the Investigation Bureau Crime Analyst within the Department and to neighboring law enforcement agencies. The approval of the Investigative Division Captain is required for a wider distribution of a Crime Bulletin.

Investigative personnel are encouraged to utilize Crime Bulletins when detailed suspect descriptions are available, composite sketches have been completed, crime patterns have been identified or other circumstances indicate that dissemination of crime information will assist in the apprehension of the offender(s).

Crime Bulletins shall include the crime report number and other pertinent information that will assist investigators in connecting crimes based on methods of operation, suspect descriptions and other commonalities. Crime Bulletins shall be approved by a supervisor prior to dissemination.

Crime Bulletins should be stored in the electronic form on the Department's Employee Network and available for review.



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## **800.7 CRIME ALERTS**

The Crime Alert delivers public information to the community about significant crime trends. The Crime Alert is not a Crime Bulletin which is for law enforcement use only.

A Crime Alert should be used when a crime trend has abruptly appeared. The flyer should provide an overview of the crime trend and any other pertinent information that the community should be aware of. With this information widely distributed, additional crimes may be thwarted and the Department may be provided with investigative leads.

Crime Alerts shall be approved by a supervisor prior to dissemination. The Crime Alert shall be e-mailed to the PIO and Crime Analyst for uploading to the City's Home Page. The Investigation Bureau Crime Analyst shall also e-mail a copy to the Watch Commander who shall attach a copy to the Watch Commander's Log and place additional copies in the station lobby.

## **800.8 CRIME CONTROL MEETINGS [42.2.4]**

As directed by the Investigation Division Commander, Crime Control meetings will be held with personnel responsible for reducing and preventing crime to share information and forge crime fighting strategies. Personnel directed to attend Crime Control meetings are expected to be prepared to discuss specific crime trends under their area of responsibility and to provide a detailed description of the actions taken or recommended to achieve positive impacts upon those crime trends.



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Scott LaChasse, Chief of Police

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Approved: *Scott LaChasse*

Effective Date: March 14, 2014

## CHAPTER 8 – SUPPORT SERVICES

# Telephonic Denial of Service

### 801.1 PURPOSE AND SCOPE

This policy provides procedures to all personnel relevant to the documentation, reporting and re-establishment of phone service within the Communications Center as soon as possible in the event of a Telephonic Denial of Service (TDoS) attack.

### 801.2 DEFINITIONS

**Public Safety Answering Point (PSAP)** – A call center responsible for answering calls to an emergency telephone number for police, firefighting, and ambulance services.

**Telephonic Denial of Service (TDoS)** – Perpetrators of TDoS attacks use the Internet to send large volumes of calls to overwhelm PSAPs, rendering the systems unable to process legitimate calls. Some TDoS attacks are part of a blackmail scheme designed to extort money from employees of the victim organization. In these schemes, a perpetrator claiming to represent a collections agency repeatedly calls the victim organization and demands money from a targeted employee. If no payment is received, the perpetrator launches a TDoS attack against the organization.

### 801.3 PROCEDURES

The employee or organization should not pay the blackmail and shall notify a supervisor or the Watch Commander immediately. Additionally:

- (a) Immediately notify Joint Regional Intelligence Center, the on-duty Watch Commander, Patrol and Support Services Captains, Deputy Chief and Chief.
- (b) Handle the incident as a criminal act and generate a crime report.
  1. Ensure the keyword "TDoS" is included in the title of the report.
  2. Identify the report as a PSAP or Public Safety organization and capture as much detail as possible:
    - a. Call logs from "collection" call and TDoS.
    - b. Time, date, originating phone number, traffic characteristics.



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- c. Call back number to the "collections" company or requesting organization.
  - d. Method of payment and account number where "collection" company requests debt to be paid.
  - e. ANY information obtained about the caller the caller's organization will be of tremendous assistance in this investigation and in preventing further attacks.
- (c) Consolidate call logs and IP logs; mark for long-term retention or book into evidence.
- (d) Report all attacks to the FBI by logging onto the website [www.ic3.gov](http://www.ic3.gov).
- (e) Contact phone provider (AT&T – 877/500-4911) and request they block portions of the attack by shutting them down or rerouting traffic. WFA ticket # will be generated by AT&T. Note the WFA number on the white board until the problem is resolved for easy reference.
- (f) Additional questions should be routed to the National Coordinating Center for Communications at [NCC@hq.dhs.gov](mailto:NCC@hq.dhs.gov) or 703-235-5080.

## 801.4 ADDITIONAL RESOURCES

- NENA Website: <https://www.nena.org/news/119592/DHS-Bulletin-on-Denial-of-Service-TDoS-Attacks-on-PSAPs.htm>
- *JRIC Snapshot: TDoS Attacks on Public Safety Answering Points Rise*, dated 19 February 2014 (copy available in PEN).





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Scott LaChasse, Chief of Police

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CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Communication Operations

### 802.1 PURPOSE AND SCOPE

The Communications Center is the agency's focal point for law enforcement efforts and activities. In order to effectively handle incidents requiring a police response, clear, concise, rapid, and accurate communication is required. This is a necessity whether the communication is made by voice radio, computer, telephone, or in person.

For specific policies, procedures and practices related to the Communications Center, refer to the Burbank Police Department Communications Manual.

#### 802.1.1 FCC COMPLIANCE [81.1.2]

Burbank Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

### 802.2 COMMUNICATION OPERATIONS [81.2.1; 81.2.2; 81.3.3; 81.3.4]

This Department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This Department utilizes the Motorola Vesta 911 call taking system, which provides dedicated lines for 911 calls and non-emergency or business calls. The system is also capable of handling calls from persons who are hearing impaired and offers access to the Language Line services for interpretation in many languages.

This Department has two-way radio capability providing continuous communication between the Communications Center and officers and other public safety agencies.

#### 802.2.1 COMMUNICATIONS RESPONSIBILITY [81.2.3; 81.2.4; 82.2.2]

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Each request for service or self-initiated activity should include at least the following information (as applicable):

- (a) Incident number (CAD system generated).
- (b) Date and time of request (CAD system generated).



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- (c) Name, address, and other contact information of complainant.
- (d) Type of incident reported.
- (e) Location of incident reported.
- (f) Identification of officers assigned as primary and backup (in CAD System).
- (g) Time of dispatch (CAD system generated based on operator input).
- (h) Time of officer arrival (CAD system generated based on change of status).
- (i) Time of officer return to service (CAD system generated based on change of status).
- (j) Disposition or status of reported incident (entered by operator information from the primary officer).
- (k) Pertinent premise information that is relayed to units responding to the incident.

The recordation of the above information shall be included in quality assurance audits conducted by Communications Center Supervisors or the Audits and Inspections Unit.

## **802.3 RADIO COMMUNICATIONS [81.2.4(b)]**

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations, and the nature of their cases. Officers shall notify the Communications Center by voice as soon as practicable of any status changes. Communications Center personnel shall update the status of field personnel immediately upon notification.

Communications Center personnel shall remain alert to unit status and call status to effectively manage resource and provide professional police services.

### **802.3.1 OFFICER IDENTIFICATION [81.2.4(c)]**

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign, prefaced by the word "Burbank." This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

### **802.3.2 COMMUNICATIONS WITH OTHER AGENCIES [81.2.4(d)]**

If requested by a field unit or supervisor, the Communications Center shall contact and request assistance from appropriate or requested agencies. When employees of our Department enter into another jurisdiction for law enforcement purposes, the Communications Center shall, if requested by the field units or is reasonable necessary under the circumstances, contact the local agency to advise them of the presence and activates of the members of the Burbank Police Department.



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### 802.4 ASSIGNMENT OF FIELD PERSONNEL AND SUPERVISORS [81.2.4(e)(f)]

The dispatcher and the on-duty Communications Supervisor have the primary responsibility to ensure that the appropriate numbers of field personnel are assigned in response to an incident. Field officers and supervisors are responsible for requesting additional personnel as may be necessary by the circumstances. The following are general guidelines for determining the assignment of the number of field personnel:

- (a) For Priority 1 calls, a “Field Emergency” shall be initiated and at least three units shall be assigned, Code 3 when necessary.
- (b) For Priority 2 and 3 calls, at least two units shall be assigned.
- (c) One unit may be assigned to report calls, property damage only traffic collisions, parking complaints, area checks, or notifications (death notifications require a supervisor – refer to the Death Investigation Policy).
- (d) A supervisor shall respond to felonies in progress or life threatening emergencies, pursuits, use of force incidents, injuries involving Department or City employees, traffic collisions involving Department employees, OIS incidents, K-9 deployments, barricaded suspects, perimeter searches, or high profile or contentious arrests.

### 802.5 ACCESS TO RESOURCES [81.2.5]

The Communications Center Supervisors shall ensure that Communications Operators have immediate access to at least the following Department resources:

- (a) Patrol and Traffic Bureau Shift Reports.
- (b) A assignment roster for all personnel.
- (c) The telephone numbers of every agency member.
- (d) Visual maps detailing the Department’s service area.
- (e) Manual officer status board (mgnatic) in case of the failure of the CAD system.
- (f) Written procedures and telephone numbers for procuring emergency and necessary external services to the agency.
- (g) Tactical dispatching plans – Tactical dispatching plans should contain procedures to be followed to support enhanced communications during significant incidents. The plans may contain procedures to be followed in directing resources, obtaining information on crimes in progress, or assisting with tactical operations in the field.

### 802.6 VICTIM/WITNESS CALLS [81.2.6; 81.2.7]

Communications Center personnel shall ask the appropriate questions to determine the nature, validity, and the level of response required (emergency or non-emergency) for all reported incidents.



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Communications Center personnel shall inform every caller requesting services whether officers will be dispatched or if the request will be referred to another, more appropriate agency or department. The telephone number or contact information should also be provided.

The Communications Center shall serve as the 24-hour contact point to respond to victim or witness requests for information or services (see Victim and Assistance Policy).

### **802.7 COMMUNICATIONS CENTER ACCESS AND CONDUCT** [81.3.1(a)]

An orderly and businesslike atmosphere shall prevail in the Communications Center at all times. If it is necessary to enter the Communications Center, permission should first be obtained from a Watch Commander, Communications Supervisor, or Communications Operator. Requests for report numbers and other routine business with employees in the Communications Center should be transacted by telephone.

The following rules shall be enforced:

- (a) There shall be no unnecessary conversation or visiting.
- (b) There shall be no offensive language or conduct inside or within hearing distance of the console.
- (c) The Communications Center shall be maintained in a neat and presentable condition at all times.
- (d) When practical, food should be consumed in the break room or from the center resource table between the consoles. Only beverages in approved spill-proof containers may be consumed in the Communications Center. Except with approval of the Watch Commander or Support Services Bureau Commander, only on-duty personnel assigned to the Communications Center may consume food inside the Communications Center.
- (e) Consoles shall be kept clean and organized.

### **802.8 RECORDING AND PLAYBACK** [81.2.8]

The Communications Center shall maintain the capability to record and playback all telephone conversations and radio transmissions within the Communications Center. All recordings shall be retained for a minimum of two years and may be purged only in accordance with a written retention schedule and with the written approval of the Deputy Chief.

Access to the recording equipment shall be granted only to personnel authorized by the Support Services Captain either for conducting quality assurance reviews or for making copies for authorized, legitimate law enforcement needs (such as training, investigations, discovery requests, administrative reviews).

All requests for copies of recordings shall be in writing to the custodian of records and shall be submitted via an electronic service request or the [discoveryrequests@burbankca.gov](mailto:discoveryrequests@burbankca.gov) email address. The Communications Center Lieutenant shall designate authorized Communications Center personnel to compete the requests.



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Access of recordings shall be audited periodically by the Audits and Inspections Bureau.

## **802.9 CLETS/NCIC INFORMATION SYSTEMS [81.2.9]**

The Department has access to the California Law Enforcement Telecommunications System (CLETS) and to the National Crime Information Center (NCIC), which is required to accomplish various aspects of the law enforcement function.

## **802.10 ALTERNATIVE METHODS OF COMMUNICATION [81.2.10]**

Cellular telephones are issued to managers, sworn supervisors, detectives, and selected other staff members to utilize as an alternative communication device.

## **802.11 EMERGENCY MESSAGES [81.2.11]**

Citizens or other law enforcement agencies may contact the Communications Center and request that a third party be notified about an emergency situation. Unusual or exceptional requests shall be referred to the Watch Commander for approval.

All emergency notification requests will be entered as a call for service into the CAD system and assigned to the appropriate field personnel.

Officers shall attempt personal notifications. If personal contact cannot be made, the assigned officer should leave a BPD Notification Card at the location requesting the party to contact the Communications Center or a designated person.

## **802.12 MISDIRECTED EMERGENCY CALLS [81.2.12]**

Communications Operators shall immediately relay information from misdirected emergency calls for service to the appropriate agency or department.

If the call must be transferred, the communications operator shall promptly transfer the call and remain on the line to ensure the transfer is completed.

If the call is received on a 10-digit phone line and a direct transfer to the appropriate agency is not possible, the communications operator shall contact the agency with jurisdictions and shall relay all pertinent information directly. The Communications Operator shall inquire if the other agency will be contacting the caller and shall inform the caller of the agency's response.

## **802.13 FIRST AID OVER THE PHONE [81.2.14]**

Communications Center personnel are not trained or authorized to provide emergency first aid instruction over the telephone. All medical calls shall be transferred to Verdugo Fire Communications Center. Communications Center personnel must remain on the line to determine if a police response is necessary in addition to the fire or medical response. For the safety of both fire and police personnel, Communications Center personnel shall advise Verdugo Fire Communications of police



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units responding Code 3. When appropriate, Communications Center personnel should advise Verdugo Fire if staging fire units away from the scene is necessary for the safety of personnel.

### **802.14 COMMUNICATIONS CENTER EQUIPMENT AND SECURITY** [81.3.1(b)(c)(d); 81.3.2; 81.3.4]

Communications Center personnel shall follow policies regarding the appropriate use and care of agency equipment and are responsible for the security and protection of the Communications Center equipment.

In the event of a power failure, the Uninterruptible Power Supply (UPS) will automatically engage, supplying power to the Communications Center to maintain operations. The UPS system shall be sufficient to ensure continued operation of emergency communication equipment in the event of the failure of the primary power source.

The Communications Center UPS System is equipment with an alarm panel that has visual and audible alerting feature in case of any malfunctions of the system. Communication Supervisors and Operators shall visually inspect the status of the UPS alarm panel during their shifts (green lights and no audible alarm). In case of any indications of malfunction, Communications Center personnel shall follow the steps outlined in the written instructions posted adjacent to the alarm panels. Personnel shall also report any malfunctions of the UPS system to the Communications Center Lieutenant or the Watch Commander in his or her absence.

A documented inspection and test of the UPS system shall be completed at least annually or in conformance with manufacturer recommendations by an authorized technician. Malfunctions of the UPS system shall be immediately reported to the Watch Commander.

Off-site equipment, such as antennas and electrical power distribution points, shall be fenced with entry restricted to authorized personnel.



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CALEA

Approved: *Scott LaChasse*

Effective Date: October 12, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Collection and Preservation of Evidence

### 803.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this Department on how to properly protect, collect, and process evidence to ensure that it is accepted by the courts.

### 803.2 POLICY

To ensure continuity of control and guard against contamination or loss, it is the policy of this Department to identify, package, and store all evidence, found property, and property for safekeeping in such a manner that it may be effectively presented in court, returned to the owner, or disposed.

Employees are expected to familiarize themselves with and follow the procedures contained in the Property and Evidence Manual.

### 803.3 SCENE PROTECTION

The first responding officers arriving on scene of any crime will be responsible for the preservation of evidence at the scene, once safety needs have been met. The responsibilities include:

- (a) Protect the scene from destruction, contamination, or alteration.
- (b) Identify and mark the crime scene perimeter.
- (c) Limit access to the scene to persons with a legitimate purpose.
- (d) Identify evidence that may be lost due to environmental conditions or lapse of time.
- (e) Note time of initial arrival and condition of the scene (a digital camera may be used to record the initial overall condition of the scene).
- (f) Initiate a crime scene personnel log (when appropriate for major crimes).





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### 803.4 EVIDENCE COLLECTION AND PROCESSING

Assigned officers are responsible for the collection of evidence within the limits of their training and expertise. For major crime scenes or when the collection of evidence should be handled by the Forensic Specialist Unit, officers shall request a Forensic Specialist to respond. An Incident Commander may call out members of the Forensic Specialist Unit to process a crime scene or the scene of a major traffic collision outside their normal working hours. The Incident Commander should coordinate the response of Forensic Specialists with the Investigation Division Commander.

Unless otherwise authorized by policy or by a supervisor, all collected physical evidence shall be processed by the Department's Forensic Specialist Unit or for scientific examinations, by the Los Angeles Sheriff's Department Crime Lab. At times it may be desirable or necessary to have a specific scientific examination or analysis done by another agency, however. The type of evidence, the manner in which it was obtained, reliability of available supplies, personnel doing the analysis, and the time element involved are all factors to be considered when determining which agency will handle the evidence.

#### 803.4.1 COLLECTION FROM KNOWN SOURCE

When evidence is collected specifically for the purposes of comparison, similar materials or substances from a known source should be collected and submitted. The collection of known source samples is a critical component of the evidentiary process. Examples of the types of evidence that may require samples for comparison include hair, fibers, paint, glass, soil, tool marks, shoes, and blood.

### 803.5 TRANSPORTATION AND CONTINUITY OF PHYSICAL EVIDENCE

Proof of continuity and possession of physical evidence is essential in a criminal trial. Therefore, items of evidence shall pass through the fewest hands possible. Evidence should be transported by the finding officer, the investigating officer, or a member of the Forensic Specialist Unit.

Any transfer of custody of evidence from one person or place to another shall be properly documented in related reports, including the date and time of transfer, the receiving person's name and functional responsibility, the reason for the transfer, and the location transferred to (if applicable).

#### 803.6 BOOKING EVIDENCE – RESPONSIBILITY

Minimizing the chain of custody is preferred. When feasible, all items of evidence should be booked in by the officer finding the item, the investigating officer, or the specialist called to the scene. The chain of custody must be documented for all evidence. Employees shall not store evidence, items for safekeeping, or seized property in any personal area, such as an assigned locker, personal vehicles, or any other area.

The booking employee shall then record the property and evidence in related reports, including a description of the collected items, the source (person or location obtained from), and the name of the



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person collecting the item. The booking employee shall also attach a copy of the FileOnQ Property and Evidence Report.

All items of evidence or property shall be booked in before the end of the booking employee's workday. A supervisor may approve the temporary secure storage of items prior to the completion of the booking if the process cannot be reasonably completed continuously due to the number or type of items involved. The employee must document the supervisor's approval, storage location, and duration of temporary storage in a related report.

### **803.7 STORING EVIDENCE**

After an officer, investigator, or Forensic Specialist has identified, marked, and packaged the evidence or property, that individual shall properly store the items by securing them in the appropriate evidence locker or delivering them to the Property Room personnel, unless an immediate examination of the evidence is necessary. In any case, the FileOnQ evidence management system should reflect the location of the evidence.

### **803.8 DISPOSITION OF EVIDENCE – INVESTIGATOR'S RESPONSIBILITY**

As soon as practicable, investigators shall coordinate with the Property Room personnel when evidence being held in the Property Room will not be used because the case for which such evidence is being held has been adjudicated.

Investigators are responsible to effectively manage evidence of all cases assigned to them. Investigators shall release property to their rightful owners (when the items are no longer necessary to retain for evidentiary purposes) and shall authorize an appropriate disposition in the FileOnQ system in a timely manner of all items upon adjudication of the criminal case. If exceptional circumstances prevent an investigator from updating the status of the property within 30 days of learning of the disposition of a criminal case, the investigator shall notify a direct supervisor with a justification. After 90 days, a memorandum to the Investigation Division Captain is required.

The Property Room shall distribute Property and Evidence Reports to the Investigation Bureau Lieutenant on a monthly basis. Investigators shall review the items listed on the reports to determine which items are eligible for disposition. Absent approval from the Investigation Division Captain, investigators shall respond to disposition reviews with 30 calendar days. Marking all items for retention without a review and justification is prohibited.

### **803.9 EQUIPMENT AND SUPPLIES**

Employees responsible for processing crime or traffic collision scenes shall have access to equipment and supplies necessary for effective and timely processing the scene for the following purposes:

- (a) Recovery of latent prints.
- (b) Photography and videography.
- (c) Sketching of the scene.



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- (d) Collection and preservation of physical evidence.

### 803.10 DNA EVIDENCE

Whenever possible, members of this Department shall collect DNA evidence considered probative, including for property crimes.

#### 803.10.1 FIRST RESPONDER RESPONSIBILITIES AND PRECAUTIONS

Officers should be aware that inadvertent molecular level contamination of DNA evidence may be introduced by searching officers. As such, officers shall follow the below precautions whenever possible:

- (a) Avoid touching areas where DNA evidence may exist.
- (b) Avoid sneezing, coughing, or talking over the evidence or collection swabs.
- (c) Avoid touching nose, face, or mouth when collecting DNA evidence (with or without gloves).
- (d) Wear gloves and change them prior to handling another item with possible DNA evidence to avoid cross contamination.
- (e) Avoid touching other surfaces even when wearing gloves.

#### 803.10.2 PROCEDURES FOR COLLECTION, STORAGE, AND TRANSPORTATION

Whenever possible, DNA evidence should be collected only by properly trained Forensic Specialists or those who have had the proper training.

When items containing DNA evidence are being collected by officers or investigators, the following general procedures shall be followed:

- (a) Collect the entire item.
- (b) Air dry evidence thoroughly prior to packaging.
- (c) Place evidence in clean paper packaging (do not store in plastic).
- (d) Place Biohazard sticker or marking on packages if appropriate based on the type of evidence.

Whenever field personnel are transporting and storing items that may contain DNA evidence, the items shall be kept dry, at room temperature, and never in direct sunlight. Such evidence shall never be placed in plastic bags as plastic will retain damaging moisture.

### 803.11 LABORATORY SUBMISSION OF EVIDENCE

Any item of evidence requiring examination or analysis by an outside agency or laboratory shall be submitted by the investigator or by the Forensic Specialist Unit, as appropriate. The employee submitting the evidence for processing shall be responsible for thoroughly documenting the need for



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the examination, the chain of custody, and the results in related reports. The following requirements apply to any item of evidence submitted for analysis or examination:

- (a) Use the appropriate packaging and methods (as required by the laboratory).
- (b) Include proper documentation and distinctive markings (if possible to mark the item) to identify the item.
- (c) Require a receipt to ensure maintenance of chain of custody (copy to be attached to the related report).
- (d) Stipulation that laboratory results be submitted in writing.

### **803.11 REPORT PREPARATION**

Involved officers, investigators, and Forensic Specialists are responsible for thoroughly documenting their actions involving the collection of evidence at crime scenes or traffic collisions scenes.

### **803.12 TRAINING**

Officers shall receive training on the collection and preservation of evidence through a basic academy and/or participation in the Department's Field Training Officer (FTO) program. All Forensic Specialist shall receive training on the collection and preservation of evidence through participation in the Forensic Section's Field Training program and should attend an *International of Identification* approved Crime Scene Investigation course within one (1) year of job assignment.



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Approved: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "M. Albanese".

CALEA

Effective Date: April 14, 2014

## CHAPTER 8 – SUPPORT SERVICES

# Property and Evidence

### 804.1 PURPOSE AND SCOPE

This policy provides general guidance and direction for the proper collection, storage, and security of property and evidence. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property. Specific procedural guidelines are found in the Property and Evidence Packaging Manual and in the Property and Evidence Manual for the Property and Evidence Unit.

#### 804.1.1 RESPONSIBILITIES

The primary duties of the Property and Evidence technician include the oversight, control, and security of property and/or evidence coming into the possession of the Burbank Police Department's Property and Evidence Room.

Additional responsibilities include but are not limited to:

- The responsibility for storing property booked in as evidence and the maintenance of records pertaining to the continued possession of property/evidence.
- The disposal of evidence in accordance with current law and policy.
- The security of property storage area(s) and other designated areas where property and evidence are stored.
- The receipt and/or release of property from property storage area(s).
- Ensuring that the release of any item is properly authorized and the person receiving such items has a legal right to the property and/or evidence in question.
- Maintaining records of all found property or property other than evidence turned in for safekeeping and disposing of this property in accordance with current law and policy.

All personnel shall be responsible for adhering to the requirements of this policy and the Property and Evidence Packaging Manual. Additionally, personnel assigned to the Property and Evidence Unit shall be held responsible for adhering to the requirements of the Property and Evidence Manual.



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## 804.2 DEFINITIONS

**Audit** – An audit is a review of the policies, procedures, and processes of the property and evidence function of the Department to determine whether or not they meet the recognized standards and best practices and whether they are in compliance with applicable statutes and codes.

**Booking Officer** – A sworn or civilian employee who prepares and submits the property or evidence to the Property and Evidence Unit, whether directly or by depositing the item into a temporary locker. The Booking Officer will most likely be the person who packages and labels the items and enters the data into the FileOnQ Evidence Management Program.

**Documentation** – The “paper trail” of the property item submitted, including all items identified on the property sheet and the appropriate identification and tagging of each item.

**Evidence** – Refers to material that has probative value in either tending to prove or disprove a material fact in a criminal or civil case (IAPE).

**Found Property** – Is non-evidentiary property, which, after coming into the custody of a law enforcement agency, has been determined to be lost or abandoned and is not known or suspected to be connected with any criminal offense (IAPE).

**Inventory** – An inventory is the process of individually checking all or a specified portion of the property/evidence items against the agency’s records (IAPE).

**Property and Evidence Packaging Manual** – A written document that clearly defines the appropriate methods for packaging, documenting, and submitting the various types of property and evidence encountered. The Manual specifically addresses the common types of property received (cash, jewelry, drugs, firearms, edged weapons, biological evidence, etc.) and provides general guidelines for documenting and packaging all types of property and evidence.

**Property** – Refers to the generic term for personal property that does not have evidentiary value and comes into the possession of the Department as found or for safekeeping (IAPE).

**Property for Disposal** – Property that has been approved for a final disposition and staged in the Property and Evidence Room for final disposition (release, auction, diversion, or destruction).

**Property for Destruction** – Property that is submitted for safe and legal destruction.

**Property for Safekeeping** – Non-evidentiary property that is placed in the custody of the Department for temporary protection on behalf of the owner (IAPE).

**Property and Evidence Room Procedural Manual** – A formalized document that describes all of the procedures for the operation and management of the Property and Evidence Room. It is strictly applicable to anyone assigned to the Property and Evidence Unit.

**Property and Evidence Technician** – The title of the person who is responsible for receiving, storing, releasing, disposing of, and otherwise processing all property coming into the custody of the Department.





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**Property Sheet** – The primary form that documents all property or evidence that is submitted to the Department, including such information as DR number, supplement number, barcode number, incident type, property type, associate information, and brief item description.

**Property and Evidence Room** – Identified locations for the secure storage of property (evidence, safekeeping, and found property) in the custody of the Department.

**Release of Evidence** – The formal process of permanently releasing evidence, including authorization and documentation.

**Right of Refusal** – Instruction provided by the Chief of Police for the Property and Evidence Technician to refuse to accept any submitted property that is not consistent with the requirements of the Burbank Police Property and Evidence Packaging Manual.

**Submission of Property** – The process of yielding or turning over property, either in person to a Property and Evidence Technician or via a secure temporary storage location.

**Temporary Storage Lockers** – Designated lockers used to secure property that has been packaged, documented, and tagged until it is actually received by a Property and Evidence Technician.

**Return to Officer (RTO) Locker** – A designated locker used by Property and Evidence Technicians for securing submitted property that has been refused for acceptance based on inadequate packaging or other errors. It provides access by the Booking Officer to retrieve the item. After the appropriate changes or corrections are made, the property is re-submitted to the Property and Evidence Room via the normal process.

### 804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his or her possession until it is properly tagged and placed in the designated property locker or storage room along with the required documentation. Care shall be taken to maintain the chain of custody for all evidence. This process does not preclude another employee from assisting with the booking process as long as the chain of custody is documented.

#### 804.3.1 RECORDING OF PROPERTY

All non-Property and Evidence Room personnel shall fully document the receipt, submission, and release of property or evidence in a related report. The location of any item of property stored in the Property and Evidence Room shall always be current in FileOnQ. Property and Evidence Technicians shall be responsible for updating property locations as soon as practicable upon receipt or transfer.

#### 804.3.2 PROPER PACKAGING

Refusal to Accept Property or Evidence (Right of Refusal)





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It is the policy of Burbank Police Department that the Property and Evidence Technician shall not accept any property or evidence that has not been packaged or documented in accordance with the Burbank Police Department Property and Evidence Packaging Manual.

### Return to Officer (RTO) Locker

If the property or evidence that is in need of correction cannot be personally returned to the booking officer, Property and Evidence Technicians shall utilize temporary storage lockers located in the lower parking garage or in the Lower Report Writing Room. All members of the Department shall promptly comply with the procedures regarding the return and correction of improperly packaged or documented property or evidence as detailed in the Property and Evidence Packaging Manual and the Property and Evidence Manual.

### Timeliness for Corrections

Items needing correction shall be returned by the Property and Evidence Technician to the booking officer via the RTO Locker or in person. Upon receipt of a request by the Property and Evidence Room personnel, the booking officer is responsible for correcting and resubmitting the item by the end of the officer's next workday. If a FileOnQ data entry error occurs, the Property and Evidence Technician shall notify the booking officer to make appropriate corrections by the end of the officer's following workday.

Any exceptions for the requirement to make corrections during the employee's next workday shall require supervisory approval. If items requiring correction are needed for immediate investigative purposes or for court, the Property and Evidence Technician or Sergeant shall request that the Watch Commander notify the booking officer to immediately respond to the Property and Evidence Room to correct the problem.

### **804.3.3 DISPOSITION OF EVIDENCE – INVESTIGATOR'S RESPONSIBILITY**

As soon as possible and absent a reasonable basis to anticipate a legal appeal, investigators shall coordinate with the Property and Evidence Room personnel when evidence being held in the Property and Evidence Room will not be used because the case for which such evidence is being held has been adjudicated.

Investigators are responsible for effectively managing evidence of all cases assigned to them. Investigators shall authorize the release of property to their rightful owners (when the items are no longer necessary to retain for evidentiary purposes, or otherwise prohibited to possess) and shall authorize an appropriate disposition in the FileOnQ system in a timely manner of all items upon adjudication of the criminal case. If exceptional circumstances prevent an investigator from updating the status of the property within 30 days of learning of the disposition of a criminal case, the investigator shall notify a direct supervisor with a justification. After 90 days, a memorandum to the Investigation Division Captain is required.

The Property and Evidence Room shall distribute Property and Evidence Reports to the Investigation Bureau Lieutenant on a bi-monthly basis. Investigators shall review the items listed on the reports to determine which items are eligible for disposition.



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Absent approval from the Investigation Division Captain, investigators shall respond to disposition reviews with 45 calendar days. Marking all items for retention without a review and justification is prohibited.

### **804.3.4 FOUND PROPERTY**

All employees who take possession of found personal property, either by direct observation, or by a finder turning a found item(s) in, shall prepare a Found Property report documenting the circumstances and identifying the finder and owner, if possible.

When a finder turns an item(s) in to a Burbank Police employee, a receipt (BPD #401) giving instructions on how to claim the item(s) shall be provided.

Employees may not claim found property items located in the course of their employment (Civil Code §2080.3)

If the lawful owner of Found Property is identified and located (except firearms), the handling employee may release the property in the field. When a release in the field is performed, the employee shall complete a General Release, (Form BPD- C320-402), which includes the owners identifying information from a government issued ID card, and a signature upon taking receipt of the item. The release shall be documented on a DR numbered case report.

Items "found" at a crime scene should be considered evidence of a crime, not Found Property to avoid premature disposition.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days. During such period, Property and Evidence Room personnel shall attempt to contact the rightful owner by mail or other means when sufficient identifying information is available and document their notification efforts. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be destroyed, diverted, or auctioned to the highest bidder at a properly published public auction in accordance with applicable laws. 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 the FileOnQ system by the handling Property and Evidence Technician.

### **804.3.5 FOUND PROPERTY – FIREARMS**

Firearms that are encountered as Found Property should be handled as if they are evidence of a crime or stolen property until it is deemed otherwise. The officer shall cause a check of NCIC and AFS to be performed and the printout shall be submitted with the firearm.

The policy of the Burbank Police Department is that no firearms shall be claimed by the finder if an owner is not located.

Attempts to locate the owner of a firearm shall be made by the booking officer, and the attempt(s) are to be documented in the original or supplemental report.



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Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless authorized by the assigned investigator 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 assigned investigator should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code §33875).

### 804.3.6 PROPERTY FOR SAFEKEEPING

- (a) Members of the Burbank Police Department shall take steps to protect personal property pursuant to CA Civil Code §2080.10.
- (b) Property for Safekeeping items shall be documented on a DR numbered report.
- (c) A receipt (BPD C320-23A) that contains instructions on how an owner can claim and retrieve their property shall be issued at the time the property is received whenever possible to comply with the statute
- (d) If Property for Safekeeping is released prior to being received by the Property and Evidence Room, the submitting officer shall complete a General Release Form (BPD C320-402) that includes identifying information from a government issued ID card and bears the owner's signature acknowledging receipt of the property. In such cases, data entry in the FileOnQ system is not required when the release is accomplished prior to the booking officer's end of shift. If the owner cannot be located prior to the booking officer's end of shift, the item(s) shall be entered in the FileOnQ system, tagged and secured in an evidence locker.
- (e) With the exception of firearms and other property specifically regulated by statute, Property for Safekeeping shall be held for a minimum of 60 days. During such period, Property and Evidence Room personnel shall attempt to contact the rightful owner by mail or other means when sufficient identifying information is available and document their notification efforts. Property not held for any other purpose and not claimed within 60 days after notification (or receipt, if notification is not feasible) may be destroyed, diverted, or auctioned to the highest bidder at a properly published public auction in accordance with applicable laws. 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 the FileOnQ system by the handling Property and Evidence Technician.
- (f) Firearms seized as Safekeeping shall not be released in the field without authorized by the assigned investigator 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. Exceptions may be authorized by the Watch Commander or Property and Evidence Sergeant to release firearms owned by a law enforcement agency to an uninvolved ranking member of that agency.



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## **804.3.7 EXCEPTIONAL HANDLING**

High risk or sensitive items shall only be stored in designated areas of the Property and Evidence Room. 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 in the designated wet evidence drying area in the lower garage prior to booking.
- (b) All bicycles and bicycle frames require a property record (entries into the RMS and FileOnQ systems). Property tags Barcodes will be securely attached to each bicycle or bicycle frame. The property may be released submitted directly to the Property and Evidence Technician, or placed in the bicycle storage area until a Property and Evidence Technician can log the property.
- (c) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

## **804.3.8 EXPLOSIVES**

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives shall not be brought into the police station. 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 (Refer to the Property and Evidence Packaging Manual for details).

## **804.3.9 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)).

## **804.4 SUBMISSION OF PROPERTY AND EVIDENCE**

All property and evidence collected by Department personnel shall be booked into the Property and Evidence Room by the end of their shift. Any exception to this requirement shall be approved by a



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supervisor. No property and evidence may be stored in any employee's desk, locker, file cabinet, vehicle, or any other container at any time without the approval of a Bureau Commander. Any such approval shall be documented in a related report.

The following are approved methods for submitting property:

- (a) During the regular hours of operation of the Property and Evidence Room, the booking officer may submit property or evidence directly to a Property and Evidence Technician.
- (b) Temporary lockers are provided to secure property and evidence that has been collected and is waiting for receipt by the Property and Evidence Room. Temporary lockers and a refrigerator are provided for this purpose and shall be utilized. Lockers shall always be locked when evidence is deposited inside.
- (c) Wet evidence drying is available in the drying room located in the parking structure. Wet items shall not be placed in the bulky storage locker next to lower back door. The booking officer is responsible to follow all of the posted instructions and then securing the door.
- (d) When bulky or oversized items are being submitted when the Property and Evidence Room is not in operation and when those items do not fit into the bulky storage lockers, the Watch Commander shall be responsible to make off-duty notifications to the Support Services Sergeant or directly to a Property and Evidence Technician.

- 1. No large or bulky evidence items shall be left unsecured without supervisory approval.

## **804.5 RELEASE OF PROPERTY OR EVIDENCE TO AN EMPLOYEE**

The release of any property to any employee other than the case assigned investigating officer or the collected by or booked by officer shall require a supervisor's approval, approval from the assigned investigator, investigator's supervisor or requesting party's supervisor. Any such approval shall be documented in FileOnQ during the release. Generally, evidence shall only be released to officers who are listed as collected by, booked by, or the case officer without the approval from the investigating officer. Items shall be returned to the Property and Evidence Room by the same employee to whom the item was released to. If returned by another employee, the initial recipient shall document the return in a supplemental report in order to maintain the chain of custody.

### **804.5.1 TEMPORARY MOVEMENT TO COURT**

Officers needing to transfer property for court should contact the Property and Evidence Room at least one day prior to the court day when feasible.

- (a) Firearms, money, or narcotics shall be produced for court only pursuant to a subpoena. Property and Evidence Room personnel shall only relinquish evidence upon verification of the subpoena.
- (b) Evidence being taken to Court shall be accompanied by a Court Transfer Receipt (FileOnQ) in the event the evidence is retained as a court exhibit.
- (c) Employees who are accepting custody of evidence for court transfer shall sign the electronic signature pad or paper receipt acknowledging the transfer (with date and time).



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- (d) The release of evidence to any court shall require the person receiving the evidence to sign a Court Transfer Receipt; generally, this will be the Court Clerk. The printed name of the person signing shall appear on the document in addition to their signature. In addition to the signature, the receiving party shall initial each item acknowledging its transfer and shall provide the court seal stamp. The Court Transfer Receipt shall be turned in by the end of the day to a Property and Evidence Technician to account for the location of the evidence. If the Property and Evidence Room is closed, the form shall be submitted into one of the temporary lockers.
- (e) If evidence is not retained by the court, it shall be returned to the Property and Evidence Room or placed in the temporary lockers for overnight storage. The employee must sign for the chain of custody via the FileOnQ system upon the return of the property. If the property was retained for more than one calendar day, the chain of custody must be documented in a supplemental report. Evidence shall not be retained by Burbank Police personnel overnight without prior Bureau Commander approval.

### 804.5.2 LA COUNTY COURT EXHIBIT RESTRICTIONS

The Los Angeles County Superior Court is restricted from receiving any exhibit which falls into any of the classifications listed below:

- Any container of flammable liquid such as gasoline, kerosene, lighter fluid, paints thinner, ethyl ether, etc.
- Any type of explosive powder
- Any explosive chemical such as toluene, ethane, etc.
- Any explosive device such as a pipe bomb, hand grenade, etc.
- Any flammable device such as a Molotov cocktail
- Any canister containing teargas, mace, etc.
- Any rags soaked with any flammable liquid, which is still damp or wet
- Any corrosive liquid
- Vials of blood or any blood-stained clothes
- Urine or any body fluids
- Any body parts (e.g., skin, hair, etc.)
- Hypodermic needles
- Any controlled substance
- Any perishables

The court will accept photographs of any of the items listed above; however, the actual physical evidence will be retained by this agency.





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## **804.5.3 TEMPORARY MOVEMENT FOR INVESTIGATION**

Personnel who sign out evidence for any reason shall sign the electronic signature pad or paper receipt acknowledging the transfer (with the date and time). If the item has not been returned by the end of the business day, the Property and Evidence Technician shall make appropriate inquiries with the officer or investigator and notify the Support Services Sergeant of the circumstances.

If the evidence is released to another agency, a signature, printed name, employee number, and agency name shall be obtained to document the transfer.

## **804.5.4 TEMPORARY MOVEMENT FOR LAB ANALYSIS**

Any item of evidence requiring examination or analysis by an outside agency or laboratory shall be submitted by the investigator or by the Forensic Specialist Unit, as appropriate. However, LASD lab blood and urine containers are submitted by the Property and Evidence Technician without needing investigator approval. The employee submitting the evidence for processing shall be responsible for thoroughly documenting the need for the examination, the chain of custody, and the results in related reports. The following requirements apply to any item of evidence submitted for analysis or examination:

- (a) The assigned investigating officer requesting evidence to be submitted to any forensic lab shall provide written authorization for the transfer. The assigned investigating officer or Forensic Specialist shall be responsible for completing the necessary forensic lab submission forms. Some labs may require the completion of their own chain of custody receipts.
- (b) Evidence being submitted to the Crime Lab shall adhere to the Crime Lab's packaging and labeling requirements.
- (c) All evidence being submitted by the investigator to the Crime Lab shall be accompanied by the Burbank Police Lab Transfer form (FileOnQ). An LASD lab receipt will accompany any evidence being submitted to the LASD Crime Lab.
- (d) Lab Results received by the Property and Evidence Room shall be forwarded to the assigned investigating officer in writing.
- (e) It shall be the responsibility of the Support Services Sergeant to routinely monitor the "Out to Lab" file. When evidence has not been returned within 180 days, the Support Services Sergeant shall direct the submitting person to contact the crime lab and inquire as to the status of the analysis. If the evidence is not immediately returned by the lab, the updated status shall be documented in the notes section of FileOnQ.

## **804.5.5 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS**

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, and/or ammunition, the Property and Evidence Technician shall return the weapon and/or ammunition to the owner upon authorization of the assigned investigator and only if the requirements of Penal Code §33850 and Penal Code §33855 are met unless the firearm and/or ammunition is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code 6389(g); Penal Code §33855 / CA SB 320).





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## **804.5.6 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS**

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code §8100 or §8103 shall be released or disposed of as follows:

- (a) If a petition for a hearing regarding the return of a firearm or 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 a valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
- (c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed or retained as provided in Welfare and Institutions Code § 8102.

## **804.5.7 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS**

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Burbank Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

## **804.5.8 RELINQUISHED FIREARMS**

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number and other identifying features of the firearm at the time of relinquishment (Penal Code § 29810).



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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 firearms shall be retained; or
- (b) The convicted person provides written notice of intent to appeal the conviction that necessitated the relinquishment; or
- (c) The automated Firearms System (AFS) indicates that the firearm was reported lost or stolen.
  - 1. In such an 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 and evidence technician shall ensure the Records Manager 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).

## **804.5.9 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION**

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

## **804.6 DIVERSION OF PROPERTY**

It is the policy of the Burbank Police Department to fully utilize unclaimed property for public use when the property cannot be released to the owner. The following procedure shall be followed whenever a specific item is needed for public use:

- (a) The requesting employee shall complete a memorandum addressed to the Support Services Division Commander pursuant to Burbank Municipal Code 2-2-407c including the case number, items requested, and the justification for public use.
- (b) No property shall be diverted for Department use without appropriate approval and documentation.
- (c) The property diversion process shall be the responsibility of the Property and Evidence Room to administer.
- (d) Any property that has previously been diverted for public use and is no longer needed shall be returned to the Property and Evidence Room for final disposition.

Seized explosive are not authorized to be used for investigative or training purposes. Any other property diverted for public use shall be properly secured and tracked in the appropriate property management system. The supervisor of the unit taking possession of any diverted property shall be responsible for the security and accounting of the property. The Professional Standards Bureau should conduct periodic audits of property diverted for public use.



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## 804.7 PERMANENT DISPOSAL OF PROPERTY OR EVIDENCE

Any property in the Department's custody may be permanently disposed of only as follows:

- (a) The assigned case officer or his or her supervisor shall sign the approval for the disposal or release of any items originally booked as evidence.
- (b) The assigned case officer or his or her supervisor shall specify to whom items are to be released.
- (c) Occasionally, it may become necessary for non-Property and Evidence Room personnel to conduct a final release of property in the field. Field releases shall be approved by the assigned case officer or supervisor in FileOnQ authorizing the release of the item and specifying to whom. The employee releasing the property shall complete the Property and Evidence transfer receipt that includes prompts for identifying information from a government issued ID card, and bearing the owner's signature, and date and time upon receiving the property. This form shall be returned to the Property and Evidence Room by the end of the releasing employee's shift or placed in a temporary locker after hours.
- (d) Release of all firearms shall be approved by the assigned case investigator or an Investigation Bureau supervisor. Prior to the release, the releasing officer will ensure that the Law Enforcement Gun Release Application (State of CA Form # BOF119) is completed and an Eligibility to Possess Firearms Letter is obtained. The assigned case investigator shall conduct a records check for any disqualifying history since the DOJ check was conducted. An inquiry with Records should be made by investigating officer to ensure that all storage fees have been paid prior to release. An appointment with the releasing officer shall be made and an armed escort will accompany the person claiming the firearm to the Property Room. All these steps shall be documented by the releasing officer in a supplemental report.
- (e) Ammunition shall not be released on the same day as a firearm. The Release of ammunition does not require an armed escort.

### 804.7.1 DISPOSITION OF PROPERTY – OTHER

All property not held for evidence in a pending criminal investigation or proceeding, and held for eight 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 and Evidence Technician shall request a disposition or status on all property which has been held in excess of eight months, and for which no disposition has been received from a supervisor or investigator.

### 804.7.2 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code §29300; §18010; §32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code §599a)



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- 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, etc.)
- Unclaimed, stolen or embezzled property (Penal Code §1411)
- Destructive devices (Penal Code §19000)
- Cremated Remains (Penal Code § 7104)
- Sexual assault evidence (Penal Code § 680)

### 804.7.3 UNCLAIMED MONEY

If 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).

Any individual item with a value of less than \$15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code §50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

### 804.8 RETENTION OF BIOLOGICAL EVIDENCE

The Investigating Officer shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Division supervisor

Biological evidence shall be retained for a minimum period established by law (Penal Code §1417.9), or the expiration of any sentence imposed related to the evidence, whichever time period is greater.



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Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

## **804.9 HOMICIDE EVIDENCE**

In an effort to ensure that disposals of this nature undergo a high degree of scrutiny, such disposal shall take place only after review and approval of the assigned investigator, the Investigation Bureau Lieutenant, the Investigation Division Commander, and the Deputy Chief.

- (a) If upon receipt of a disposition request from the Property and Evidence Room, the handling investigator determines that the evidence may be disposed of, the handling investigator shall perform the following tasks in addition to signing off on the disposition request.
  1. The handling investigator shall check with the District Attorney's Office to make sure there are no pending criminal concerns. If the District Attorney's Office agrees to dispose of the evidence, a written statement or letter to that effect shall be obtained.
  2. The handling investigator shall attach a memo to the disposition request, documenting the response from the District Attorney's Office and providing a brief synopsis of the case, including whether it was successfully prosecuted and the status of the suspects.
- (b) The handling investigator shall forward the signed disposition request, District Attorney's written release, and related memorandum to the Crimes against Persons Lieutenant who shall review and sign off on the disposition request, approving the disposal of the evidence if deemed appropriate.
- (c) The Investigation Bureau Lieutenant shall forward the disposition request and related memorandum to the Investigation Division Commander who shall review and sign off on the disposition request, approving the disposal of the evidence.
- (d) Finally, the Investigation Division Commander shall forward the disposition request and related memorandums to the Deputy Chief, who will review, check with the City Attorney's Office regarding possible civil issues (noting the response on the disposition request), approve if deemed appropriate, and forward the disposition request to the Property and Evidence Room.



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- (e) Upon receipt of the signed disposition request, Property and Evidence Room personnel will verify that the appropriate personnel have approved the disposition request and will dispose of the evidence.

## **804.10 ADMINISTRATIVE REQUIREMENTS**

### **804.10.1 INSPECTIONS OF THE PROPERTY AND EVIDENCE ROOM**

Audits and inspections of the Property and Evidence Room shall be conducted as follows:

- (a) On a monthly basis, the supervisor of the Property and Evidence Room shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures. Findings that require follow up action should be documented in a memorandum and submitted to the Support Services Commander
- (b) Whenever the Property and Evidence Room supervisor is transferred to or from the position, an inventory of all evidence/property or no less than all narcotics, currency and firearms as directed by the Chief of Police or designee, shall be made jointly by the newly assigned supervisor and by the Professional Standards Bureau Sergeant to ensure that records are correct and all evidence property is accounted for.
- (c) An annual audit of property and evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) or designee not routinely or directly connected with evidence and property control.
- (d) Unannounced inspections of evidence storage areas shall be conducted annually by a person designated by the Chief of Police.

### **804.10.2 INTERNAL CONTROLS/INVENTORIES**

To ensure accountability of all property and evidence, generally one Property and Evidence Technician is assigned primary responsibility for conducting ongoing inventory. Staffing and workload permitting, the Property and Evidence Room Technicians will conduct an on-going inventory of all items in the Property and Evidence Room so that all items are accounted for during any 12-month period. It is the responsibility of the assigned Property and Evidence Technician to keep the Support Services Sergeant apprised of impediments to maintaining a 12-month inventory of all property.

In no case shall the inventory of any item in the Department's custody exceed 24 months.





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Scott LaChasse, Chief of Police

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CALEA

Approved: *Scott LaChasse*

Effective Date: March 29, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Storage of US Currency

### 805.1 PURPOSE AND SCOPE [84.1.2]

The purpose of this policy is to establish procedures for the storage of US currency in an effort to enhance the security and to reduce discrepancies involving stored US currency.

### 805.2 RECEIPT OF US CURRENCY

All currency shall be booked into the Property and Evidence Room in accordance with the procedures described in the Property and Evidence Manual (Chapter 6). When the total amount of the currency (US currency only) belonging to a single owner (or single incident if found property) is greater than \$100.00, the Property Room personnel shall identify the currency for transfer to the established Liability Account. Currency items totaling \$100.00 or less shall be stored in Property Room 3.

#### 805.2.1 CURRENCY HELD AS PHYSICAL EVIDENCE

Any currency that is to be preserved as physical evidence (i.e., has trace evidence or unique/identifiable serial number) shall be marked as "Hold" in the FileOnQ system and the reason for the hold shall be documented in the Notes tab.

United States coins and currency are the property of the United States Government and should not be chemically processed. The use of chemicals may render the currency useless and unsuitable for circulation (Title 18, Part 1, Chapter 17, §333 United States Code). The Detective Bureau Lieutenant must approve the processing of all currency in advance, taking into consideration the severity of the crime and the likelihood of obtaining useable evidence.

Tested currency shall not be transferred to the Liability Account and shall be submitted to the Department of the Treasury for replacement. The currency must be sent via US registered mail. A cover letter with the case number, type of crime, and how the currency was processed must be included. The Property and Evidence Unit supervisor shall be responsible for submitting the currency to the Department of Treasury (202 874-2595) at following address:

Department of the Treasury  
Bureau of Engraving and Printing Office of Currency Standard  
PO Box 37048  
Washington D.C., 20013





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Any currency held in the Property Room for forensic processing shall be transferred to the Liability Account if not processed within 10 calendar days.

### 805.3 TRANSFER OF US CURRENCY INTO LIABILITY ACCOUNT

Any US currency received by the Property Room that meets the transfer criteria shall be entered in the FileOnQ evidence management system and identified by the location "Currency to be Transferred." This temporary location will be used only to identify in the electronic evidence management system items that should be transferred into the liability account.

Items in the "Currency to be Transferred" location should be transferred to the bank account every other Thursday or on the next business day if the dollar amount of the Currency to be Transferred location exceeds \$10,000. Transfers may be deferred to the next scheduled transfer date if the total amount of currency in the temporary location is less than \$500. The Property Room supervisor may reschedule a transfer to ensure the availability of the appropriate personnel.

#### 805.3.1 TRANSFER PROCEDURE

The following procedure shall be followed to transfer US currency into the Liability Account:

- (a) Property Room personnel shall develop a currency transfer list and forward the list to the Property Room supervisor for review and approval. The list should contain a description, amount, DR number, barcode number, and the last name of the owner.
- (b) The Property Room supervisor must review and approve the list for transfer. If necessary, the Property Room supervisor should consult with the Investigation Bureau lieutenant to determine if an item of evidence may be transferred to the Liability Account.
- (c) The Property Room technicians will be responsible for verifying the content of each item of evidence identified for transfer to the Liability Account. The Property Room supervisor or a supervisor designee shall be present to monitor the verification of the items of currency on the transfer list (item by item).
- (d) Once verified, an Oracle Transaction Register shall be completed by a Records Bureau police technician. A Property Room police technician and the Property Room supervisor (or designees) will then hand-carry the currency, the verified transfer list, and the Transaction Register to the City Treasurer's Office. The Property Room technicians shall be responsible for notifying the Treasurer's Office in advance of the transfer.
- (e) The Treasurer's Office will verify the total amount of the currency being transferred and provide stamped or signed verification on the Police Department's copy of the transfer list and the Transaction Register.
- (f) The assigned Property Room police technician shall return the transfer list and the Transaction Register to the Police Finance Office.
- (g) Once the Police Finance Office receives written documentation of the deposit into the bank account, the Police Finance Office will notify the Property Room to change the location of the items on the transfer list to "Liability Account." The Property Room shall update the location no later than the next business day following notification of the deposit.



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### 805.3.2 DISCREPANCIES FOUND DURING VERIFICATION

The Property Room supervisor shall be responsible for resolving and documenting any discrepancies found during the verification process as follows:

- (a) If the discrepancy involves a data entry error, a miscount, or error in completing the currency envelope by an officer, the supervisor shall notify the booking officer's Division Commander by submitting a memorandum. Copies of documentation showing the discrepancy should be attached.
- (b) If the discrepancy cannot be resolved or may be due to missing currency, the supervisor shall notify the Support Services Division Commander by submitting a memorandum. Copies of documentation showing the discrepancy should be attached.
- (c) In all cases, the supervisor shall ensure that a supplemental report is completed to document the discrepancy, if necessary (for example, if FileOnQ shows \$200 booked but the envelope and the report indicate the owner had \$20).

### 805.4 RELEASE OF CURRENCY

Any foreign currency or currency stored in Room 3 shall be released in accordance with the Property and Evidence Manual (Chapter XII).

The release of US currency stored in the Liability Account shall be as follows:

- (a) The Property Room must notify the Police Finance Office 24 hours in advance of the scheduled release (requests must be received by 1000 hours) to prepare a check payable to the owner. The Property Room shall provide detailed information about the item to be released, including information about the owner of the property and who authorized the release. The request shall be made via email and copied to the Property Room supervisor.
- (b) The checks will be processed by the Police Finance Accounts Payable Office and printed by the City Treasurer's Office. The Police Finance Office will deliver the check to the Property Room.
- (c) The Property Room shall positively verify the identity of the owner prior to releasing the check. In the event the identity of the person picking up the check cannot be verified, the Property Room shall contact the Property Room supervisor or the Watch Commander for direction.
- (d) The Property Room shall collect the owner's signature, record the check number in FileOnQ, and issue the owner a written notice that the Police Department will not be responsible for any bank charges or fees for cashing the check.

If the owner demands that the money be returned in cash, the Property Room shall notify The Police Finance Office and shall schedule the pickup no sooner than 72 hours in advance. The release of cash currency shall be in accordance with the procedure established in the Property Manual (Chapter XI, §K).



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## **805.5 LIABILITY ACCOUNT RECONCILIATION**

The Police Finance Office will reconcile the Liability Account monthly and forward the report to the Deputy Chief. Any identified discrepancies shall be documented in a memo and resolved as directed by the Deputy Chief.

## **805.6 FORFEITED CURRENCY**

Currency deposited into the Liability Account that later becomes the subject of forfeiture shall be transferred to the appropriate forfeiture account. All forfeiture transfers shall be handled by the Police Finance Office. A detailed report shall be submitted to the Deputy Chief to document any forfeiture transfers. The report should include the authority for the forfeiture.



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Approved: \_\_\_\_\_

CALEA

Effective Date: June 28, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Records Bureau

### 806.1 PURPOSE AND SCOPE

This policy establishes guidelines for the operational functions of the Burbank Police Department Records Bureau, including the security, file numbering, access, and tracking methods. The Records Bureau Manager is the custodian of records for the Department and shall maintain the Records Bureau Manual in a current basis to reflect the procedures being followed within the Records Bureau. Records Bureau policies and procedures may apply to all employees of this Department.

### 806.2 POLICY

It is the policy of the Burbank Police Department to maintain records securely, professionally, and efficiently.

### 806.3 RESPONSIBILITIES

#### 806.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Support Services Captain or the authorized designee.

The responsibilities of the Records Manager include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Bureau.
- (b) Scheduling and maintaining Records Bureau time records.
- (c) Supervising, training, and evaluating Records Bureau staff.
- (d) Maintaining and updating a Records Bureau Procedure Manual.
- (e) Ensuring compliance with established policies and procedures.



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- (f) Supervising the access, use, and release of protected information (See Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
  - 1. Homicides
  - 2. Cases involving Department members or public officials.
  - 3. Any case where restricted access is prudent.

## **806.3.2 RECORDS BUREAU**

The responsibilities of the Records Bureau include, but are not limited to:

- (a) Maintaining a records management system for case reports.
  - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
  - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
  - 1. Suspected hate crimes (Penal Code § 13023)
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order or



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under observation within seven calendar days of the precipitating event (Penal Code § 11108.2 / CA SB 715).

- (i) Working with the Jail Manager to maintain compliance with state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

## **806.3.3 RECORDS BUREAU MANUAL**

The Records Manager should establish procedures that address:

- (a) Identifying by name persons in reports.
- (b) Classifying reports by type of incident or crime.
- (c) Tracking reports through the approval process.
- (d) Assigning alpha-numerical records to all arrest records.
- (e) Managing a warrant and wanted persons file.

## **806.4 DETERMINATION OF FACTUAL INNOCENCE**

In any case where a person has been arrested by officers of the Burbank 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 Support Services Division Commander.

The Support Services Division Commander or designee should forward the petition to the Investigation Division Commander and the City Attorney for review. After such review and consultation with the City Attorney, the Investigation Division Commander and the Support Services Division Commander shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Division Commander shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code §851.8).

The Support Services Division Commander should respond to a petition with the Department's decision within 60 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.



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## **806.5 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.

### **806.5.1 RECORDS AREA SECURITY**

The Records area of the police facility is restricted to the personnel assigned to the Records Bureau, unless specific exceptions are made by direction of the Chief of Police, a member of the Command Staff, or the Police Records Manager.

The Watch Commander shall be responsible for maintaining the security of the Records area in the absence of supervisory personnel assigned to Records. The Records area will be maintained in a secure condition at all times.

### **806.5.2 RECORDS AREA ACCESS**

Nonsupervisory employees will not be permitted access to the Records area unless assigned to duty there or unless a supervisor specifically grants access. Records personnel will assist members of outside agencies at the Records Counter.

Records personnel will assist sworn and non-sworn employees in all records searches.

## **806.6 INMATE BOOKING NUMBERS**

The Inmate Booking (IB) number is a person-specific number issued to all Department custodial arrestees. Once a person has been assigned an IB number, all subsequent arrests and information concerning that person shall be referenced to his or her IB number.

The IB folder, which is maintained in the Records Bureau, may contain any or all of the following items (as applicable):

- (a) Booking form.
- (b) LiveScan report.
- (c) Booking photographs.
- (d) Medical screening form.





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- (e) Medical release form.
- (f) Ink fingerprint card.
- (g) Hard copy probable cause declaration (PCD) form.
- (h) Warrant abstract.
- (i) Supervised Release File (SRF) printout.

The Records Bureau Manager is responsible for the purging of Inmate Booking files in accordance with DOJ guidelines.

### **806.7 DEPARTMENT FORMS**

All requests for new forms or changes to an existing form shall be submitted via a memorandum to the appropriate Division Commander for review and approval. The memorandum should explain the need and should have a sample form attached. If approved, the Division Commander will forward the request to the Records Bureau for processing.

#### **806.7.1 WARRANT OFFICE RESPONSIBILITIES**

The Warrant Office Section of the Records Bureau shall be responsible for all Department forms, including:

- (a) Maintaining records of all Department Forms.
- (b) Assigning form numbers.
- (c) Ordering and stocking forms in designated areas.
- (d) Processing approved requests for new forms, including checking for duplicates or conflicts with existing forms.

### **806.9 CONFIDENTIALITY**

Burbank Police Department members 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 Department policy and with a legitimate law enforcement or business purpose, or as otherwise permissible by law.



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Scott LaChasse, Chief of Police

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CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Restoration of Firearm Serial Numbers

### 808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code §11108.9.

### 808.2 PROCEDURE

Any firearm coming into the possession of the Burbank Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

#### 808.2.1 PRELIMINARY FIREARM EXAMINATION [83.2.3]

- (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.



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### 808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed or 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.

### 808.2.3 COMPLETION OF LAB RECEIPTS

The assigned investigator of a case in which a firearm has had the serial numbers removed or obliterated shall complete the required Los Angeles County Sheriff's Department lab receipt. Upon receiving the LASD lab receipt, Property Room personnel will arrange for the firearm to be transported to the LASD crime lab for serial number restoration, following chain of evidence protocols.

### 808.2.4 DOCUMENTATION

Case reports shall be prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received or collected until it is released.

This report must include a record of the manner in which and from whom the firearm was received.

### 808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the assigned investigator will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form ([ATC 3312.1-OBL](#)) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

### 808.3 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. Any exemplars submitted to ATF shall be approved by the Investigation Division Commander.



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Approved: \_\_\_\_\_

CALEA

Effective Date: July 5, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Records Maintenance and Release

### 810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Department records. Protected information is separately covered in the Protected Information Policy.

### 810.2 POLICY

The Burbank Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.)

### 810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Records Manager or his/her designee serves as the official Custodian of Records for the Department. The responsibilities of the Custodian of Records include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of Department public records.
- (b) Maintaining and updating the Department records retention schedule including:
  - 1. Identifying the minimum length of time the Department must keep records.
  - 2. Identifying the Department division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of Department public records as reasonably necessary for the protection of such records (Government Code § 6253).
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).



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- (g) Determining how the Department's website may be used to post public records in accordance with Government Code § 6253.
- (h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the Department website in accordance with Penal Code § 13650.
- (i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including, but not limited to, posting in an open format where a record may be retrieved, downloaded, indexed and searched by a commonly used internet search application.
- (j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.

### 810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Department member who receives a request for any record shall route the request to the Custodian of Records or authorized designee (generally a Records Supervisor).

#### 810.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this Department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

- (a) The Department is not required to create records that do not exist.
- (b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain Department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).
- (c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 calendar 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 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



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including providing assistance in overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

2. If the record requested is available on the Department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
- (d) Upon request, a record that is in electronic format shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).
- (e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in a Department-approved media storage system and a memorandum drafted by Professional Standards personnel and retained by the Support Services Division to document the reasons for the redacted portions.
- (f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions and signature of each person responsible for the denial.
- (g) All Public Records Request forms shall be filed in the Public Records Request file in the Records Bureau. A copy of each completed Public Records Request form shall be filed with the corresponding police report in the Records Bureau (if a report exists).

## 810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any Department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722)
- (b) Social Security numbers (Government Code § 6254.29)



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- (c) Personnel records, medical records and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
  - 1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
  - 2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police or as required by law.
- (d) Victim information may also 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 witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).
  - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representative shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
  - 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 the victim of the incident except as provided by Government Code § 6254.4.5.
- (f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (evidence Code § 1041; Government Code § 6254).
  - 1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).
- (g) Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
  - 1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney or the courts pursuant to Penal Code § 1054.5.





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- (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 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 indicate when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).
- (k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
- (l) Any record created exclusively in anticipation of potential litigation involving this Department (Government Code § 6254).
- (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).
- (n) Records relating to the security of the Department's electronic technology systems (Government Code § 6254.19).
- (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) / CA SB 16).
- (p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code § 6254).
- (q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

## 810.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.



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Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

### **810.7 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in serious bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs 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.

#### **810.7.1 DELAY OF RELEASE**

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

- (a) Disclosure may be delayed up to 45 calendar days from the date the Department knew or reasonably should have known about the incident.
- (b) Delay of disclosure may continue after the initial 45 calendar days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
- (c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

#### **810.7.2 NOTICE OF DELAY OF RELEASE**

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

- (a) During the initial 45 calendar days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially



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interfere with the investigation. The notice shall also include the estimated date for the disclosure.

- (b) When delay is continued after the initial 45 calendar days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

### 810.7.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or authorized designee, determines on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

### 810.7.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

- (a) The person in the recording whose privacy is to be protected, or his/her authorized representative.
- (b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
- (c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.



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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 § 6254(f)(4)).

The Department may continue to delay release of the recording from the public for 45 calendar days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

### **810.8 FACTUALLY INNOCENT PETITIONS/SEALED RECORD ORDERS**

Factually innocent petitions and 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 in compliance with Penal Code § 851.8 and Welfare and Institutions Code § 781. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction.

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 Manager 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.

#### **810.8.1 SEALED JUVENILE ARREST RECORDS**

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

### **810.9 SECURITY BREACHES**

The City of Burbank IT Department is responsible for addressing any suspected or confirmed information technology security breaches as outlined in the City of Burbank Data Breach – Incident Response Plan. The Records Manager and/or designee will assist the City IT Department, as needed, to ensure that the manner and form of notice to the effected individuals is compliant with Civil Code § 1798.29.

Notice shall be given in the most expedient time possible and without unreasonable delay 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 purpose of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security Number



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- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual.
  - Account number or credit or debit number, in combination with any required security code, access code or password that would permit access to an individual's financial account.
  - Medical Information.
  - Health insurance information.
  - A username or email address, in combination with a password or security question and answer that permits access to an online account.
  - Information or data collected by Automated License Plate Reader (ALPR) technology.
  - Unique biometric data.
  - Genetic data.



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Approved: *Scott LaChasse*

CALEA  
Effective Date: July 5, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Protected Information

### 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Burbank 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.

#### 812.1.1 DEFINITIONS

**Protected information** - Any information or data that is collected, stored or accessed by members of the Burbank 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

**Criminal Offender Record Information (CORI)** – Shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any BPD documents containing a list of prior arrests.

**Criminal Justice Agency** – A public agency or component thereof which performs a criminal justice activity as its principal function.

**Authorized Recipient** – Any person or agency authorized by court order, statute or case law to receive CORI.

**Right to Know** – Persons or agencies authorized by court order, statute or decisional case law to receive the information.

**Need to Know** – A necessity exists to obtain CORI in order to execute official responsibilities. Members of the Burbank 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.



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## 812.2 POLICY

Members of the Burbank 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.

## 812.3 AUTHORITY

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code §11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §11140 through §11144, which establishes penalties for the improper use of rap sheets.

## 812.4 RESPONSIBILITIES

The Records Manager is designated to coordinate the use of protected information. His/her responsibilities include, but are not limited to:

- (a) Ensuring member compliance with this policy and the 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 Systems (CLETS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

## 812.5 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Burbank Police Department policy or training. Only those members who have completed applicable training and have met any applicable requirements, such as a background check/fingerprints, may access protected information, and only when the member has a legitimate work-related reason for such access (right to know/need to know).





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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.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

## 812.5.1 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 maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Conduct Policy (§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 the Conduct Policy (§340.3.7(a)).

## 812.6 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 Manager for information regarding a formal request.

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Records Administrator.
- (b) Records Supervisors.
- (c) Records Bureau personnel.
- (d) Detective Bureau personnel (e.g. providing CORI to District Attorney's Office/City Attorney's Office when filing cases)

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 when applicable.



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## 812.6.1 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 wishing to review their local summary criminal history information compiled by the Department must make an application to do so as determined by the Records Manager and may have to submit to fingerprinting to verify their identity (Penal Code § 13321). The Department may require the application be accompanied by a fee not to exceed twenty-five dollars (\$25.00) (Penal Code § 13322). Once an application is received and the applicant's identity verified, the Records Manager or designee shall determine whether a record pertaining to the applicant is maintained. If such record is maintained, the Records Manager or designee shall at his/her discretion either inform the applicant by mail of the existence of the record and specify a time when the record may be examined at a suitable facility of the agency or shall mail the subject a copy of the record (Penal Code § 13323).

## 812.6.2 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 MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptions, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

## 812.7 SECURITY OF PROTECTED INFORMATION

The Records Manager is the designated Criminal Record Security Officer for the Burbank Police Department.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training for records.
- (b) Ensuring federal and state compliance with CJIS Security Policy and the requirements of any state or local criminal history records systems.



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- (c) Working with Department IT, as needed, to establish procedures to provide for preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

## 812.7.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

## 812.8 JUVENILE RECORDS

The Records Manager and/or designee is responsible for having a system that specifically identifies juvenile criminal and identification records from adult criminal records to prevent unauthorized access and release. Nothing in this policy is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to the Temporary Custody of Juveniles Policy for more specific information regarding cases involving juveniles.

The Records Manager and/or designee shall be responsible for the sealing or expungement of juvenile records when ordered by the court as follows:

1. Pull the report, inmate booking file, and all related records.
2. If the subject referenced in the court order is the only person listed on the report, remove the entire report and all records from the physical file and RMS.
3. Destroy all expunged records; place sealed records in a sealed envelope and store in the designated secure location.
4. If other parties are listed in the report, redact the listed juveniles from the physical report and RMS, and return the redacted physical file to the designated secure location.
5. Send documentation to the juvenile court, advising of action taken in accordance with the court order.
6. Disposal of all sealed records in accordance with the approved retention schedule.

## 812.9 PROTECTION OF CORI

CORI records are not stored in or by the Records Bureau.



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Investigators who may have CORI records in the case files shall purge such records upon the closure of the case.

### 812.9.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is not to be accessed by unauthorized persons. Users with authorized access to CORI at independent work stations shall ensure the security of CORI by not leaving any access point unattended (after entering user name and password).

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

### 812.9.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

## 812.10 CUSTODIAN OF CRIMINAL RECORDS

The Records Manager and/or designee, unless otherwise directed by the Support Services 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 Support 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 Support Services Division Commander 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.

## 812.11 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

## 812.12 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



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use of protected information, as well as its proper handling and dissemination (e.g. CLETS re-certification Exam, Security Awareness Test).



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Approved: *Scott LaChasse*

CALEA  
Effective Date: March 29, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Seizure of Computers and Digital Evidence

### 814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers and related equipment. 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.

This policy shall apply only in those cases where data residing on a computer is being sought as evidence in an investigation. The term “computer” in this policy should be interpreted to include personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information.

Computers seized by agency personnel as fruits of crimes, e.g., burglary, retail theft, etc. shall be handled in accordance with other evidence seizing and processing procedures, and will not normally require the services of the computer forensic investigator.

### 814.2 SEIZING COMPUTERS AND RELATED EVIDENCE [83.2.1; 83.2.5]

Officers must understand the fragile nature of electronic evidence and the principles and procedures associated with its collection and preservation. Actions that have the potential to alter, damage, or destroy original evidence may be closely scrutinized by the courts.

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 must utilize the most knowledgeable available resources. When in doubt, a computer forensic examiner should be contacted.

When seizing computers and accessories, the following principles should be followed:

- (a) Photograph each item, both front and back, specifically including cable connections to other items (include phone lines or cables to a modem for Internet access).



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- (b) Consider 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, it should be left off.
- (d) If the computer is on, it should not be shut down or examined in any manner and it should be handled as follows:
  - 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 the computer is a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) Label each item with the case number and barcode number.
- (f) Handle and transport the computer and storage media with care to preserve any potential evidence.
- (g) Book all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.
- (h) Officers should document at least the following information in related reports:
  - 1. Where the computer was located and whether or not it was in operation.
  - 2. Whether it was being used (and by whom) at the time of seizure.
  - 3. If anyone claimed ownership of the equipment.
  - 4. How it was being used (if it can be determined by observation or inquiry).
- (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, flash/thumb drives, tape drives, and disk drives) should be seized along with all media. Unique or non-standard power cords should be seized. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless the device is capable of digital storage or may assist the computer forensic examiner in completing any examination.

## **814.2.1 BUSINESS OR NETWORKED COMPUTERS**

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a trained computer forensic examiner for instructions or response to the scene. It may be possible to perform an on-site inspection or to copy the hard drive image of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

## **814.2.2 FORENSIC EXAMINATION OF COMPUTERS**

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, the following items should be forwarded to the computer forensic examiner:





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- (a) A completed Burbank Police Department Forensic Computer Examination Request form, listing the items to be searched by evidence barcode number and a listing of the items to search for (e.g. photographs, financial records, E-mail, documents, etc.)
- (b) A copy of the authority to search, such as a search warrant authorizing the search of the computer hard drive for evidence related to the investigation. Search warrants should include an extension of the 10 day search warrant limitation to 180 days in order to allow sufficient time to conduct the forensic exam. The warrant should also allow the search to be conducted by someone trained in the field of computers, including civilian experts and/or consultants, if necessary.

A forensic examination shall be performed by a properly trained computer forensic examiner using best practices.

### **814.3 SEIZING DIGITAL STORAGE MEDIA** [83.2.1; 83.2.5]

Digital storage media including hard drives, floppy discs, CDs, DVDs, 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) If the information is needed for immediate investigation, a computer forensic examiner must be contacted for direction. Otherwise, employees shall not review, access or open digital files prior to submission for forensic examination.
- (c) All media should be kept away from magnetic devices, electric motors, radio transmitters, or other sources of magnetic fields.
- (d) Storage media should not be left where they would be subjected to excessive heat, such as in a parked vehicle on a hot day.
- (e) Anti-static or other protective packaging should be used to prevent damage.
- (f) Each item should be marked with the case number and evidence barcode number.
- (g) All items shall be booked into the Property Room.

### **814.4 SEIZING PCDS** [83.2.1; 83.2.5]

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device, including messages, stored data, or images.

Officers should not attempt to access, review or search the contents of any device considered to be evidence in a crime where the officer should reasonable know that the device may be submitted for forensic examination (e.g., cell phone of a homicide victim). Mishandling of such a device prior to a forensic examination may result in loss or alteration of evidentiary information. Officers may, however, examine the contents of PCDs during field investigations where authorized by law.

The following procedures are intended to provide recommendations for the safest evidence handling and preservation practices. The procedures are not intended to restrict an officer's ability to search a



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PCD when authorized by law to do so. Officers should consult a supervisor if there is any doubt as to the proper course of action.

- (a) Devices should be turned off prior to booking it into evidence. If the device has an "Airplane" mode, it should be enabled to prevent the device from connecting to a network when powered back on. If information is needed for immediate investigation, a computer forensic examiner should be contacted.
- (b) When seizing the devices, the charging units and power cords should also be seized.
- (c) Each item should be labeled with the case number and evidence barcode number.
- (d) All items shall be booked into the Property Room.



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Michael Albanese, Chief of Police

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Approved: \_\_\_\_\_

CALEA

Effective Date: November 12, 2013

## CHAPTER 8 – SUPPORT SERVICES

# Animal Control Procedures

### 820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for animal control officers and Burbank Police Department personnel in managing animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

The Animal Shelter shall be under the operational control of the Support Services Division.

### 820.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Animal Control Officer (ACO) shall be responsible for enforcing local, state, and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy. The Animal Control Officer's assigned working hours will be scheduled by the Animal Shelter Superintendent.

During hours when an ACO is on duty, requests for animal control services shall be assigned by Animal Shelter personnel, the Communications Center, or the Watch Commander.

Calls for service or other field assignments shall be acknowledged and handled expeditiously by the ACO.

### 820.3 OFFICER RESPONSIBILITY

During hours when the ACO is off-duty, or if the ACO is otherwise unavailable, animal related calls for service will be assigned to an on-duty police officer.

Officers may be dispatched to animal related calls and should take appropriate actions as described below to control the situation until the arrival of an ACO. Officers should remain on-scene until the ACO no longer requires the officers' assistance.

Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

- (a) When there is a threat to the public safety.



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- (b) When an animal has bitten someone.
- (c) When an animal is creating a traffic hazard.
- (d) When the owner/handler has been arrested and there is no other alternative placement for the animal.
- (e) When the animal is gravely injured.
- (f) Any other circumstances when the officer has reasonable basis for believing it is safe to handle the animal.

## **820.3.1 ANIMAL IN UNATTENDED MOTOR VEHICLE (PENAL CODE § 597.7(D))**

If an animal left unattended in a vehicle appears to be in distress, officers may enter (forcefully, if necessary) the vehicle for the purpose of rescuing the animal. Officers should:

- (a) Make a reasonable effort to locate the owner before entering the vehicle.
- (b) Take steps to minimize the 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 officer involved in the rescue.
- (e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
- (f) Notify the Burbank Animal Shelter to take custody of the animal (Refer to section 820.3.6 and 820.5 if it is after hours and/or the animal appears to be injured).

## **820.3.2 ANIMAL CRUELTY COMPLAINTS**

ACO's will respond to animal cruelty complaints during normal business hours. If the ACO determines that a crime requires documentation, Police Dispatch will be called to request a police officer to respond to investigate. During hours when the Animal Shelter is closed, patrol officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the Animal Shelter Superintendent for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. An ACO may be requested to assist with the investigation after hours when appropriate for the purpose of managing the disposition of any animal associated with the case.

## **820.3.3 STRAY DOGS**

If the dog has a license, microchip, or ID tag, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation issued, if appropriate. If a dog is taken into custody, it shall be transported to the Animal Shelter or to the drop off cages (see §820.3.6 for additional information on drop off cages), making sure the animal has water and bedding.



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Officers transporting animals to the Shelter are responsible for providing as much information as possible on a Field Interview card, and minimally, the location the animal was located as well as the date and time. Release of impounded animals requires a fee be paid. Releases will be handled by Animal Shelter personnel.

Shelter personnel will process any animals in the drop off cages into the Animal Shelter as soon as someone comes on duty. In exceptional circumstances, the Watch Commander may authorize the on-call ACO to respond during off hours to facilitate a proper release of an animal left in the drop off cages. This should be limited to cases where it is not reasonable to wait to release the animal during Animal Shelter hours. Once an animal has been taken into custody, all releases should be handled by the Animal Shelter. It is important to ensure that animals are not held in the drop off cages unnecessarily for extended periods.

### **820.3.4 ANIMAL BITE REPORTS**

The ACO's will respond to bite reports during their work hours. After hours, a patrol officer shall be dispatched to document the circumstances in a miscellaneous report. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the Animal Shelter. If the animal is a stray, every effort shall be made to capture and impound the animal immediately. The on-call ACO may be requested to assist with the capture and impound of the stray animal.

### **820.3.5 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Public nuisance calls relating to animals shall be forwarded to the Animal Shelter during normal business hours. When an ACO is not on duty, communications operators shall obtain and forward to the next available on-duty ACO s much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc.

When appropriate, on duty patrol officers may fulfill urgent requests for service. If an animal becomes difficult or dangerous to handle, the on-call ACO may be called upon to assist.

All requests to call in the ACO must be approved by a field supervisor or the Watch Commander.

### **820.3.6 DROP OFF CAGES**

For after-hours use, the Animal Shelter has three drop off cages located in the front parking lot. These cages are used to temporarily hold stray animals found in the City of Burbank. The key to the cages is stored in the police lock box at the front of the Animal Shelter. Officers must ensure the drop off cage containing the animal is locked prior to leaving the area.

Officers may be called to assist a citizen with leaving an animal in a drop off cage. Only animals found in Burbank or owned by a Burbank resident are to be accepted (flyers containing referrals for other animal shelters are available in a box next to the drop off cages). If the animal being dropped off is newborn, sick or injured and appears to require immediate attention or will suffer without prompt care,



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the on-call ACO shall be called in to assist. If the cages are full, the on-call ACO shall be called so that the cages may be emptied.

In any case in which an officer places an animal in a drop off cage, or assists anyone else in doing so, the officer shall complete a Field Interview card noting the date, time, location the animal was found, animal description and contact information for the person leaving the animal. The officer shall also document the circumstances in which the animal was found or reason the animal is being placed in a drop off cage. The Field Interview card may be placed inside the cage or slid under the Animal Shelter front door.

### 820.4 DECEASED ANIMALS

Deceased animals on public property will be removed and properly disposed of by an ACO. Unless otherwise directed by the Watch Commander, the Communications Center will document reports of deceased animals after hours and forward them to the next available on-duty ACO.

Neither an ACO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.

### 820.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located, and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code §597.1).

(a) During normal business hours, the animal should be taken to the Animal Shelter to receive treatment from the Shelter medical staff.

(b) If after normal business hours, the animal should be taken to:

True Care for Pets 11730 Ventura Blvd, Studio City, CA 91604  
(818) 760-3882

(c) The only exception to the above is 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.

1. Seriously injured or dangerous animals may be dispatched in accordance with Policy 312.41.

(d) Injured wildlife should be referred to the Animal Shelter during normal business hours. After normal business hours, the field supervisor or Watch Commander shall contact the on-call ACO for any injured or sick wildlife. Wildlife includes opossums, raccoons, squirrels, skunks, or any other species that are reported as injured, sick or suffering in some manner.

(e) When handling dead or injured animals, Department employees shall attempt to identify and notify the owner of the final disposition of the animal.



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- (f) Each incident shall be documented and, at minimum, include the name of the reporting party, where the animal was taken for medical attention, and/or person to whom the animal is released. If the ACO is off duty, the information will be forwarded to the Animal Shelter Superintendent for follow-up.

## **820.6 BATS**

Bats are considered high risk rabies carriers. Captured bats must not be released. All bats, whether dead or alive, must be submitted to the Animal Shelter for testing with the Los Angeles County Veterinary Public Health Department to ensure they do not have rabies. People who have potentially been exposed to a bat inside their dwelling must undergo post-exposure prophylaxis. If the bat is available for testing and the results are negative for rabies, the post-exposure treatment may be forgone.

Officers should use leather gloves when handling bats, and bats should be stored in a container with a lid, such as a coffee can (poke small holes in the lid to allow the bat to breathe). The can should be clearly marked to ensure it is not accidentally opened. A Field Interview card listing the address of where the bat was retrieved, along with the contact information for any person potentially exposed, must be provided to the Animal Shelter Superintendent. The can containing the bat may be left in the drop-off cage or transported to the Shelter during normal business hours for processing.

## **820.7 CITATIONS**

The handling officer or field supervisor shall determine the need for, or advisability of, the issuance of a citation for a violation.

## **820.8 POST-ARREST PROCEDURES**

The arresting officer should make a reasonable effort to ensure that animals or pets under the care of a person being arrested will be provided with adequate care after that person is arrested.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animal(s). If no persons can be found, or the owner does not consent, the appropriate animal control authority should be notified.

Animals belonging to and in the custody of persons arrested by this Department shall be treated humanely. At the arresting officer's discretion, animals may be placed in the care of another person at the request of the arrestee or placed in the care of the Burbank Animal Shelter or other appropriate animal control authority.

Circumstances pertaining to the disposition of an arrestee's animal shall be included in the corresponding police report.

If an arrestee's animal is taken to the Burbank Animal Shelter, the arresting officer will provide the Shelter staff a completed Field Interview Card with the owner's information and a secondary contact person in case the owner cannot claim the animal in a timely manner.





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## **820.9 POLICE DISPATCH**

Police Dispatch will obtain all available information and page the on-call Animal Control Officer when directed by the field supervisor or Watch Commander.

A police officer will be dispatched to the scene and should remain until the Animal Control Officer clears the scene.

When appropriate, Police Dispatch may assign the on-call Animal Control Officer at the same time they dispatch the responding Police Officer.

Police Dispatch will maintain documentation of the time of:

- (a) Initial page of the Animal Control Officer.
- (b) The Animal Control Officer dispatched to the call.
- (c) The Animal Control Officer arrived on scene.
- (d) The Animal Control Officer cleared the scene.



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Scott LaChasse, Chief of Police

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(a) *Scott LaChasse*

CALEA

Effective Date: October 28, 2013

## 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 Burbank 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.

In addition to this policy, the Burbank Police Department shall maintain a Jail Manual to guide the operation of the Jail Facility. The Department shall maintain the custody of prisoners in accordance with this policy, the Jail Manual, and all applicable laws.

#### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

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

**Temporary custody** - The time period an adult is in custody at the Burbank Police Department prior to being released or transported to a housing or other type of facility.

### 900.2 POLICY

The Burbank 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.



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## 900.2.1 JAIL OPERATIONS – ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Jail operations have been established (Title 15 CCR, §1029):

- (a) Jail Administrator – The Chief of Police shall be the Jail Administrator officially charged, by law, with the administration of the Jail.
- (b) Jail Manager – Will have the responsibility for planning, managing, administering, establishing channels of communication, conducting inspections and operations reviews, review of the facility manual and the operations of the Jail. The Jail Manager shall report to the Support Services Division Captain.
- (c) Jail Supervisor – Will be responsible for the daily supervision and operation of the Jail and may be combined with the Jail Manager position. The Jail Supervisor shall report to the Jail manager unless the positions are combined. In the absence of and in addition to the Jail Supervisor, the Watch Commander shall have 24 hour a day functional responsibility for the Jail.
- (d) Custodial personnel (Jailers) – Jailers shall be those designated on-duty employees whose duties include the supervision of inmates detained in the Jail. Jailers shall report to the Jail Supervisor.

## 900.3 JAIL ADMINISTRATIVE PROCEDURES

### 900.3.1 PRISONER BOOKINGS

#### Booking Officer Responsibilities:

- (a) Thoroughly search all prisoners booked into the Jail. Female prisoners booked and housed in the Jail shall be searched by female officers or other female staff whenever practicable.
- (b) Remove all hazardous items from the inmate's person.
- (c) Remove belts, shoes, and jackets.
- (d) Inventory and record all property removed from the inmate's person.
- (e) Secure property for safekeeping.
- (f) Complete all information on the Jail Booking Form, including marks, tattoos, and property.
- (g) For intoxicated arrestees, complete an Intoxication Assessment Form (applicable sections).

#### Jailer Responsibilities:

- (a) Notify the Watch Commander regarding all bookings.
- (b) Complete the Los Angeles County Booking and Property Record.
- (c) Complete the Los Angeles County Medical Screening Form, to include:
  - 1. Determining the current health of the inmate;



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2. Determining if the inmate is currently taking any medication;
3. Evaluating the inmate's behavior;
4. Documenting any trauma markings and other visible signs of injury; and
5. Asking if the inmate requires medical assistance.

- (d) Assess segregation and medical needs of the prisoner and obtain approval from the Watch Commander.
- (e) Enter arrestee information into the Tiburon CMS.
- (f) Photograph and fingerprint all arrested persons, both adult and juvenile, using LiveScan.
- (g) For intoxicated arrestees, complete the Jailer section of the Intoxication Assessment Form.

### Watch Commander Responsibilities

- (a) Interview all incoming prisoners and approve all bookings.
- (b) Assess the prisoner's medical and mental health needs.
- (c) Determine if the prisoner has any injuries.
- (d) Make a determination if the prisoner can be safely housed at the Burbank Jail or if the prisoner should be transferred to another facility.

## **900.4 GENERAL CRITERIA AND SUPERVISION**

### **900.4.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY**

Individuals who exhibit certain behaviors or conditions should not remain in temporary custody at the Burbank Police Department, but should be transported to another jail facility, a medical facility, another type of facility as appropriate, or cited out. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported, unless medically cleared for booking.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
  1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer/jailer shall maintain supervision of the individual depending on the level of suicide risk until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).



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- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).
- (h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety (see 900.6.4).
- (j) Any individual who is obviously developmentally disabled (15 CCR 1057).
- (k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).
- (n) Any person or persons for who an appropriate classification cannot be maintained.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

Juveniles who are detained by the Burbank Police Department will be processed and handled in accordance with the Temporary Custody of Juveniles Policy. Juveniles will not be detained in the Jail.

## **900.4.2 DETAINABLE INMATES**

Arrestees who fall within the following classifications may be detained in the Burbank Police Department Jail with the approval of the Watch Commander. This includes those arrested and detained pending:

- (a) Arraignment.
- (b) Posting of bail.
- (c) Release on Own Recognizance (O.R.).
- (d) Release on citation (see the Cite and Release Policy).
- (e) Transportation to the County Jail.



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- (f) Release per Penal Code §849(b).
- (g) In-custody interview or other investigation.

### 900.4.3 SUPERVISION IN TEMPORARY CUSTODY

An authorized Department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one appropriately trained female custodial person should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (e.g., citation, O.R. Release, etc.) (Penal Code § 4021 / 15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

### 900.4.4 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Corrections Standards Authority (CSA) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by CSA staff. The review and recommendations of the CSA biennial review shall be forwarded to the City, as required by 15 CCR 1027.

### 900.4.5 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.



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## **900.5 INITIATING TEMPORARY CUSTODY**

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving jailer 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 in need of critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County Jail or the appropriate mental health facility. An individual in temporary custody who exhibits possible suicidal tendencies shall be subject to security and inmate welfare checks by the jailer (Watch Commander discretion) at intervals not to exceed 15 minutes.

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 County Jail or other facility.

### **900.5.1 SCREENING AND PLACEMENT**

As part of the booking procedure, the jailer should evaluate each incoming prisoner using the Prisoner Classification and Screening Form. This form shall be completed in its entirety in order to properly assign inmates.

During the booking process, the jailer shall ask the prisoner if he or she is contemplating suicide. The jailer shall evaluate the prisoner for other signs or indications that the prisoner may be suicidal. If there is any suspicion that the prisoner may be suicidal, the Watch Commander shall be notified. Further inquiry shall be conducted, including review of prior bookings. Consultation with the MHET Team and contact with relatives should be considered. When necessary and appropriate, the prisoner shall be transported to the County Jail or appropriate mental health facility. The receiving staff shall be notified in writing (e.g., noted on the booking sheet, 5150 form, etc.) that the suspect may be suicidal.

The supervisor or Watch Commander approving the booking is responsible for ensuring that the Inmate Classification and Screening Form has been properly completed. After the completion of the form, the supervisor or Watch Commander will be required to authorize, on a case-by-case basis, the placement of each prisoner who is not immediately released or transported to the County Jail. For inmates housed in the Burbank Police Jail, a copy of the completed classification form must be attached to the booking form and a copy retained in the inmate's arrest file

The jailer responsible for an individual in custody shall (15 CCR 1050):

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:





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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. If a prisoner will be housed overnight in the same cell with any other prisoner, he or she shall be screened to assess the risk of being sexually abused by other prisoners or of being sexually abusive toward other prisoners. Jailers shall ask the prisoner about his/her own perception of vulnerability and shall consider the following criteria to screen prisoners for risk of sexual victimization (28 CFR §115.141):
  - (a) Whether the prisoner has a known or apparent mental, physical or developmental disability.
  - (b) The age of the prisoner.
  - (c) The physical build and appearance of the prisoner.
  - (d) Whether the prisoner has previously been incarcerated; and
  - (e) The nature of the prisoner's alleged offense and criminal history
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
  - (a) Continuous, direct sight and sound supervision.
  - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensuring individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensuring males and females are separated by sight and sound when in cells.
5. Ensuring restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensuring that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

### 900.5.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested (refer to Policy 422). The Patrol 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 (i.e., Jail).



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Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  - 1. This notification should be documented (Form C320-415).
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  - 1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
    - (c) Forward any communication from the individual to his/her consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Forward any communication from the individual to his/her consular officers without delay.

## **900.6 SAFETY, HEALTH AND OTHER PROVISIONS**

### **900.6.1 TEMPORARY CUSTODY LOGS**

Anytime an individual is in temporary custody at the Burbank Police Department, the custody shall be promptly and properly documented to include:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Burbank Police 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)(Recorded electronically).



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- (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 Burbank Police Department.
- (i) Logs shall be kept in the Jail. The Jail Supervisor is responsible for ensuring that all appropriate entries are made.
- (k) The Jail Manager should review all Jail logs and shall make necessary reports to the Support Services Division Captain.
- (h) Hard copies of all logs and reports should be maintained in the Records Bureau or otherwise electronically for inspection by the Jail Manager, Support Services Division Commander, or other officials as required.

The Watch Commander shall initial the booking form to approve the temporary custody absent extenuating circumstances.

The Watch Commander shall perform a visual inspection of the entire facility and check the security and safety check logs at least twice per shift, one during the first half of the Watch Commander's shift and another during the second half. These inspections shall be documented in the Watch Commander's Log. This requirement is separate and in addition to the requirement for the Watch Commander to respond to the Jail for booking approvals; both functions may be performed during the same visit to the Jail.

## **900.6.2 TEMPORARY CUSTODY REQUIREMENTS**

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet/shower.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.



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- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean bedding if expected to remain overnight, to include one serviceable mattress which meets the requirements of Title 15 CCR, §1272(b), one mattress cover or one sheet, one towel, and one blanket or more, depending on climatic conditions, are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The jailers should ensure that there is an adequate supply of clean blankets and that the storage, exchange, or cleaning of bedding, linens, and mattresses meets the requirements of Title 15 CCR, §1271 and §1272.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

### 900.6.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to Department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

In the event a member of this Department becomes aware of an inmate's injury/illness either by personal observation or by a complaint, the inmate shall be transported to the nearest contract medical facility for appropriate treatment. If the injury/illness is serious or life-threatening, paramedics shall be summoned. In all instances, the Watch Commander shall be notified.

If the person is transported while still in custody, he/she will be accompanied by at least one officer.

Those who require medication other than ibuprofen while in temporary custody should not remain at the Burbank Police Department. They should be released or transferred to another facility as appropriate.

#### 900.6.3.1 INMATE REFUSAL OF MEDICAL TREATMENT

If the inmate refuses medical treatment he or she must do so in the presence of the Watch Commander. The prisoner shall then be transported to the appropriate medical facility and offered treatment by medical staff. If the prisoner again refuses medical treatment, this statement shall be recorded in a report with the name(s) of the medical staff who acknowledged the medical refusal. The Watch Commander shall be notified and will determine if the inmate should remain in temporary custody or transported to an appropriate County Facility.



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The Watch Commander may accept a prisoner's refusal of medical treatment if the injury/illness did not occur while in police custody, and the Watch Commander is reasonably certain that the injury/illness is of a very minor nature (e.g., complaint of joint pain due to arthritis or a minor cut that is not bleeding). The Watch Commander shall document any acceptance of a refusal of treatment in the Watch Commander's Log. If there is any possibility that the injury may be related to the arrest, a supplemental report shall be completed. If an injury/illness occurs in the Jail (e.g., fell out of bunk and struck head), a new report number should be assigned and the incident classified as Inmate Sick/Injured. The new report number shall be cross-referenced with the original report.

The use of the "Burbank Police Department Medical Service Refusal and Release of Liability" form is no longer authorized.

### 900.6.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are detained in the Jail shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. 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 shall be removed from the prisoner and booked for safekeeping. It shall be promptly returned if it is later determined that such risk no longer exists (Penal Code §2656 (a) and (b)).

Whenever a prosthetic or orthopedic appliance is removed from an inmate, the Watch Commander shall be notified and the reason shall be documented in a report. If it is determined that the appliance will not be returned, the prisoner shall be examined as soon as practicable by a physician but no later than 24 hours of removal to determine if the removal will be injurious to the health or safety of the inmate (Penal Code §2656(b)). Detention in a single cell or appropriate segregation should be considered before removal and seizure of the appliance.

If the examining physician determines that removal is or will be injurious to the health or safety of the prisoner and the appliance cannot be returned because of safety or security concerns, the prisoner should be transferred to an appropriate medical detention facility or, in lieu of transfer, shall be provided with an opportunity to petition the Superior Court for the return of the appliance in accordance with Penal Code §2656(b) and (c).

### 900.6.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5) (Refer to Jail Manual). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.



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1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
  2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
  2. As soon as practicable, but no later than three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

## **900.6.6 RELIGIOUS ACCOMMODATION**

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied. The accommodations should include reasonable access to clergy members and spiritual advisers, volunteer religious organizations, faith and morals based programs, and other secular volunteer programs. No inmate shall be required to participate in any such program.

An arrestee wearing a religious head covering shall be permitted to wear the covering while in custody if there are no articulable safety/security concerns and/or investigative concerns related to wearing the item. Safety concerns include, but are not limited to situations in which the arrestee is suffering from suicidal ideations and/or has attempted suicide in the past. Investigative concerns include, but are not limited to situations in which the head covering is seized as evidence. An inmate may only be denied the opportunity to wear the head covering by the Watch Commander or Jail Manager. The reason(s) for the denial, and name of the employee making the denial, shall be documented on the inmate's booking sheet.

Head coverings shall be searched as part of the booking process. Any time a religious head covering is to be removed from an arrestee, even temporarily, the searching officer(s) and/or jailer(s) shall make a reasonable effort to:





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- (a) Place the inmate in the search room before removing the head covering to provide a level of privacy from other inmates.
- (b) Use only staff members of the same sex as the arrestee to accompany the arrestee in the search room.
- (c) Allow the arrestee to remove the head covering if deemed safe to do so.

If the arrestee will not be allowed to wear the head covering while in custody, reasonable efforts must be made to prevent members of the opposite sex from viewing the arrestee. If deemed safe, a towel or piece of clothing may be provided to the inmate as an alternative means of covering her/his head.

If the arrestee is permitted to wear the head covering, the arrestee shall be provided the opportunity to reapply the head covering before leaving the search room. In the absence of articulable safety/security concerns and/or investigative concerns, an arrestee may wear the head covering during the booking photograph process provided that the head covering does not cover the face to the extent that the booking photograph would not be accepted by LACRIS (Los Angeles County Regional Identification System).

### 900.6.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms, deadly weapons, ammunition, or any type of explosive device shall not be permitted within the secure area of the Jail. Weapons and ammunition should be properly secured in the gun lockers outside of the secure area. An exception may occur only during emergencies upon approval of the Facility Manager or Watch Commander.

- (a) Only authorized personnel shall have access to the Jail, Jail keys, or detainees.
- (b) All perimeter doors to the Jail shall be kept locked at all times except during routine cleaning when no inmates are present or as may be necessary in the event of an emergency, such as an evacuation.
- (c) Cell doors are to be locked at all times when inmates are detained in the Jail.
- (d) No employee shall smoke at any time while in the detention area. No inmate shall be allowed to smoke or possess smoking materials in the Jail.
- (e) Restraint devices such as handcuffs, disposable cuffs, waist-chains, and leg restraints shall be used in accordance with department policy and only with the approval of the Watch Commander. If used in an emergency, the Watch Commander shall be notified as soon as practicable.

### 900.6.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

Any Jail incident that results in physical harm or serious threat of physical harm to an employee, inmate, or other person shall be documented per the Use of Force Policy, the On-Duty Injuries Policy, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted to the Jail Manager as soon as reasonably practicable. The Jail Manager will retain a record of these reports for inspection purposes (Title 15 CCR, §1044).





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## 900.6.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit an inmate at the inmate's request or at the request of the inmate's relative (Penal Code §825).
- (b) Attorneys and bail bondsmen who need to interview an inmate should do so inside the Jail in a secure interview room designated for this purpose.
- (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 if the interview takes place in the same room without a solid barrier between the parties involved.
- (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).
- (f) The number of persons allowed in the interview room shall be governed by safety considerations and shall be at the discretion of the Watch Commander.

## 900.6.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any inmate 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 (Title 15 CCR, §1081).

## 900.6.11 PRISONER FOOD SERVICE

Meals shall be served three times in any 24-hour period. At least one of these meals shall include hot food. Meals will be provided to inmates detained in excess of six hours. Inmate food will be purchased from an approved vendor or the Los Angeles County Sheriff's Department.

## 900.7 USE OF RESTRAINTS

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 Burbank 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.



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## 900.7.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

## 900.7.2 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy and Jail Manual, 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 (C320-417).

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign the booking sheet 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 his/her property. The Watch Commander shall attempt to prove or disprove the claim.

## 900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented and the Watch Commander shall be advised.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoelaces (shoes if in Detox Room) and jackets, shall be removed before placement in a holding cell.
- (b) The individual shall have constant auditory access to Department members.
- (c) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (d) Safety checks by Jailers shall occur no less than every 30 minutes (15 CCR 1027.5).
  - 1. Safety checks should be at varying times.
  - 2. All safety checks shall be logged.



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3. The safety check should involve questioning the individual as to his/her wellbeing if awake.
5. Requests or concerns of the individual should be logged.

## **900.8.1 USE OF SOBERING CELL**

Inmates who are to be held in the Jail and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (Title 15 CCR, §1056):

- (a) The Watch Commander should be notified when an inmate is placed in a sobering cell.
- (b) A cell log shall be initiated every time an inmate is placed in a sobering cell. The log shall be maintained for the entire time the inmate is housed in the cell and archived upon the inmate's release or transfer.
- (c) A safety check consisting of direct visual observation sufficient to assess the inmate's well-being and behavior shall occur at least once every 30 minutes. Each safety check shall be documented in the cell log. Watch Commanders shall check the logs for completeness at least one time per shift and document this action on the Watch Commander log.
- (d) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel or properly trained Jail staff to ensure the inmate does not have an urgent medical issue. (Title 15 At 12 hours from the time of placement in sobering cell, all inmates will receive an evaluation by responsible health care staff CCR, §1056).
- (e) More than one inmate may be placed in a sobering cell with Watch Commander approval.
- (f) Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

## **900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY**

The Support Services Captain or designee will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Burbank Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Watch Commander, who will make the appropriate additional notifications as directed in the Major Incident Notifications Policy and the Jail Manual.
- (c) Notification of the spouse, next of kin or other appropriate person as applicable.



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- (d) Notification of the Los Angeles District Attorney's Office for in-custody deaths.
- (e) Notification of the City Attorney's Office if deemed appropriate by the Deputy Chief or designee.
- (f) Notification of the Los Angeles Coroner's Office if a death occurs.
- (g) Evidence preservation.
- (h) In-custody death review completed (15 CCR 1046). The review team shall be appointed by the Chief of Police.
- (i) Notification by the Chief of Police or designee to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

## **900.9.10 RELEASE AND/OR TRANSFER**

Prisoners shall be released in accordance with state law. Positive identification shall be made before an inmate is released. The identification shall consist of verifying the information on the wrist band and comparing the individual to the booking photograph. The releasing Jailer will be responsible for the following:

- (a) All documentation and forms shall be completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have any outstanding warrants.
- (c) All bail monies are verified.
- (d) Bail bonds are attached to the necessary paperwork and placed in the bond safe in the Jail.
- (e) All property except evidence, contraband, or dangerous weapons shall be returned to, or sent with, the individual.
- (f) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical questions, itemized list of his/her property, warrant copies).
- (g) The individual is not permitted in any nonpublic areas of the Department unless escorted by a member of the Department.
- (h) The date, time, and reason for release, as well as the releasing Jailer's name shall be documented in the appropriate system or log.
- (i) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being transferred to another facility.
  - 1. The Department member transporting the individual shall ensure such risks are communicated to the intake personnel of the other facility.



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- (j) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicles unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (k) The occupied Jail cell should be inspected for damage or security tampering prior to the release or transfer of any inmate.
- (l) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted, they will be made. Photographic evidence should be obtained and documented to support additional charges.

If an arrestee is released from custody per Penal Code §849(b)(1) prior to the case being presented to the District Attorney or City Attorney, the arresting officer shall complete a Certificate of Release form (C320-31), give a copy to the arrestee, or mail the form if the arrestee has previously been released. The original shall be forwarded to the Records Bureau for processing. The investigator shall assume these responsibilities upon assignment of the case if not completed by the arresting officer.

If the City Attorney or District Attorney reviews and rejects the case, the investigator shall forward the Adult Disposition of Arrest and Court Action form (JUS 8715) to the Records Bureau and shall complete a Certificate of Release form (C320-31). The investigator shall provide a copy of the form (personally or by mail) to the arrestee and the original shall be forwarded to the Records Bureau.

When a case is automatically filed with the City Attorney's Office that office will process the notification and no further action is required.

## **900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS**

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms (CR-409) to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

## **900.10.2 TEMPORARY REMOVAL OF INMATES FROM THE JAIL**

The Watch Commander shall approve all temporary removals of an inmate from the Jail. Upon approval of the Investigation Division Captain or his/her designee, Investigation Division personnel shall contact the Watch Commander to provide appropriate justification. The Watch Commander shall consider the investigatory need to allow the temporary removal of an inmate from the jail. Upon approval, the Watch Commander shall notify the on-duty Jailer and shall log all relevant information on the Watch Commander's Log, to include the following information:

- Inmate name and booking number
- Name of the requesting investigator or supervisor
- Destination (either a specific address or general location)



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- Expected time of return

When the inmate is returned to the Jail, the accepting Jailer shall notify the Watch Commander. The investigators or officers returning the inmate shall conduct a booking search. Jailers shall conduct a secondary search prior to placing the inmate into a cell. The Watch Commander shall respond to the Jail to observe the inmate and shall complete the Watch Commander Log entry with the return time. Jailers shall record the "In" and "Out" times and the name of the approving Watch Commander on the booking sheet and/or Jail Log.

## **900.11 WEEKENDER BOOKINGS**

All participants being admitted into the Jail shall be processed in accordance with regular inmate booking procedures, including photographing and using LiveScan fingerprinting.

The above procedure shall also be followed each time the participant returns to the Jail to complete the terms of the sentence. All other procedures shall be followed as outlined in the Burbank Police Department Jail Manual.

## **900.12 FIRE SAFETY**

The Jailers have the primary responsibility to inspect the Jail at the beginning of each shift to ensure:

- (a) No flammable materials are stored in the detention area.
- (b) Fire extinguishers and SCBAs (Self-Contained Breathing Apparatus) are serviceable.
- (c) Cell keys are available in the Watch Commander's Office for emergency use.
- (d) First aid kits are readily available and completely stocked.
- (e) Smoke detectors are operational.

The Watch Commander should verify the inspections during each shift.

The Jail Supervisor or his/her designee shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years (Title 15 CCR, §1032).

### **900.12.1 FIRE PROCEDURES**

In the event of a fire in the Jail, the discovering employee should immediately:

- (a) Notify the Fire Department, Watch Commander, and on-duty patrol personnel simultaneously through the Communications Center.
- (b) Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan.
- (c) Begin fire suppression procedures as able or as necessary.



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Responding patrol officers under the direction of the Jail Supervisor or Watch Commander should be responsible for:

- (a) The evacuation of prisoners.
- (b) Obtaining medical services as needed.
- (c) Securing prisoners in a temporary holding area.
- (d) Arranging transportation of prisoners to the County Jail or other holding facility as necessary.
- (e) Initiating an investigation concerning the origin of the fire along with filing necessary reports.

The Jail Manager, in coordination with the Fire Department and qualified first aid/CPR instructional personnel, shall oversee the training of all Department personnel and ensure that they are familiar with:

- (a) The Jail Policy and fire procedures; and
- (b) Fire safety and evacuation plan including the use of the fire extinguisher and SCBAs.

The Fire Marshal should conduct documented annual inspections of the Jail.

### **900.13 JAIL EVACUATION**

If an evacuation of the Jail becomes necessary, the following should be the primary concerns:

- (a) Safety of public.
- (b) Safety of personnel.
- (c) Safety of inmates.
- (d) Security of inmates.

#### **900.13.1 NOTIFICATIONS**

Any employee who assumes the role of an incident commander shall make the following notifications as soon as practicable:

- (a) Watch Commander.
- (b) All available sworn personnel.
- (c) Fire Department.
- (d) Medical aid.
- (e) Jail Manager.
- (f) Support Services Captain.





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## **900.13.2 EMERGENCY EVACUATION**

When time permits and as deemed necessary by the officer conducting the evacuation, all inmates should be restrained. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Jail. In the absence of sufficient personnel if it becomes necessary for the preservation of life to immediately evacuate the Jail, the involved employees shall broadcast the circumstances via the radio to responding personnel so that they may attempt to locate and secure the evacuated inmates. Priority should be given to securing inmates who are detained for serious or violent offenses.

## **900.13.3 EVACUATION FORMATION AREA**

All inmates will form in a designated location where they will be held until the Jail may again be safely occupied, or as in the case of an emergency of a long duration, until they can be transported to another facility.

If possible, juveniles are to be kept separate from adults and females from males.

Only after the safety and security of the inmates are assured will personnel, not detailed to inmate security, participate in fire suppression or other emergency activities.

## **900.13.4 CITYWIDE OR REGIONAL DISASTERS**

In cases of Citywide or regional disasters, the Watch Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort should be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

## **900.13.5 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION**

As necessary and able, evacuating personnel should render first aid to inmates injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

## **900.13.6 REPORTS**

The Watch Commander will ensure that any emergency evacuation of the Jail is documented and that copies of those reports are forwarded to the Jail Manager and Chief of Police.

## **900.14 FACILITY SANITATION AND MAINTENANCE**

The Watch Commander should inspect the Jail at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Jail shall be cleaned as necessary in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the Jail Supervisor.



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### 900.15 ASSIGNED ADMINISTRATOR

The Jail manager 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
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

### 900.16 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 within one year of assignment. Such training shall include but not be limited to the following (15 CCR 1024):



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- (a) Applicable minimum jail standards
  - (b) Jail operations liability
  - (c) Inmate segregation
  - (d) Emergency procedures and planning, fire safety, and life safety.
  - (e) Suicide prevention

The Training Coordinator shall maintain records of all such training in the member's training file.



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*Scott LaChasse*

CALEA

Effective Date: January 1, 2013

## CHAPTER 9 – CUSTODY

# 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 Burbank 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

**Booking Search** – This search is used in the Jail and involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

**Gender** – Determined in the brain, it is an innate sense of being male or being female.

**Gender non-conforming** - a person whose appearance or manner does not conform to traditional societal gender expectations. (28 CFR §115.5)

**Intersex** – A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR §115.5).

**Pat Down Search** – This is the normal type of search used by officers in the field to check an individual for 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 prisoner, or other prisoners.

**Physical Body Cavity Search** – This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §4030(d)(1) and §4030(d)(3)).

**Sex** – Determined by biology and assigned at birth. Based on visible genitalia.



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**Strip Search or Visual Body Cavity Search** – This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code §4030(d)(2)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

**Transgender** – A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR §115.5)

### 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, retaliation or to determine sex.

### 902.3 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual. An officer shall conduct a full search for weapons and/or contraband of any arrestee placed in a police vehicle.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, and when not in a jail facility, a witness officer or supervisor should be present during any pat-down search of an individual of the opposite sex as the searching officer. 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.

During the search of an arrestee, officers should not place the arrestee's property or evidence on the ground, except in extenuating circumstances.

### 902.4 BOOKING SEARCHES

Inmate searches represent a critical component of a secure and safe jail. It is imperative that all employees working within the jail facility acknowledge their professional obligation to maintain a safe environment for fellow officers and other inmates under the care and control of the Department.

- (a) Absent emergency circumstances in which no reasonable alternative exists, no person arrested for a misdemeanor or infraction not involving weapons, controlled substance or violence may be placed in the general jail population, unless all of the following conditions exist:



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1. The person is not cited and released.
  2. The person is not released on his or her own recognizance.
  3. The person is not able to post bail within a reasonable time not less than three hours.
- (b) Any person taken into custody may be subjected to pat-down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.
- (c) It is the booking officer's responsibility to conduct a systematic and comprehensive booking search of the arrestee in order to retrieve and inventory all appropriate personal property and seize and book all illegal contraband.
- (d) Upon completion of the booking process by the booking officer, the Jailer shall assume responsibility for the arrestee. Prior to placing the arrestee into a housing cell the Jailer shall conduct a booking search of the arrestee to ensure that the arrestee possesses no unauthorized personal property or illegal contraband. The searching Jailer shall write their initials next to the searching officer's name on the L.A. County booking slip.

Prisoners who are searched in the Burbank Jail shall only be searched by employees of the same sex whenever practicable. Employees may search the person of a prisoner of the opposite sex only if another employee of the same sex as the person to be searched is present (Title 15 CCR, §1027, Penal Code §4021).

## **902.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this Department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description on the booking sheet (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.

## **902.4.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. All envelopes should clearly indicate the contents on the front. The Department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope. The Corrections Management System (CMS) shall be updated with the new total.



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## 902.5 STRIP SEARCHES

This procedure is necessary to prevent the introduction of illegal contraband and dangerous weapons into the Burbank jail and to protect our employees and other prisoners within our facility. This directive also provides clear mandates to all personnel that we are all responsible for the protection of the Constitutional rights of prisoners taken into Burbank Police Department custody.

These procedures shall be followed when conducting strip and or visual body cavity searches:

- (a) No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, possession of controlled substances or violence, shall be subjected to a strip search or visual body cavity search prior to placement in the general jail population unless an officer has determined that there is reasonable suspicion based upon specific and articulable facts to believe such person is concealing a weapon or contraband which would be discovered by such a search (Penal Code §4030(f)).
- (b) No strip search or visual body cavity search shall be conducted without prior written authorization from the Watch Commander. The time, date, and place of the search, the name and gender of the person conducting the search, and a statement of the results of the search shall be recorded on the Booking Search form (B320-97A) and documented in the related reports. A copy of the written authorization and recorded information shall be retained and made available to the arrestee or other authorized representative upon request.
- (c) All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search (Penal Code §4030(m)). The secondary interview room in the Burbank jail has been designated for this purpose.
- (d) Unless conducted by a physician or other licensed medical personnel, the officer(s) conducting the strip search or visual body cavity search shall be of the same sex as the person being searched (Penal Code §4030(l)).
- (e) A second officer of the same sex shall be present during the search, for security and as witness to the discovery and seizure of evidence. If insufficient female Jailers or sworn officers are on duty at the time of booking (including sergeant, lieutenant, or captain), other neighboring agencies should be considered as an alternative.
- (f) The officer conducting a strip search or visual body cavity search shall not touch the breasts, buttocks or genitalia of the person being searched (Penal Code §4030(j)).
- (g) No employee should view an arrestee's private underclothing, buttocks, genitalia or female breasts while that person is showering or changing clothes unless the arrestee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the arrestee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the arrestee's consent and/or otherwise protect the arrestee's privacy and dignity.
- (h) Strip and visual body cavity searches shall be audio recorded, but shall not be video recorded.





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- (i) No juvenile arrestee shall be subjected to a strip search or visual body cavity search unless there is a valid exigency or search warrant.

Nothing in this policy section shall prohibit the otherwise lawful collection of trace evidence from an arrestee in accordance with the provisions of (c) through (f) above and based on a valid exigency, consent, or a search warrant.

Any questions regarding the legality of a strip or visual body cavity search shall be directed to the Watch Commander.

### 902.5.1 PHYSICAL BODY CAVITY SEARCH

- (a) No person arrested on a misdemeanor or infraction shall be subjected to a physical body cavity search without a search warrant (Penal Code §4030(h)).
- (b) A copy of the search warrant and the results of any physical body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative (Penal Code §4030(i)).
- (c) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code §4030(k)).
- (d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as for strip searches.

### 902.6 SEARCHES OF TRANSGENDER, INTERSEX, OR GENDER NON-CONFORMING INMATES

- (a) Booking/pat-down searches in the jail shall be conducted in accordance with Penal Code 4021(b). Prisoners who are searched in the Burbank Jail shall only be searched by employees of the same sex whenever practicable. Employees may search the person of a prisoner of the opposite sex only if another employee of the same sex as the person to be searched is present.
- (b) If a prisoner objects to being searched (Pat-down/Booking) by an employee of the same sex and prefers to be searched by an employee of the opposite sex, the Watch Commander shall be consulted and the search shall comply with Penal Code 4021(b). Any employee conducting or otherwise present or within sight of a prisoner during a strip search or visual or physical body cavity search shall be of the same sex as the person being searched, except in exigent circumstances or when performed by physicians or licensed medical personnel (Penal Code 4030(k)(1)/ 28 CFR §115.115(a)).



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- (c) Employees shall not search or physically examine a transgender, intersex, or gender non-conforming detainee for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner (28 CFR §115.115(d)).
- (d) Cross-gender searches, and searches of transgender and intersex detainees, shall be conducted in a professional and respectful manner, in the least intrusive manner possible, consistent with security needs (28 CFR §115.115(e)).
- (e) Unless specifically requested by the prisoner, and authorized by the Watch Commander, no prisoner shall be physically searched by both female and male staff members (e.g., female staff member to search above the waist and male staff member to search below the waist). This does not preclude having both a female and male staff member present during the search.



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Scott LaChasse, Chief of Police

**Policy  
904**

Approved: *Scott LaChasse*

Effective Date: May 22, 2015

## CHAPTER 9 – CUSTODY

# Prison Rape Elimination

### 904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (known as the “PREA Rule”) to prevent, detect and respond to sexual abuse, harassment, and retaliation against detainees or prisoners in the Burbank Police Department Temporary Holding Facility (28 CFR §115.111).

#### 904.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** – A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR §115.5).

**Sexual Abuse** – Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
2. Contact between the mouth and the penis, vulva or anus.
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, prisoner, or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
2. Contact between the mouth and the penis, vulva or anus.



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3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
6. Any attempt, threat or request by a staff member, contractor, or volunteer to engage in the activities described above.
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of a detainee, prisoner, or resident.
8. Voyeurism by a staff member, contractor, or volunteer

**Sexual Harassment** – Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee, prisoner, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR §115.6; 15 CCR 1006).

**Transgender** – A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR §115.5).

## 904.2 POLICY

The Burbank Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR §115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Burbank Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR §115.162; 15 CCR 1029).

## 904.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee Department efforts to comply with PREA standards in the Burbank Police Department Jail (28 CFR §115.111). The Jail Manager (or designee) is the designated PREA Coordinator whose responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.



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- (b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR §115.187 (28 CFR §115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR §115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR §115.151).
- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and Department leadership to an incident of sexual abuse (28 CFR §115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Jail. The protocol shall include (28 CFR §115.121; 28 CFR §115.122):
  - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents or a similarly comprehensive and authoritative protocol.
  - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
  - 3. A process to document all referrals to other law enforcement agencies.
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  - 5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective



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communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR §115.116).

1. The Department shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the Department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR §115.154).
  2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR §115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR §115.187; 34 USC § 30303; 15 CCR 1041).
1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
  2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR §115.401 through 28 CFR §115.405 for all Temporary Holding Facilities used to house detainees or prisoners overnight (28 CFR §115.193).
- (k) Ensuring contractors or others who work in the Jail are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
- (l) Ensuring that information for uninvolved inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

### 904.4 REPORTING SEXUAL ABUSE ,HARASSMENT, AND RETALIATION

Detainees and staff may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR §115.151; 15 CCR 1029):

- (a) Sexual abuse.
- (b) Sexual harassment.



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- (c) Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment.
- (d) Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment.

During intake, the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR §115.132; 28 CFR §115.151).

## **904.4.1 MEMBER RESPONSIBILITIES**

Department members shall accept reports from detainees, prisoners, and third parties and shall promptly document all reports (28 CFR §115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

- (a) An incident of sexual abuse or sexual harassment that occurs in the Jail.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR §115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

## **904.4.2 WATCH COMMANDER RESPONSIBILITIES**

The Watch Commander shall report to the Internal Affairs Bureau all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR §115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and Department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the Support Services Division Captain. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification upon the Watch Commander's Log or a police report, if applicable (28 CFR §115.163).

If an alleged detainee or prisoner victim is transferred from the Jail to another jail, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the





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prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR §115.165).

## **904.5 INVESTIGATIONS**

The Department shall promptly, thoroughly, and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received Department-approved special training shall conduct sexual abuse investigations (28 CFR §115.171).

### **904.5.1 FIRST RESPONDERS**

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR §115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (e) Seek immediate medical treatment if necessary.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR §115.164).

### **904.5.2 INVESTIGATOR RESPONSIBILITIES**

Investigators shall (28 CFR §115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects, and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.



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- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Burbank Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Jail (28 CFR §115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

## **904.5.3 ADMINISTRATIVE INVESTIGATIONS**

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this Department shall not be used as a basis for terminating an investigation (28 CFR §115.171).

## **904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS**

No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR §115.171(e)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR §115.182).

## **904.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR §115.172).

Any member who violates this policy may be subject to disciplinary sanctions up to and including termination. Termination shall be the presumptive disciplinary sanction for Department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and



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circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR §115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR §115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR §115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

### 904.6 RETALIATION PROHIBITED

All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR §115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

### 904.7 REVIEWS AND AUDITS

#### 904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR §115.186).

The review shall (28 CFR §115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.



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- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR §115.186).

## **904.7.2 DATA REVIEWS**

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR §115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR §115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the Department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Jail. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Burbank Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the



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Department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR §115.189).

### 904.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR §115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR §115.189).

### 904.9 TRAINING

All employees, volunteers, and contractors who may have contact with detainees or prisoners shall receive Department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Coordinator shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR §115.131):

- The Department's zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR §115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of Miranda and Garrity warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Coordinator shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.



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All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.



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Scott LaChasse, Chief of Police

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905**

Approved: *Scott LaChasse*

CALEA  
Effective Date: April 18, 2013

## CHAPTER 9 – CUSTODY

# Detainee Transportation

### 905.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the safe and efficient transportation of detainees.

### 905.2 POLICY

To the degree that is reasonable and within his/her control, the transporting officer is responsible for the safety and custody of any person being transported. The transporting officer shall search any person being placed into the transporting officer's custody, including transporting from the field to the Jail or from the Jail to another detention facility, court, or medical facility.

### 905.3 DETAINEE SEARCHES

Officers shall search all arrestees prior to transporting the arrestee. If the transporting officer is different from the arresting officer, the transporting officer shall also conduct a full search of the arrestee prior to the transportation. The transporting officer shall not assume another officer has searched the person and shall conduct another search even if the transporting officer has witnessed the arresting officer's search of the person.

During the search of an arrestee, officers should not place the arrestee's property or evidence on the ground, except in extenuating circumstances.

### 905.4 VEHICLE SEARCHES

Immediately prior to transporting, the transporting officer shall search the vehicle to ensure that no weapons or contraband are present. This requirement is in addition to the pre-shift examination to ensure that no opportunity has existed for the introduction of weapons, contraband, or other items.

Once a detainee has been removed from the vehicle, a thorough search shall be conducted by the transporting officer as soon as practicable, but, in all cases, before the vehicle is reused. The search is to ensure that the detainee has left nothing in the vehicle and if items are found, to link them to the detainee in a timely manner.





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### 905.5 TRANSPORTATION PROCEDURES

Vehicles used primarily for transporting prisoners (i.e., Jail Van) must have a barrier to separate the driver from prisoners. Officers may transport no more than two detainees in a patrol vehicle (see "Restrictions" below). All detainees shall be transported in the rear seat, with a lone detainee in the right rear seat and a second detainee in the left rear seat. The detainees shall be properly restrained and secured in their seat by a seatbelt unless other safety considerations prevent the use of the seatbelt (permitted by Vehicle Code 27315(g)). If the seatbelt is not used, the reason shall be properly documented in the crime or incident report.

Vehicles used for detainee transportation shall have the detainee compartments modified to minimize opportunities for the detainee to exit without the assistance of the transporting officer.

Whenever male officers are transporting female detainees, the transporting officers shall advise Communications, via radio, of the start location and vehicle mileage. Communications shall acknowledge the information and provide the start time. Upon arrival at the destination, the transporting officers shall advise Communications the ending vehicle mileage. Communications shall then acknowledge and provide the end time.

#### 905.5.1 UNMARKED VEHICLES (WITHOUT SAFETY BARRIERS)

If a vehicle with a safety barrier is not available, officers shall obtain approval from a direct supervisor or the Watch Commander to transport detainees in an unmarked vehicle. No more than one detainee should be transported in a vehicle without a safety barrier. The detainee shall be properly restrained and secured in the rear seat by a seatbelt. The detainee should be placed on the passenger side of the vehicle unless safety requires placing the detainee behind the driver. A second officer shall be seated with the detainee in the rear seat.

#### 905.5.2 RESTRICTIONS

- (a) A single officer shall not transport a detainee in a vehicle without a safety barrier.
- (b) Two officers shall be involved in the transportation of any detainee (e.g., two officers in same patrol vehicle, two officers in separate patrol vehicles, one officer in patrol vehicle and second officer on motorcycle, one officer in marked patrol vehicle and second in unmarked vehicle). A supervisor or the Watch Commander may approve an exception to this requirement in exigent circumstances and only within the City limits.
- (c) Transporting officers shall not initiate or participate in a pursuit.
- (d) Transporting officers shall not respond Code-3 for any reason other than when necessary for the safety of the detainee. The field supervisor or the Watch Commander shall be notified of the reason, destination, and estimated arrival time by the officer via the radio.
- (e) Detainees of the opposite gender shall not be transported together in the back seat unless both are parties to the same crime, either as principals or as accessories.
- (f) Juveniles shall not be transported in the same vehicle with adult detainees.



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- (g) Restroom stops for prisoners shall not be made when the transport is within the City of Burbank due to the short distances involved. During lengthy transports, if a detainee requests to use a restroom while being transported, officers shall consider a nearby law enforcement agency for the stop. Officers shall advise Communications of the stop either via the radio or by phone.
- (h) Officers shall not stop for a meal when transporting a detainee. Any deviation shall be documented in the Watch Commander's log.

## 905.6 INTERRUPTION OF TRANSPORT

The primary duty of a transporting officer is the safe delivery of a detainee. Officers should not interrupt the transportation of a detainee before reaching the intended destination. Only when the risk to a third party in the immediate area is both clear and grave requiring immediate action and the risk to the detainee is minimal should an officer consider interrupting a transport. In such cases, the transporting officer should consider declaring a "Field Emergency" for in-progress violent crimes but shall in all cases notify Communications of the reason for the interruption (suspected DUI driver, for example). For minor accidents or offenses, the transporting officer shall report the incident and location to Communications via the radio and shall continue the transport.

Officers should use extreme caution when involved in other incidents while transporting a detainee and should not lose visual contact with the detainee. Officers should be mindful that diversionary incidents, whether or not instigated by persons attempting to free the detainee, may divert the transport officer and place the detainee in jeopardy or enhance chances for escape.

## 905.7 DETAINEE COMMUNICATION

During transport, no one other than the transporting officer shall communicate with a detainee. The detainee's right to communicate with an attorney or others should not be permitted during the period that the detainee is being transported.

## 905.7 TRANSPORT DESTINATION PROCEDURES

- (a) When arriving at a detention facility other than the Burbank Jail, officers shall secure their weapons prior to entering the secure area of the detention facility. Weapons should be secured in designated lockers or in the absence of such lockers, securely in the trunk of the patrol vehicle.
- (b) Restraints shall only be removed when two officers are present and when directed by personnel of the receiving facility. Restraints may be adjusted or removed if requested by medical personnel to render emergency aid to the detainee and only if it is safe. In such cases, two officers must always be present with the detainee.
- (c) Transporting officers shall deliver the necessary documentation to receiving personnel.
- (d) Transporting officers shall advise the receiving facility or court personnel of any potential medical or security risk.



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- (e) Transporting officers shall obtain documentation confirming the transfer of custody (if applicable).

### 905.8 ESCAPES

The following guidelines shall be followed in case of an escape of a detainee:

- (a) The transporting officers shall immediately notify the Communication Center of their location and the circumstances. Officers shall make every reasonable effort to regain custody of the detainee. The effort may include establishing a perimeter, initiating local and area broadcasts, and requesting mutual aid.
- (b) If the escape occurs outside the City of Burbank, the transporting officers shall immediately notify the Burbank Communication Center if within radio range or the law enforcement agency within whose jurisdiction the escape occurred to request assistance. The transporting officers shall contact the Burbank Watch Commander as soon as possible to provide the details of the escape.
- (c) The transporting officers shall document the escape, efforts to regain custody, and the outcome in the crime report.

The Critical Incident Review Board will review all cases of escapes.

### 905.9 SPECIAL TRANSPORT SITUATIONS

#### 905.9.1 SICK, INJURED, DISABLED

If a prisoner becomes sick or is injured incidental to an arrest or transport, the transporting officer shall immediately take the detainee to a medical facility for treatment and medical clearance. As soon as practicable, the arresting or transporting officer shall notify a direct supervisor or the Watch Commander of the need to transport the detainee to a medical facility. The officer shall contact Communications and request paramedics to the scene if the sickness or injury is of a nature that is apparently life threatening or debilitating.

When a sick or injured detainee needs to be transported to a medical facility via ambulance, and the prisoner has revealed suicidal tendencies, represents an escape risk, or represents a threat to paramedics, appropriate restraints shall be employed and an officer shall accompany the detainee in the ambulance (see the Restraint Devices Policy).

Officers shall fully document in the crime report the circumstances of the injury or illness.

Officer shall use good judgment when transporting detainees who have mobility or other disabilities to ensure officer and detainee safety while taking into consideration the comfort of the detainee. Additionally:



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- (a) The extent of the disability shall be considered when determining the method of transportation (a supervisor or Watch Commander should determine the appropriate method of transportation).
- (b) A detainee with mobility disability who uses a wheelchair should be transported in a lift-equipped vehicle. If a lift-equipped vehicle is not available, transportation should be arranged with other resources (e.g., ambulance). A detainee with a mobility disability should not be removed from a wheelchair for transport unless necessary for safety or other methods are not practical.
- (c) Items necessary for the detainee's disability (e.g., crutches, prosthetic devices, medication) should be transported with the detainee. Detainees shall not have access to or control of the items during the transportation except for prosthetic devices and only when safe.
- (d) Officers shall assist detainees into and out of the transporting vehicle.

### 905.9.2 HOSPITAL SECURITY AND CONTROL

When a detainee is transported to a medical facility and is admitted, the transporting officer shall notify the direct supervisor or the Watch Commander as soon as practicable. The supervisor or Watch Commander shall consider the following to ensure control and security of the detainee:

- (a) Release the detainee from custody, if appropriate.
- (b) If the detainee cannot be released, notify the Patrol Captain and, if applicable, the Investigation Captain. Schedule officers for guard duty. Officers on guard duty shall be briefed on the responsibilities and any restrictions and have provisions in place to provide relief as necessary.
- (c) The prisoner will be closely monitored and, if the medical condition permits, restrained. If medical conditions require that restraining devices be removed, two officers will be assigned to guard the prisoner.
- (d) Once released from the medical facility, the detainee shall be searched prior to transport.

### 905.9.3 OTHER SITUATIONS

The Burbank Police Department will not transport a detainee to attend a funeral, visit another in a hospital, visit critically ill persons, or attend a reading of a will unless ordered by a court.

### 905.10 DETAINEE IDENTIFICATION, PROPERTY, AND DOCUMENTATION

Officers transporting detainees from the Burbank Jail to another detention facility shall confirm the identity of any detainee prior to the transportation. Confirmation of identity may be achieved through the use of the booking photograph or photo ID. Transporting officers shall be responsible for ensuring that all appropriate documentation, as applicable, is in their possession when transporting a detainee to another facility.



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Written documentation regarding a detainee's potential for escape, suicide, and/or other security risks shall accompany the detainee and shall be provided to the receiving agency during the transfer of custody.

Officers who receive a prisoner from another custody facility shall count the inmate's money and confirm receipt of all property against the transmittal document. Any discrepancy in the amount of currency or property as reconciled against the transmittal document shall be brought to the attention of the facility supervisor. Officers shall only receive a prisoner when all discrepancies are corrected or properly documented. If a discrepancy cannot be resolved, the officers shall notify their supervisor or the Watch Commander.

### **905.11 WARRANT VERIFICATION**

Officers assigned to pick up a warrant suspect at another custody facility shall review the booking documentation to ensure that the arrestee is the person described upon the warrant. Identifying physical descriptors, marks, scars, tattoos, documents in the arrestee's possession and statements from the arrestee shall all be considered in making a determination whether the arrestee is the person described upon the warrant. If a reasonable doubt exists, the officers should contact their supervisor or the Watch Commander prior to accepting and transporting the prisoner.



# Burbank Police Department

Michael Albanese, Chief of Police

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Approved:

CALEA

Effective Date: December 5, 2013

## 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 Burbank Police Department and that are promulgated and maintained by the City of Burbank Management Services Department.

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Burbank 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. Refer to section 1000.4.1 (Veteran's Preference) for additional details.

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 Burbank Police Department should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.**

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive Department website and the use of Department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.



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Michael Albanese, Chief of Police

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- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

**The Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.**

## **1000.3.1 RECRUITMENT PLAN**

Based on current or projected vacancies, the COPS Bureau Lieutenant shall prepare an annual recruitment plan, the objectives of which shall be reviewed and updated as necessary at least every three years. **The overall goal of the recruitment plan shall be to strive to achieve and maintain a workforce that is highly qualified and representative of the local community.**

The plan should list specific actions steps, such as:

- (a) Specific recruitment goals and strategies to achieve them.
- (b) Utilization of personnel who are aware of the cultural diversity of the community.
- (c) Depictions of Department members who exhibit an outstanding professional image, keeping in mind the gender and ethnic diversity of the Department.
- (d) Conducting regional, statewide, and national recruitment to attract the most highly qualified candidates.
- (e) Establishing relationships with various community organizations that represent targeted recruitment candidates.

The COPS Bureau Lieutenant shall be responsible for the administration of the Department's recruitment plan.

The COPS Bureau Lieutenant shall complete a documented review of job descriptions of all employees every four years to ensure job descriptions are current and available to all personnel.

The COPS Bureau Lieutenant or designee shall prepare an annual analysis of the Department's recruitment plan to include the following:

- (a) Progress toward the objectives, such as, the number of bi-lingual candidates hired.
- (b) The number/percentage of new hires that successfully complete probation.
- (c) Any necessary revisions.
- (d) Demographic data of sworn personnel.





# Burbank Police Department

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### 1000.4 SELECTION PROCESS

The Community Outreach and Personnel Services (COPS) Bureau is responsible to work with City Management Services Department to recruit and help identify the most qualified candidates for selection. Candidates for job openings will be selected based on merit, ability, competence, and experience.

All peace officer candidates must meet the minimum standards described in California Government Code §1031 in addition to the employment standards established by this Department.

Applications for all positions will not be rejected because of minor omissions or deficiencies that can be corrected prior to the testing or interview process.

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record).
  - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12 / CA SB 16).
  - 2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9 / CA SB 16).
- (b) Driving record.
- (c) Reference checks.
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites.
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.).
- (g) Local, state, and federal criminal history record checks.
- (h) Lie detector test (when legally permissible) (Labor Code § 432.2).



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- (i) Medical and psychological examination (may only be given after a conditional offer of employment).
- (j) Review board or selection committee assessment.

### **1000.4.1 VETERAN'S PREFERENCE**

Qualifying veterans of the United States armed forces shall receive a veteran's preference as applicable by City Policy, via the Management Services Department and per Federal and State Law. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978). 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 Burbank 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).

#### **1000.5.1 BACKGROUND INVESTIGATION UPDATE**

A background investigation update may, at the discretion of the Burbank Police Department, 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 Burbank Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

#### **1000.5.2 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).

#### **1000.5.3 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).



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### 1000.5.4 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the Burbank Police Department shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Department should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Department should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### 1000.5.5 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

### 1000.5.6 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for no less than four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953 / CA SB 807).

### 1000.5.7 RECORDS STORAGE

The background report and all supporting documentation for candidates shall be maintained within a secured location in the Community Outreach and Personnel Services (COPS) Bureau or within the Department's personnel records room, with limited access provided to authorized personnel only.

### 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



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- 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 and ethics valued by the Burbank Police 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 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.):

- (a) Free of any felony convictions.
- (b) Citizen of the United States, or permanent resident eligible for and has applied for citizenship (CA AB 1096).
- (c) At least 21 years of age except as provided by Government Code § 1031.4 (CA AB 89).



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- (d) Fingerprinted for local, state and national fingerprint check.
- (e) Good moral character as determined by a thorough background investigation (11 CCR 1953).
- (f) High school graduate, passed the GED or other high school equivalency test or obtained a two-year, four-year or advanced degree from an accredited or approved institution.
- (g) Free from any physical, emotional, or mental condition including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955).
- (h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
  - 1. Reading and writing ability assessment (11 CCR 1951).
  - 2. Oral interview to determine suitability for law enforcement service (11 CCR 1952).
- (i) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f) (CA SB 2).
- (j) 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 (CA SB 2).

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

### **1000.7.2 STANDARDS FOR DISPATCHER**

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

- (a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957).
- (b) An oral communication assessment (11 CCR 1958).
- (c) A medical evaluation (11 CCR 1960).

### **1000.8 ADMINISTRATIVE PRACTICES AND PROCEDURES**

One or more of the below listed components will be used in the testing and selection of all full-time employees, although some are applicable only to sworn personnel.



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### 1000.8.1 TESTING

All components of the testing process must be administered, scored, evaluated, and interpreted in a uniform manner within the classification. Operational elements of the testing, such as time limits, oral instructions, use of answer sheets, and scoring formulas shall be clearly set forth as part of the recruitment plan and carried out identically for all candidates.

At the time of their formal application, candidates will be informed of all elements of the testing process, the expected duration of the testing, and the agency's policy on reapplication. The notification may be in the form of a job announcement.

Candidates shall be notified in writing by the Management Service Department if at any time during the testing process a candidate is disqualified.

The Management Services Department will be responsible for securely maintaining records of all candidates not selected for employment until such time as they are disposed of in accordance the City's retention policy.

All testing materials shall be locked and secured from unauthorized access when not in use and any outdated testing and selection materials shall be disposed of in accordance with the City's retention schedule and in a manner that prevents disclosure of the information therein.

#### Physical Agility Test

The purpose of the physical agility test is to determine a candidate's physical ability to successfully perform the essential job elements of the classification for which they are applying. All events will be relevant to physical activity encountered on the job by employees in that classification.

Unless otherwise stated in the job announcement, generally the physical agility test will not be required for non-sworn position. Additionally, it will not be required for sworn positions of Captain and above. The physical agility test should be proctored by COPS Bureau personnel.

#### Written Test

A POST approved written test shall be required for all Police Officer Recruit applicants. The test should be administered by the Management Services Department.

A passing score shall be established by the Management Services Department prior to the test date. A candidate must receive a passing score on the written examination to continue participation in the testing and selection process. Unless otherwise specified, the minimum passing score for the written test shall be 70%.

The written test may be waived for lateral entry applicants and applicants that have graduated from a POST certified police academy.



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### Oral Interview

All candidates shall participate in an oral interview to determine suitability to perform the required job duties. The guidelines of the POST Administrative Manual (PAM) §C-1952 should be followed, as applicable.

### **1000.8.2 SELECTION**

Government Code §1031 established minimum selection standards for peace officers. The sources of information for background investigations include:

#### Personal History Statement (PHS)

The purpose of the PHS is to assist in the background investigation process by identifying serious problems in a candidate's background. The PHS may also eliminate the need to conduct further testing because some applicants may be disqualified based on the information provided in this statement.

The PHS covers important aspects of an applicant's background including education, employment, military experience, law enforcement experience, driving record, financial history, criminal record, possession of illegal substances, and general information.

The American with Disabilities Act of 1990 (ADA) and the State of California's Fair Employment and Housing Act (FEHA) limits the ability of an employer to inquire of a candidate about health-related issues. This Department will conform to the law with regard to the content of the PHS.

A Public Records Disclosure Statement as required by State Law shall accompany the PHS.

#### Voice Stress Analysis

Computer Voice Stress Analysis (CVSA) is a truth verification procedure but its results shall not be used as the sole determinant of a candidate's fitness for employment. Admissions made during pre or post-analysis interviews may be used together with other relevant information to support employment decisions.

CVSA will only be given and interpreted by personnel who have been properly trained and certified.

Candidates shall receive an explanation of the examination and shall be provided with a list of the areas from which questions will be drawn prior to the analysis. Candidates must provide a signature to indicate they understand the purpose of the examination and that they are voluntarily submitting to the analysis.

A copy of the candidates CVSA report shall be included in the background file.

#### Background Investigation

Background investigations of each candidate for all positions shall be conducted prior to the appointment of an employee to probationary status. The background investigation shall verify information provided on the Personal History Statement, including:





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- (a) Verification of qualifying credentials.
- (b) Review of any criminal records.
- (c) Verification of at least three personal references.
- (d) Education verification.
- (e) Employment history.
- (f) A review of relevant national or state decertification resources.

Background investigators shall be properly trained and should follow the guidelines of the POST Administrative Manual (PAM) §C-1953, as applicable.

Background files of successful candidates shall be securely maintained within the Police Department's Administration Division and shall be retained at least until the separation of the employee from the City of Burbank.

Background files of unsuccessful candidates shall be securely maintained within the Police Department's Administration Division for a period of two years.

### Medical Evaluation

A medical evaluation shall be conducted prior to appointment to probationary status to certify the general health of each candidate and to ensure the candidate is free from any preexisting conditions that may adversely affect the candidate's suitability for the position (Government Code § 1031(f)).

The Department shall follow the guidelines of the POST Administrative Manual (PAM) §C-1954, as appropriate.

### Psychological Evaluation

Every peace officer candidate shall be evaluated prior to appointment to probationary status to determine if the candidate is free from any emotional or mental condition that might adversely affect the exercise of peace officer powers (Government Code § 1031(f)). The Department shall follow the guidelines of the POST Administrative Manual (PAM) §C-1955, as appropriate.

### Medical and Psychological Evaluation Records

Evaluation reports of all candidates shall be included in the candidate's backgrounds file and restricted to only those persons legally entitled to review those records.

## **1000.9 ENTRY LEVEL PROBATION**

In the absence of controlling policy or collective bargaining agreement, a twelve-month probationary period is required before candidates are granted permanent status. Adjustments or exceptions for training, injury, or illness are the discretion of the Chief of Police.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 1002

Approved: *Scott LaChasse*

CALEA  
Effective Date: December 5, 2013

### CHAPTER 10 – PERSONNEL

## Evaluation of Employees

### 1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

### 1002.2 POLICY

The Burbank Police Department utilizes a performance evaluation report to measure performance. Evaluations may be used as a factor in making personnel decisions that relate to merit increases, promotions, reassignments, discipline, demotions, and terminations. The evaluation report gives supervisors a way to create an objective history of work performance based on job standards and is intended to serve as a guide for work planning and review by the supervisor and employee.

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 statute protected by law.

All supervisors shall receive training on the completion of performance evaluations.

### 1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

Employee commendations and sustained disciplinary cases shall be included in an employee's evaluation during the period in which the employee received the commendation or discipline. Pending cases or cases involving findings other than sustained violations shall not be referenced in an employee's performance evaluation.



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If an evaluation is due of an employee who is the subject of an ongoing administrative investigation, the evaluation shall be completed and submitted on or before the due date, evaluating the employee on performance during that evaluation period without consideration of the ongoing administrative investigation. Once the investigation is completed and if any allegations are sustained, reference will be made to the investigation and violations of policy in the subsequent performance evaluation. 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, the expected or established standards of performance, and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in a Comment Card entry or a memorandum.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provide supervisors and employees with opportunities to meet performance goals and to correct performance and/or behavioral 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. If an employee is given a minimum of 90 days written notice prior to the end of the evaluation period, remediation of the issue may reflect positively on their evaluation.

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.

### **1002.3.1 EVALUATION ATTACHMENTS**

Prior to completing an evaluation, each supervisor shall request a copy of the employee's Employee Summary Report from the Chief's Office. The report will list completed administrative incidents for the previous two years that were entered into the Department's administrative case management system (IA Pro). A copy of the Employee Summary Report must be attached to the evaluation and another copy will be provided to the employee. Requests for information involving administrative incidents or reports not included in the Employee Summary Report should be directed to the Chief's Office by the employee.

### **1002.3.2 EVALUATION REVIEW**

After a supervisor completes an employee performance evaluation, the supervisor shall submit the evaluation to the Bureau Commander or Manager for approval. Upon approval, the evaluation shall be forwarded to the Division Captain or Police Administrator who will review the evaluation for fairness, impartiality, uniformity, and consistency. Employees who prepare performance evaluations will be evaluated by their supervisors on the quality of those evaluations, including whether they contain unique and relevant examples of performance specific to the evaluation period.

Once the evaluation has been approved and signed at all appropriate levels, it will be returned to the immediate supervisor who will present it to the employee for review, comment, and signature. The employee should not sign the evaluation before it is reviewed by the Division Captain.



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The supervisor shall make arrangements for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions, and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

### 1002.3.3 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officer Policy.

### 1002.4 FULL TIME PROBATIONARY PERSONNEL

Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. A progress review is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

### 1002.5 FULL TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

**Regular** – An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of last assignment or promotion.

**Transfer** – If an employee is transferred from one assignment to another during an evaluation period and at least six months have transpired since the transfer, then the evaluation shall be completed by the current supervisor with input from the previous supervisor. Otherwise, the evaluation may be completed by the previous supervisor.

**Performance Improvement Plan (PIP)** – A written plan developed by a supervisor to address continued deficiencies in performance deemed to be less than standard. A PIP will list specific performance deficiencies, specific methods and actions the employee must take to improve the deficiencies, and the appropriate timeline to demonstrate improvement, generally 90 days. All Performance Improvement Plans shall be approved by the Deputy Chief, the Management Service Department, and the City Attorney's Office before it is presented to the subject employee.



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### 1002.6 RATINGS

When completing the Employee Performance Evaluation, the rater will select the rating that best describes the employee's performance based on criteria specific to the employee's assignment during the rating period. The definition of each rating category for sworn personnel is as follows:

**Outstanding** – Consistent performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary. All such performance shall be supported by specific facts and not based on the supervisor's overall impression of the employee's performance.

**Exceeds Standards (Above Standard)** – Consistent 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.

**Meets Standards (Standard)** – Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs Improvement** – A level of performance less than that expected of a fully competent employee and below the standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** – Performance that is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

### 1002.7 EVALUATION INTERVIEW

Supervisors should seek an employee's input prior to completing their performance evaluation. The purpose is to solicit any information on their achievements during the period being evaluated. Supervisors should complete a preliminary evaluation based on the employee's performance and may revise the preliminary information based upon the employee's input.

- (a) Contributions to achieving the Department's goals and objectives.
- (b) Educational advancements.
- (c) Activities to improve professional skills and to advance career development goals.
- (d) Professional achievements.
- (e) Personal achievements that enhance job performance.
- (f) Events that demonstrate problem solving abilities.



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## Policy 1002

### 1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy of each evaluation will be given to the employee. For non-sworn employees, a copy will be forwarded to Management Services Department. When employees separate from the Department, their performance evaluations shall be archived and retained according to the City retention schedule or policy.

### 1002.9 PERFORMANCE IMPROVEMENT PLAN

A Performance Improvement Plan must be approved by the Deputy Chief or designee and then by the Management Services Department and the City Attorney's Office before it is served to the employee. Once approved, the employee's direct supervisor should discuss the plan with the employee, explaining the deficiencies, improvement methods, and appropriate timelines. The employee shall acknowledge receipt of the PIP by signing and dating it. The supervisor shall document the employee's progress at least monthly, or more frequently if necessary, on the employee's Comment Card.

Upon successful completion of a PIP, the supervisor shall document the completion on the employee's Comment Card, which shall be reviewed and signed by the employee. The use of the PIP shall be documented on the employee's next performance evaluation.

Failure to correct performance deficiencies documented in a PIP within the specified timeline may result in remedial training, extension of the PIP, an unsatisfactory evaluation, or discipline.

### 1002.10 NEEDS IMPROVEMENT EVALUATION

Upon presentation of a Needs Improvement evaluation, a sworn employee shall be placed on a PIP. The employee must successfully complete the PIP in 90 days.

An employee who fails to improve while on a PIP shall receive an Unsatisfactory performance rating (refer to §1002.11).

### 1002.11 UNSATISFACTORY EVALUATION

Any employee who receives an "Unsatisfactory" rating will be given the appropriate time to improve performance to a competent level or be subject to discipline, up to and including termination.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1004**

CALEA

Approved: *Scott LaChasse*

Effective Date: December 5, 2013

## CHAPTER 10 – PERSONNEL

# Special Assignments, Promotions and Transfers

### 1004.1 PURPOSE AND SCOPE [34.1.1]

The purpose of this policy is to describe the Burbank Police Department's promotional and transfer processes, consistent with the rules established by the City of Burbank Civil Service System.

### 1004.1.2 DEFINITIONS

***Applicant*** – A person who has filed an application for a Department promotional opportunity.

***Civil Service System*** – The employment system based on merit and suitability established pursuant to §395 of the City Charter.

***Employment Standards*** – The qualifications (including the experience, knowledge, skills, abilities, and personal and physical characteristics) which are prescribed for the examination, selection, or appointment of any applicant to fill any position included in the classification plan of City employment.

***Employment List*** – A list of names and final score averages of all applicants who have passed a competitive examination.

***Open Examination*** - An examination given for the purpose of establishing priority among applicants who meet the employment standards for a position (i.e., open to the public).

***Probationary Period*** – The period referred to in §2.1.512 of the Burbank Municipal Code (BMC) or applicable employee organization MOU.

***Promotional Examination*** – An examination given for the purpose of establishing priority among applicants who have status as permanent employees.





# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 1004

### 1004.2 GENERAL REQUIREMENTS [34.1.4]

All elements used by the City of Burbank to evaluate candidates for promotion shall be job-related and non-discriminatory. In addition to minimum qualifications for any position, the following factors should be used in evaluating employees for promotion and transfer:

- (a) Present a professional and neat appearance.
- (b) Expressed an interest in the assignment.
- (c) Demonstrate 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.
  - 6. Positive attitude, particularly during times of adversity.
  - 7. Initiative.
  - 8. Adaptability and flexibility.
  - 9. Ability to conform to organizational goals and objectives in a positive manner.
  - 10. Maintains a physical condition that aids in his/her assignment.

### 1004.3 PROMOTIONS [34.1.1]

Consideration for promotional opportunities within the Burbank Police Department requires a formal application and a successful completion of all components of a testing process that is administered by the City of Burbank Management Services Department with assistance of the Administrative Services Division.

The Management Services Director shall be responsible for providing an explanation of the requirements of all components of the testing process, including what constitutes failure or disqualification from continuing in the testing process, prior to any testing.

#### 1004.3.1 PROMOTIONAL ANNOUNCEMENT [34.1.5; 34.1.6(c)]

The Chief of Police may request to open a promotional testing process by forwarding a personnel requisition to the Management Services Department who will produce a Job Information Bulletin describing the application requirements and submission dates. All promotional opportunities shall be announced in the Department's Daily Bulletin and the Job Information Bulletin and shall be posted at designated locations within the Police Building. The bulletin shall include the following information:

- (a) Essential job functions.



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- (b) Minimum qualifications.
- (c) Salary range and benefits.
- (d) Application closing date.
- (e) Time-in-grade and/or time-in-rank requirements (if applicable)
- (f) Supplemental questions (if applicable).

### **1004.3.2 DEPARTMENT'S RESPONSIBILITIES** [34.1.2; 34.1.7]

The Department's role in the promotional process will be coordinated through the Office of the Chief of Police. The Deputy Chief will have the responsibility to assist the Management Services Department in administering and evaluating the promotional process.

The Chief of Police or designee has the following additional responsibilities:

- (a) Interview certified candidates.
- (b) Select candidates for promotion.
- (c) Administer employees' probationary periods.
  - 1. All promotional appointments to positions in the Civil Service System shall be for a normal probationary period of six months or as required by the applicable employees association MOU.

### **1004.3.3 PROMOTIONAL PROCESS** [34.1.3(a)(b)(c)(d); 34.1.6(c)]

The promotional process may consist of, but is not limited to, any combination, of the following elements as determined by the Chief of Police:

- (a) Evaluation of promotional potential of candidates – This is to ensure that each candidate meets the minimum qualifications for the position. The minimum requirements for consideration for promotion within the Police Department will be listed in each Job Information Bulletin, as determined by the Chief of Police and the Management Services Director.
- (b) Written test – If administered, written tests will be developed to encompass the knowledge required for the position. The Chief of Police or designee will provide input and support to the Management Services Director regarding topic areas and performance dimensions to be tested in the written exercise portion of the selection process.
- (c) Performance exercises or assessment centers - If performance exercises or assessment centers are used as a part of the promotional process, the Management Services Director shall be responsible for the development and facilitation of the process. The Chief of Police or designee will provide input to the Management Services Director regarding topic areas and performance dimensions to be tested in the performance exercise or assessment center portion of the selection process.



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## Policy 1004

- (d) **Oral interview** - An oral board generally will be a required element of the selection process for promotional candidates. The Chief of Police may assist with the appointment of the members of the oral board and the Management Services Director shall be responsible for the facilitation of the oral board panel. The Chief of Police or designee will provide input to the Management Services Director regarding topic areas to be covered in the oral board portion of the selection process.
- (e) **Personnel Performance Review** – A minimum of three members of the Command Staff (Deputy Chief and two Captains) will conduct a performance review of each candidate. The review period will be for the previous five years and will minimally include tenure, performance evaluations, assignments worked, education, discipline, and commendations. A weighted point-value will be assigned to each of these categories. Promotability and seniority points will be assigned based on Civil Service Rule V, 3 and 4.

Unless otherwise stated in writing and in advance of the testing process, all elements included in the promotional testing process will be required and a failure of any element may disqualify the candidate from further testing.

### 1004.3.4 REVIEW AND APPEAL PROCESS [34.1.3(e)]

Promotional applicants have the following rights with respect to the promotional process (Civil Service Rule XII.3):

**Examination Appeals** – Any applicant who has competed in an examination may appeal any part of the examination according to the following provisions:

- (a) **Written Part:** Appeals on a written test may be made only on the basis of any of the following:
  - 1. Clerical or machine error
  - 2. Ambiguity
  - 3. Factual error
- (b) **Other Parts:** Appeals on other parts of an examination, including but not limited to performance, physical, or oral examinations or application review or rating from records, may be made only on the basis of any of the following:
  - 1. Mechanical errors in rating or scoring
  - 2. Fraud
  - 3. Prejudice
  - 4. Unfair or unreasonable conduct of examination

Appeals on any part of an examination must be submitted in writing within 5 business days after notification of the results (exclusive of Saturdays, Sundays, and City observed holidays). All appeals must state specific reasons and supporting evidence for the appeal. The Management Services Director may deny consideration to appeals that do not meet the requirements described above.



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Appeals on the written test meeting the requirements described above may be referred for consideration to an Appeal Review Board consisting of at least two members appointed by the Management Services Director. The results of decisions made by the Appeal Review Board will be posted in a conspicuous place and/or will be sent to appellants by mail.

Appeals on parts of the examination other than the written test will be referred to the Management Services Director for consideration and decision. The results of these decisions will be sent to appellants by mail.

Appellants who are not satisfied with the decisions made by the Appeal Review Board or the Management Services Director may notify the Management Services Director in writing within five business days of the date on the Notice of Results of Appeal (exclusive of Saturdays, Sundays, and City observed holidays). The Management Services Director will then make arrangements for the appellant to present his appeal in person to the Civil Service Board. The Board, after hearing the appellant, will make their recommendations to the City Manager whose decision shall be final. Results of such decision will be mailed to the appellant.

If subsequent to an appeal, the Management Services Director authorizes removal of specific components of the testing process, the Management Services Director will make the appropriate written notifications and will make adjustments for other affected candidates, unless the decision following the appeal requires retesting or reevaluation of any component of the testing process.

### **1004.3.5 RE-APPLICATION** [34.1.3(f)]

Upon expiration of a promotional eligibility list, any future promotional opportunities will require reapplication, re-testing, and re-evaluation. An employee is eligible to reapply for a position once the Management Services Department has posted a Job Information Bulletin for the position.

### **1004.3.6 PROMOTIONAL ELIGIBILITY FOR LATERAL ENTRIES** [34.1.3(g)]

To ensure a comprehensive field of qualified candidates, the Chief of Police may request expansion of promotional eligibility to outside candidates if in his or her opinion there is an absence of interested qualified internal candidates. A request to conduct an open competitive promotional test will require a personnel requisition form by the Chief of Police to the Director of the Management Services Department. The request shall describe the reasons for the request for an open competitive testing.

This subsection does not apply to the position of Chief of Police, which may be filled by a process prescribed by the City Manager.

### **1004.3.7 SECURITY OF PROMOTIONAL MATERIALS** [34.1.3(h)]

All promotional materials shall be maintained in a secure area by the Management Services Department or, when appropriate, by the Office of the Chief of Police.



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### 1004.4 EMPLOYMENT LISTS [34.1.6(a)(b)]

As soon as possible after the conclusion of a promotional examination, the Management Services Department shall prepare an employment list consisting of the names of the qualifying candidates, arranged in order of final aggregate scores, from highest to lowest. Whenever two candidates have the same final aggregate score, the candidate who filed the application first shall be the highest on the list.

An employment list may be terminated by the City Manager whenever fewer than three names remain on the list or when certification of at least three names is not possible because the eligible candidates on the list have either refused appointment or failed to reply to a written inquiry regarding availability.

#### 1004.4.1 DURATION OF EMPLOYMENT LISTS [34.1.6(d)]

An employment list shall be in effect for one year from the date of establishment, except for promotional lists for safety members (Fire and Police), which shall be in effect for two years from the date of establishment. The Civil Service Board, at its discretion, may designate a shorter period of time for the duration of any employment list.

An employment list may be extended by the City Manager for an additional year. A person eligible for certification may retain such rights beyond the life of the employment list as provided in the military leave provisions of the Civil Service Rules.

#### 1004.4.2 CERTIFICATION AND APPOINTMENT [34.1.6(e)]

Whenever a vacancy is to be filled, the Chief of Police will request a certification of eligible persons from the Management Services Director, who shall certify the names of persons willing to accept appointment in the order in which they appear on the employment list. The number of names eligible for consideration for appointment or certification for appointment shall exceed by two the number of vacancies to be filled.

#### 1004.4.3 OBJECTIONS AND SUBSTITUTIONS [34.1.6(e)]

If a candidate has been certified three times without receiving an appointment, the candidate's name shall be removed from the employment list, unless the Management Services Director approves the retention.

The Chief of Police shall make a written request to the Management Services Director to remove a candidate from an employment list. The reasons for removal shall be forwarded to the candidate who will have the right to appeal to the Civil Service Board to determine if the request was made for cause in good faith. The appeal may be initiated by notifying the Management Services Director in writing within five business days of the date of the Notice of Removal (exclusive of Saturdays, Sundays, and City observed holidays). If such person's name is removed from the employment list, the Management Services Director shall certify the next name on the employment list.



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### **1004.5 SPECIALIZED ASSIGNMENTS AND TRANSFERS** [16.2.1(a)(b)(c); 16.2.2; 16.2.3(a)(b)]

The Chief of Police or designee should conduct an annual written review of each specialized assignment for the purpose of determining whether it should be continued. The review should contain a statement of purpose for each assignment listed below and the evaluation of the initial problem or condition that required implementation of the specialized assignment.

Assignments to the following specialized positions are considered transfers and not promotions:

- (a) Air Support (Pilot or Observer).
- (b) Community Resource Officer.
- (c) Gang Enforcement Team.
- (d) Detective.
- (e) Field Training Officer (FTO).
- (f) K-9 Officer.
- (g) Mental Health Evaluation Team (MET)
- (h) Motor Officer.
- (i) School Resource Officer (SRO)
- (j) Special Weapons and Tactics (SWAT)
- (k) Taskforce Assignment.
- (l) Training Coordinator.

#### **1004.5.1 TEMPORARY/ROTATING ASSIGNMENTS** [16.2.3(a)(b)(c)]

Sworn temporary or rotating assignments and the duration of those assignments are described in the operative BPOA Memorandum of Understanding (MOU) or collective bargaining agreement. The criteria for selection and the procedures for selection of personnel for temporary or rotating assignments will be the same as for any specialized assignment as described in this §1004.5.2 and §1004.5.3.

Taskforce assignments shall be for a period of three years or as determined by the Chief of Police.

#### **1004.5.2 DESIRABLE QUALIFICATIONS** [16.2.3(c)]

The following desired qualifications apply to transfers:

- (a) Candidate is off probation.
- (b) Candidate has shown an expressed interest in the position.



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- (c) Candidate has the education, training, and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
- (d) Candidate has required certifications or has completed any training required by POST or law.
- (e) Candidate has demonstrated problem solving abilities.
- (f) Candidate meets any additional criteria as determined by the Chief of Police or designee.

## **1004.5.3 SELECTION PROCESS** [16.2.2; 16.2.3(d)]

The Department will announce anticipated openings for specialized assignments in the Daily Bulletin. This requirement shall not prevent the Chief of Police from making a temporary assignment that requires confidentiality.

The selection process for transfers may include:

- (a) An administrative evaluation as determined by the Chief of Police or designee. This may include a submitted memorandum, oral interview, review of supervisor recommendations, or other administrative process.
- (b) Appointment by the Chief of Police.

The above selection requirements may be waived for temporary assignments, emergency situations, or for training.





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Scott LaChasse, Chief of Police

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Approved: *Scott LaChasse*

CALEA  
Effective Date: June 6, 2013

## CHAPTER 10 – PERSONNEL

# Grievance Procedure

### 1006.1 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.

#### 1006.1.1 GRIEVANCE DEFINED

A grievance is defined as "A cause of distress felt to afford reason for complaint as an unsatisfactory working condition" ([Administrative Procedure § II-4](#)). A grievance may involve the terms or conditions of employment or the interpretation or application of any of the following by the affected persons:

- The employee bargaining agreement (MOU)
- Policies
- City rules and regulations covering personnel practices or working conditions

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 Personnel Complaint Procedure Policy.

Grievances may be brought by an affected employee or by a group representative.

### 1006.2 PROCEDURE

If an employee feels that he or she has a grievance as defined above, then that employee shall observe the procedure as set forth in the Memorandum of Understanding of their bargaining unit (BPOA, BCEA, or BMA).



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### 1006.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process as described in the appropriate Memorandum of Understanding (MOU).

### 1006.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administrative Division for inclusion into IA Pro as scanned attachments. Grievance entries within IA Pro will not be counted towards an alert. The Executive Assistant shall be responsible for entering grievance information into IA Pro and for the maintenance of related documents.

Grievance documentation may also be maintained by the Management Services Department if a grievance is submitted to mediation or arbitration.

### 1006.5 ANNUAL GRIEVANCE ANALYSIS

The Internal Affairs Bureau (IAB) Lieutenant shall perform an annual analysis of all grievances filed during the previous calendar year to evaluate whether or not any policy changes or training may be appropriate to avoid future grievances. The IAB Lieutenant 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 analysis identifies any recommended changes or content that may warrant an immediate revision to any policy, the IAB Lieutenant shall promptly notify the Chief of Police.



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Michael Albanese, Chief of Police

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Approved:

A handwritten signature in black ink, appearing to read "M. Albanese".

Effective Date: February 12, 2014

## CHAPTER 10 – PERSONNEL

# Anti-Retaliation

### 1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation by a City employee against another employee who identifies 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 operative Memorandum of Understanding (MOU) or collective bargaining agreement.

### 1008.2 POLICY

The Burbank Police Department will not tolerate 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. Complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- (a) Refusing to hire or denying a promotion without justifiable cause.
- (b) Unjustifiably extending the probationary period.
- (c) Unjustified reassignment of duties or change of work schedule.



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- (d) 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.
- (e) Taking unwarranted disciplinary action.
- (f) Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- (g) Shunning or unreasonably avoiding a person because he or she has engaged in protected activity.

### 1008.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation by another officer to a supervisor or other person in the Department who has authority to investigate the violation (Government Code § 7286(b) / CA AB 26).

### 1008.4 RETALIATION PROHIBITED

Any member who feels he or she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, Division Commander, the Chief of Police, or the City Management Services Director.

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 making previous or 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 validity of a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### 1008.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.



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- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command, and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Forwarding to the Division Commander any request for assignment or schedule change made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy. The supervisor should include his or her recommendation.

### 1008.6 COMMAND STAFF RESPONSIBILITIES

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place if necessary, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### 1008.7 WHISTLE-BLOWING

California law protects members who (Labor Code §1102.5; Government Code §53296 et seq.):

- (a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
- (c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
- (d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members should exhaust all available administrative remedies prior to filing a formal complaint.
- (e) Are family members of a person who has, or is perceived to have, engaged in any protected acts described above.



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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.

### **1008.7.1 DISPLAY OF WHISTLE-BLOWER LAWS**

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code §1102.8).

### **1008.8 RECORDS RETENTION AND RELEASE**

The documentation shall be maintained in accordance with applicable laws or established records retention schedules.

### **1008.9 TRAINING**

This policy should be reviewed with each new member and all members should receive periodic refresher training on its requirements of this policy.



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Approved:

A handwritten signature in black ink, appearing to read "M. Albanese".

Effective Date: January 15, 2014

## CHAPTER 10 – PERSONNEL

# Reporting of Employee Convictions

### 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee from properly performing their official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

### 1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC §922; Penal Code §29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

### 1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code §1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or *nolo contendere* plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this Department may be inherently in conflict with law enforcement duties and the public trust.





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## 1010.4 REPORTING PROCEDURE

All members of this Department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his or her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his or her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

## 1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code §29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code §29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code §6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment (CA SB 320). Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to, return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

### 1010.5.1 NOTIFICATION REQUIREMENTS

The Chief's Office will be responsible for submitting the final disposition notice within 30 days to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code §1029 reason that disqualifies any current peace officer employed by this department or any former peace officer, if this department was responsible for the investigation (11 CCR §1003).

The COPS Bureau Lieutenant or designee shall submit within 30 days, a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer,



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reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR §1003).



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CALEA

Effective Date: December 5, 2013

## CHAPTER 10 – PERSONNEL

# Drug and Alcohol-Free Workplace

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC §8103).

### 1012.2 POLICY

It is the policy of this Department to provide a drug and alcohol-free workplace for all members.

### 1012.3 GENERAL GUIDELINES

The use or consumption of alcohol or drugs while at work or on City premises; reporting to and/or being at work or on City premises under the influence of alcohol and/or drugs; and the abuse or misuse of controlled substances by employees while at work or on City premises can endanger the health and safety of employees and the public.

Employees who have consumed or otherwise used any amount of alcohol and/or drugs that may adversely affect their mental or physical abilities shall not report for duty. Employees shall notify their direct supervisor or the Watch Commander as soon as they are aware, they will not be able to report to work but no later than 2 hours prior to their shift. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. Any employee who exhibits any objective signs of physical and/or mental impairment while on-duty shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1012.3.1 USE OF PRESCRIPTION AND/OR OVER-THE-COUNTER MEDICATIONS

Employees who are on duty should not use any prescription medication and/or over-the-counter medications that may impair their ability to safely and completely perform their duties. Employees who are medically required or have a need to take any such medication shall report any and all mental and physical impacts such medication may have to their immediate supervisor prior to commencing on-duty status. Knowing or determining the potential effects of any medication shall be the responsibility of the employee.



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Employees shall not be permitted to work or drive a vehicle owned or leased by the City or their personal vehicle in a work capacity while taking any medication that has the potential to impair their abilities, without a written release from a physician and approval of the Chief of Police.

## **1012.3.2 MEDICAL CANNABIS**

Possession, use, or being under the influence of medical cannabis on duty is prohibited and may lead to disciplinary action.

## **1012.4 EMPLOYEE RESPONSIBILITIES**

Employees shall report for work in an appropriate mental and physical condition to be ready to perform their job duties. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances and/or alcohol on City premises or during working hours (41 USC §8103; Administrative Procedure II-38). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees who are authorized to consume alcohol as part of a special assignment shall not do so to the extent their on-duty performance may be impaired and/or they are under the influence of alcohol.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee has violated this policy.

Employees are required to notify their immediate supervisors of any criminal conviction no later than five days after such conviction (41 USC §8103).

## **1012.5 EMPLOYEE ASSISTANCE PROGRAM**

The City of Burbank offers all employees 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 Management Services Department, their insurance providers, or the employee assistance program for additional information. Each employee is responsible to seek assistance before alcohol or drug problems lead to performance problems.

## **1012.6 WORK RESTRICTIONS**

If an employee informs a supervisor that he or she has consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol and/or drugs, the supervisor shall order the employee to discontinue working and shall make arrangements for the employee to be safely transported home or other appropriate location.



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## **1012.7 SCREENING TESTS**

The Department has a compelling interest in preventing the risk to the lives of the citizenry posed by the potential use of deadly force by persons suffering from impaired perception and judgment. To promote public confidence in the Police Department by ensuring that officers are in compliance with Department policies and fit for duty, a supervisor may require an employee to submit to a drug and/or alcohol screening under any of the following circumstances (*Skinner v. Railway Labor Executives' Association* (1989); *National Treasury Employees Union v. Von Raab* (1989); *Palladino v. City of New York* (2012)):

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of 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.
- (e) The mere odor of alcohol on an employee's breath or person may result in a screening test for alcohol.

The employee may request that a dual sample be taken for the purpose of independent testing conducted at the expense of the employee. The sample may be stored at no cost to the employee according to established Department procedures or retained by the employee or his or her attorney.

### **1012.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and upon approval by a lieutenant or higher shall inform the employee in writing of the following:

- (a) The test will be given to detect alcohol, 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 disciplinary action, up to and including dismissal.

### **1012.7.2 DISCIPLINE**

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test as requested.



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- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed pursuant to a current and lawful prescription issued in the employee's name.

### **1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction involving any employee, the Department will take appropriate disciplinary action, up to and including dismissal, and may require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program if appropriate (41 USC §8104).

### **1012.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its employees. 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 involved employee or pursuant to lawful process.

The written results of any screening tests and all documents generated by the Employee Assistance Program (EAP) are considered confidential medical records and shall be maintained by the Management Services Department in the employee's confidential medical file in accordance with the Personnel Records Policy. When the EAP is mandated by the City, the City will receive information from the EAP regarding the employee's compliance with the terms and conditions of the program.



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1014**

Approved: *Scott LaChasse*

CALEA

Effective Date: February 12, 2014

## CHAPTER 10 – PERSONNEL

# Sick Leave

### 1014.1 PURPOSE AND SCOPE

Burbank Police Department employees are provided with a sick leave benefit that gives them continued compensation during times of absence due to non-work related injury or personal or family illness.

Absenteeism, especially when unscheduled, creates numerous employment problems, including, costs associated with back filling, morale problems for those who must compensate for the absent employee, and the quality of service provided to the community. Regular and predictable attendance is the first essential function of every employee's job. Employees who are excessively absent or fail to attend regularly and predictably may be classified as unqualified for their jobs may face discipline.

This policy is not intended to cover all types of leave. For example, employees may be entitled to paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et. Seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code §12945.2; Labor Code § 230.1; § 1510).

#### 1014.1.1 DEFINITIONS

**Absence** – Any time off other than *Protected* or *Approved Time Off*.

**Approved Time Off** – Supervisor approved time off based on any of the following:

- (a) Vacation
- (b) Compensatory Time
- (c) Holiday
- (d) Universal Leave

**Pattern of Abuse** – Multiple absences occurring around scheduled days off or other time off such as vacations, holidays, payback days, or weekends. Abuse may also be established based on a pattern of absences on the same day of the week, in conjunction with other activities, or using sick leave when ordered to work extra hours.





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**Protected Time Off** – Any time off approved for eligible employees that is protected by federal or state laws (e.g., Family Medical Leave Act, California Family Rights Act, Pregnancy Disability Leave, Workers Compensation Leave, Military Leave, Jury Service or any other applicable leave protected by law).

**Scheduled Absence** – Prearranged absence based on an employee's compliance to policies and procedures governing such absence (e.g., military leave, properly applied and approved family medical leave).

**Sick Leave** – A form of paid time off that may be provided to an employee for absence that is necessitated by personal illness, injury, or approved Family or Medical Leave (refer to the City of Burbank Administrative Procedures and applicable MOU for details and restrictions).

**Sick Leave Abuse** – The use of sick leave for any purpose not listed under Sick Leave. Any employee found to be abusing sick leave benefits shall be subject to disciplinary action, up to and including termination. Sick Leave Abuse also includes absences described under Pattern of Abuse above.

**Unpaid Leave of Absence** – As a general rule, all available accrued paid leave must be used before unpaid leave can be granted. Employees should refer to the City of Burbank Administrative Procedures and applicable MOUs for additional guidance.

**Un-scheduled Absence** – Any form of absence not approved by management lasting one work week or less, or during scheduled work period, or within 48 hours of a scheduled work period.

## 1014.2 POLICY

Sick leave may be used for absences caused by illness, non-work related injury, or temporary disability (including pregnancy and maternity). Sick leave may also be used for medical, dental, or vision examinations or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

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, recreation, or any other activity that may impede recovery from the injury or illness.

Employees who call in sick immediately before or following any type of scheduled leave may be required to submit a signed note from a licensed health care provider to their Division Captain attesting that the sick leave was for an approved reason as defined §1014.1.1.

In addition to this policy, each employee is responsible for understanding and complying with the provisions of the City's sick leave policy as detailed in the [City Administrative Procedure II-19](#) and the employee's applicable MOU.

Employees who call in sick due to their own illness are considered incapacitated and unavailable for work of any type until they return to full duty. Employees shall not engage in any activity that is



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inconsistent with such incapacity (e.g., performing work for another employer, engaging in physical, active sports and the like) during time the employee is on sick leave.

### 1014.2.1 REPORTING SICK LEAVE

To be eligible for paid sick leave, employees must notify a direct supervisor or the Watch Commander no less than two hours before the start of their scheduled shift or as soon as possible, based on the circumstances. Employees should provide information about where they may be reached during scheduled work hours and when they anticipate returning to work. Although supervisors cannot ask information that may identify a specific disease or illness, they may inquire as to the reason for all absences (e.g., personal illness or injury, family member illness or injury) on each day involved. Daily updates will not be necessary if the employee provides documentation from the treating health care provider specifying the expected period during which the employee will be off work or as otherwise approved by the supervisor.

Failure to provide the required certification or to provide it within the designated time period may result in loss of sick leave pay. If sick leave pay is denied and the employee is overpaid, such overpayment shall be deducted from the employee's next pay.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, employees shall, whenever possible, provide the Department with as much advanced notice as possible. For medical or dental appointments, the employees shall notify their immediate supervisor no later than the work day prior to that appointment or as soon as practicable in case of an emergency.

Additionally, when an employee is off work due to an injury or disability, whether job related or not, the employee must provide a health care provider's statement that the member is fully capable of performing the full duties of the employee's job before being permitted to return to work.

At the discretion of the Chief of Police or designee, an employee absent for more than 30 calendar days due to an illness or injury may be required to submit to and pass a medical examination regarding the specific illness or injury from a Department approved licensed physician before being permitted to return to work.

### 1014.3 SICK LEAVE WITHOUT PAY

Employees may be required to exhaust all paid leave before leave without pay is granted for personal illness or injury (see the applicable MOU for the details). Employees who request sick leave after having exhausted their sick leave benefits may be required to take sick leave without pay unless the use of other paid leave is approved in advance by the employee's Division Commander.

### 1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, or when the pattern and/or amount of sick leave by the employee has had a negative impact on Department's operations. When appropriate,



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supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program or for a Special Medical Evaluation ([Administrative Procedures II-17](#)).

### 1014.5 RETURN TO WORK

When an employee is absent for more than five consecutive work days due to personal illness, the employee is required to furnish a signed note from their health care provider supporting the use of sick leave or the ability to return to work ([Administrative Procedures II-19](#)).

Employees on extended absences should, if possible, contact their direct supervisor weekly to provide an update on their absence and expected date of return.

### 1014.6 AUDITS

The Audits and Inspections Unit shall conduct periodic audits of sick leave usage and shall submit the report to the Chief of Police. At his or her discretion, the Chief of Police may make an anonymous copy of the report available to employees for review. The anonymous reports shall not identify employees by name or assignment but may categorize sick leave usage by Division.



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**Policy  
1015**

*Scott LaChasse*

CALEA

Effective Date: December 5, 2013

## CHAPTER 10 – PERSONNEL

# Use of Leave Benefits

### 1015.1 PURPOSE AND SCOPE

The purpose of this policy is to establish Department guidelines relating to various types of leave available to employees. This policy does not constitute a contract and is not intended to override any provision of an applicable employee association agreement.

### 1015.2 HOLIDAY LEAVE [22.2.1(b)]

The procedures and limitations for holiday leave are covered in applicable employee association agreements. Employees who are scheduled off on a City recognized holiday shall not work on a holiday unless approved by a Division Commander.

### 1015.3 VACATION LEAVE [22.2.1(d)]

The policy of the Burbank Police Department is to schedule vacations of one work week or longer to maintain adequate coverage for all positions. Vacations of less than one work week may be approved at the discretion of the employee's supervisor based on scheduled or anticipated staffing levels. The procedures for requesting and approving vacation leave are as follows:

- (a) Each Division Commander shall be responsible for establishing a vacation schedule prior to January 1 of each year.
- (b) Each supervisor, bureau commander or manager, and division commander shall be responsible for ensuring adequate staffing and supervisory levels are maintained at all times, especially during peak vacation periods.
- (c) Scheduled vacation leave shall be marked as "Vacation Leave" on timesheets. Employees are prohibited from scheduling vacation leave but using compensatory leave time.
- (d) All requests for unscheduled vacation leave shall be made in writing, at least 14 calendar days in advance. Those requests submitted with less than a 14 calendar day notice may be considered at the discretion of the supervisor.



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- (e) Supervisors must approve or deny requests for unscheduled vacation leave no later than 3 working days from the time the request is made. The decision to approve or deny the leave shall be made in writing. Requesting employees are responsible for following up with the supervisor if they have not received a written decision within 3 working days. A request to use unscheduled vacation leave will only be granted if the request will not reduce the staffing levels below the levels determined by the Chief of Police or his designee or below those required for operational necessity.
- (f) Supervisors may cancel previously approved unscheduled vacation leave due to unforeseen circumstances, including but not limited to situations such as training, temporary assignments, illness, or emergency leave that affect staffing levels. The discretion to cancel unscheduled vacation leave shall not be applied in an arbitrary or unreasonable manner.
- (g) Division Commanders may establish additional rules for vacation selection or cancellation for operational efficiency and to ensure fairness to personnel. The additional rules must not violate applicable employee association agreements.

### 1015.4 COMPENSATORY LEAVE

While every effort will be made to allow employees to use accumulated compensatory time, the leave will not be approved if doing so will affect the safety of officers or the community or will be unduly disruptive to the operation of the Burbank Police Department. The procedures for requesting and approving vacation leave as outlined in §1015.3(c)-(f) also apply to compensatory leave.

When a request for the use of compensatory leave is denied, employees may seek a shift trade in accordance with Departmental policy. If an approved shift trade is not feasible, employees shall be given the option of scheduling an alternative date to use compensatory leave or they may request to cash out the compensatory leave that was denied. The request for cashing out compensatory leave must be made by submitting a memorandum to a direct supervisor within 10 calendar days of the denial and for the total hours of leave in the original request.

### 1015.5 FAMILY LEAVE [22.2.1(e)]

The procedures and limitations for family leave are covered in the City Administrative Procedure Section II or applicable employee association agreements.

### 1015.6 OTHER LEAVE [22.2.1(a)]

The procedures and limitations for other types of administrative leave available to employees (e.g., military, maternity, emergency, or bereavement) are covered in the City Administrative Procedure Section II or applicable employee association agreements.

### 1015.7 MAXIMUM ACCRUALS

Maximum accruals of vacation and compensatory time shall be governed by the City Administrative Procedures or applicable employee association agreements. Employees may use vacation or compensatory time after it is accrued.



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Compensatory time worked in excess of the maximum cap shall be paid in cash. Vacation time shall be used in the calendar year following accrual unless the Chief of Police has authorized in writing such accrued time to be carried over into the succeeding calendar year. Any request to carry over excess leave hours should include an explanation of why the leave hours could not be used during the calendar year and when the excess hours will be used.

### 1015.8 SUBSTITUTION OF WORK HOURS (TRADES)

Substitution of work hours between two employees may be approved if the following conditions can be met:

- (a) The employees must be of the same rank or job classification.
- (b) The employees must be capable of performing the respective duties.
- (c) The substitution must be approved by the supervisors of both employees.
- (d) The substitutions must occur during the same 28-day pay cycle.
- (e) Substitutions shall not be made for extra-duty or outside employment.
- (f) The trade does not involve a holiday (except BPOA members).

If approved, the supervisors shall be responsible for recording the substitutions on the appropriate timesheets and attaching the signed substitution forms to the timesheets.

Leave requests will not be approved during substituted work hours. If an employee calls in sick during substituted work hours, the employee who was originally scheduled to work will have the appropriate time deducted from his or her accrued sick leave bank. If the accrued sick leave balance is not sufficient to cover the period of absence, the appropriate amount of pay will be deducted from the employee originally scheduled to work as leave without pay (refer to the Sick Leave Policy).

### 1015.9 FLEXING OF WORK DAYS

Employees may not flex work days for any of the below listed reasons:

- (a) To reduce the amount of personal leave time used.
- (b) To work overtime or an extra duty assignment.
- (c) For outside employment.

A Division Commander may approve flexing of work days for Department training or operational needs.



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**Policy  
1016**

Approved: *Scott LaChasse*

CALEA

Effective Date: December 5, 2013

## CHAPTER 10 – PERSONNEL

# Communicable Diseases

### 1016.1 PURPOSE AND SCOPE

This policy provides guidelines to assist in minimizing the risk of Department members contracting and/or spreading communicable diseases.

### 1016.1 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 Burbank Police Department. (See the City exposure control plan for further details to assist in identifying whether an exposure has occurred.)

### 1016.2 POLICY

The Burbank 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.

### 1016.3 EXPOSURE CONTROL OFFICER

The below listed Exposure Control Officer responsibilities will be handled by the City's Environmental, Health, and Safety (EHS) Office:

- (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.





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- (c) Work with the Department to ensure members will have no-cost access to the appropriate personal protective equipment (PPE)(e.g., gloves, face masks, eye protection, pocket masks) for each members position and risk of exposure.
- (d) Work with Department to ensure protocols are in place for the evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15CCR 1207).
- (e) Compliance with all relevant laws and regulations related to communicable diseases, including:
  - 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
  - 2. Bloodborne pathogen mandates including (8 CCR 5193):
    - (a) Sharps injury log
    - (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) Work with Department to ensure the 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) Act as the designated liaison with health care facilities regarding communicable disease or condition exposure notification. The ECO's name, title, and phone number are listed in PEN.

The EHS Office should act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The EHS Office shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).



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The COPS Bureau Training Coordinator will be responsible for maintaining an up-to-date list of police personnel requiring bloodborne pathogens training. The Training Coordinator will also be responsible for working with the EHS Office to schedule training and for updating employee training records.

Department supervisors are responsible for exposure control in their respective areas. They should work directly with the EHS Office and any affected employees to ensure that the proper exposure control procedures are followed.

### 1016.4 EXPOSURE PREVENTION AND MITIGATION

#### 1016.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other personal protective equipment (PPE) in the work area or Department vehicles, as applicable.
- (b) Wearing Department approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
  - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.



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- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

### 1016.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

### 1016.5 POST EXPOSURE

#### 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 and complete an Exposure Card..

#### 1016.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

- (a) Name and Social Security number of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident
- (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



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requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

### **1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT**

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The EHS Office 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 EHS Office.

### **1016.5.4 COUNSELING**

The EHS Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

### **1016.5.5 SOURCE TESTING**

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).



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### 1016.5.6 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the EHS Office should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

- (a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.
- (b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.
- (c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the EHS Office should promptly consult with City Attorney and consider requesting that a court order be sought for appropriate testing.

### 1016.5.7 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the Watch Commander shall notify the EHS Office to take the following steps:

- (a) Comply 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.
- (b) Take 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).
- (c) In all cases, comply with the reporting and testing scheme of Penal Code §7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee's shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.
- (d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.
- (e) The results of the tests should be made available to the donor and the exposed employee.

Since there is the potential for overlap between the different manners in which source testing may occur, the EHS Office is responsible for coordinating the testing to prevent unnecessary or duplicate testing.



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The EHS Office should work with the Department to seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

### **1016.6 CONFIDENTIALITY OF REPORTS**

The EHS Office shall ensure that all records and reports are kept in the strictest confidence.

The EHS Office shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

### **1016.7 DISPOSAL AND DECONTAMINATION**

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

#### **1016.7.1 USE OF WASTE CONTAINERS**

Officers shall dispose of biohazard with the on-scene fire response vehicle, at a clinic or hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival. The biohazard containers in the station are located in the Jail and in the Property and Evidence Room.

The biohazard waste container located in the station shall be collapsible, leak-proof, red or appropriately labeled with a biohazard warning and routinely emptied.

#### **1016.7.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES**

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant should be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of the body with soap and warm water, or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.





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Any hand, skin, and mucous membrane washing should be done in a designated cleaning or decontamination area. All City fire stations have a designated decontamination area. Supervisors should direct employees to the nearest fire station when decontamination of skin is required or necessary. If the decontamination is done in the Police station due to necessity, the area used for decontamination shall not be reused until it is properly decontaminated by authorized persons. Cleaning shall not be done in the kitchens or other locations not designated as cleaning or decontamination areas.

Employees shall notify a supervisor as soon as practicable if contact with potentially infectious materials is suspected. The supervisor shall be responsible for directing the employee to the appropriate location for decontamination and any required medical treatment.

### **1016.7.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE**

All personnel shall avoid using or holding sharps (needles) unless necessary in the performance of their duties (e.g., collecting evidence). Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be used to avoid a finger prick. Items for disposal, when practicable, shall be placed into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided and an appropriate device (such as tongs, or a broom and a dustpan) shall be used if cleaning debris is necessary. If the material must be hand held, protective gloves must be worn.

### **1016.7.4 DISPOSABLE PROTECTIVE EQUIPMENT**

Contaminated disposable supplies (gloves, dressings, CPR mask) should be placed in a red biohazard bag before transporting infected items. The bag and contents shall then be disposed of in a biohazard waste container at a hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

### **1016.7.5 DECONTAMINATION OF EQUIPMENT OR CLOTHING**

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash and replace the personal protective equipment before continuing the task. If this situation results in a contaminated non-intact skin event, §1016.3.2 shall be implemented.

Decontamination of equipment or clothing is generally not recommended. However, decontamination of non-disposable equipment (e.g., flashlight, gun, baton, or portable radio) may be necessary. Employees shall notify a direct supervisor or the Watch Commander as soon as practicable if they suspect that their equipment or clothing has been contaminated with potentially infectious materials. The supervisor shall safely examine the contaminated item to determine if the





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item should be disposed (as described in §1016.3.4 or by other appropriate method) or if it should be decontaminated.

If the item is to be decontaminated, the supervisor should consult with the EHS Office or Fire Department personnel to help determine the proper method and location for the decontamination of the item. All City fire stations have designated decontamination areas and the necessary cleaning solutions and tools.

Contaminated items that must be transported prior to cleaning shall be placed into a biohazard waste bag before transporting. Gloves shall be worn while handling the biohazard waste bag.

### **1016.7.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT**

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station, as directed by a supervisor, for proper cleaning and disinfecting.

Below are general guidelines for decontamination of non-disposable equipment; however, employees should not attempt to decontaminate Department owned equipment unless approved or directed by a supervisor.

Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered, and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

While cleaning equipment, employees shall pay close attention to handles, controls, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning or decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

### **1016.7.7 DECONTAMINATION OF CLOTHING OR UNIFORM**

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and placed in a biohazard bag. This Department does not recommend the laundering of contaminated clothing items at home.

Based on the level of contamination, the employee's supervisor or the Watch Commander will determine if the clothing item will be cleaned using an approved method or vendor or if it will be discarded. If the item is to be cleaned, the supervisor shall work with the EHS Office to secure a dry cleaner that is capable of cleaning contaminated clothing and inform them of the potential contamination. This dry cleaning will be done at the Department's expense. If the item is to be



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discarded, the supervisor shall submit a memorandum to the appropriate Division Commander detailing the circumstances of the contamination and a recommendation whether the employee should be reimbursed for the discarded item.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

### **1016.7.8 DECONTAMINATION OF VEHICLES**

Contaminated vehicle shall be placed out of services and decontaminated by an approved vendor. Employees shall notify a direct supervisor or the Watch Commander as soon as practicable after becoming aware of any contamination of a vehicle. The supervisor shall be responsible for verifying that the vehicle has been placed out of service, properly tagged, and decontamination scheduled. Vehicles tagged as contaminated should not be placed in service until properly decontaminated.

A list of approved cleaning vendors shall be maintained in the Watch Commander's Office.

### **1016.7.9 DECONTAMINATION OF STATION AND CLEANING AREA**

The EHS Office will assist this Department in designating a location at the station that will serve as the area for cleaning or decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies.



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Scott LaChasse, Chief of Police

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Approved: *Scott LaChasse*

CALEA  
Effective Date: June 6, 2013

## CHAPTER 10 – PERSONNEL

# Smoking and Tobacco Use

### 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in City facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 1018.2 POLICY

The Burbank Police Department recognizes that tobacco use is a health risk and can be offensive to others. Any violation of this policy shall be reported to a supervisor.

Smoking and tobacco use also represents an unprofessional image for the Department and its members. Therefore, smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

### 1018.3 EMPLOYEE SMOKING AND TOBACCO USE

Smoking or tobacco use by members is prohibited anytime members are in public view representing the Burbank Police Department. During the work day, members are prohibited from removing themselves from their work station or job site for the purpose of smoking or using tobacco products. Members may smoke or use tobacco products during their regular and authorized meal or rest periods when out of view of the public and only in compliance with all applicable laws, including BMC §4-1-703. Employees are expected to use good judgment and to help maintain a safe and clean environment in connection with smoking and the use of tobacco products. Employees must discard ashes, cigarette butts, and other tobacco residue in ashtrays or other safe receptacles.

Each supervisor shall be responsible for ensuring that no person under his or her supervision smokes or uses any tobacco product in violation of this policy or any applicable laws.



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## 1018.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any City facility), whether present for training, enforcement, or any other purpose (Government Code §7596 et seq.).

See also City [Administrative Procedure § II-10](#).



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Approved:

A handwritten signature in black ink, appearing to read "M. Albanese".

CALEA

Effective Date: December 5, 2013

## CHAPTER 10 – PERSONNEL

# Personnel Complaint Procedures

### 1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Burbank 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.

### 1020.2 POLICY

The Burbank 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.

### 1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance against any Department member that, if true, would constitute a violation of Department policy or federal, state, or local law.

Inquiries about conduct or performance that, if true, would not violate Department policy or federal, state or local law may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or response to specific incidents by the Department. This does not preclude supervisors from addressing minor policy violations informally, when the complainant is satisfied with this course of action.

This policy shall not apply to any investigation involving strictly alleged criminal activity (Government Code 3303(i)).



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## 1020.3.1 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. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in a manner consistent with this policy. **Formal** – A matter in which the complaining party alleges misconduct and/or a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor of a rank greater than the accused member or referred to the Internal Affairs Bureau depending on the seriousness and complexity of the investigation.

Complaints can be generated from an internal or external source:

**Administrative Review** – An inquiry into an incident or circumstance that on its face does not appear to involve misconduct. However, an administrative review may, as a result of the information gathered, result in a personnel investigation.

**Citizen Complaint** – An allegation of Department member misconduct from any source outside the Department.

**Judicial Complaint** – A complaint involving the judicial process or prosecutorial agency.

**Personnel Investigation** – An allegation of Department member misconduct from any source within the Department.

**Service Complaint** – A complaint involving the delivery of police services where Department member misconduct is not alleged.

Upon receiving a complaint, the receiving supervisor shall determine the proper classification of the complaint as a Citizen Complaint, Service Complaint, or Judicial Complaint. If a determination cannot be made based on the initial information, the complaint and all available information shall be forwarded to the Division Captain for classification. The Deputy Chief or his/her designee will determine who is assigned to investigate the complaint.

## 1020.3.2 INTERNAL AFFAIRS BUREAU

The Internal Affairs Bureau (IAB) is an administrative investigation unit, which operates directly under the authority of the Chief of Police. Complaints of a serious or more complex nature will be investigated by the Internal Affairs Bureau. Serious investigations may include, but are not limited to:

- Allegations of serious misconduct (e.g., excessive force, corruption, theft, harassment, or allegation of a serious nature)
- Allegations involving criminal conduct
- Other investigations as assigned by the Chief of Police



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The IAB Lieutenant reports directly to the Deputy Chief and has the authority to report directly to the Chief of Police.

IAB has full authority to conduct investigations without interference from any member regardless of rank. Furthermore, IAB has the authority to require any member of the Department, regardless of rank, to make full, complete, and truthful statements during administrative investigations.

### 1020.3.3 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, unless is minor in nature and can be handled informally.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

### 1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

#### 1020.4.1 COMPLAINT FORMS

Complaint forms shall be available at the following locations:

- Burbank Police Department Front Counter.
- Burbank Police Department lobby display rack, clearly visible.
- Online on the Police Department's website.
- The City Clerk's Office.
- The Community Assistance Coordinator's Office.
- Sworn supervisors (Patrol supervisors shall carry forms in the field).

Personnel complaint forms in languages other than English may also be provided, as determined necessary and practicable.

#### 1020.4.2 ACCEPTANCE

Every Department member receiving a complaint, whether verbal or written, should identify the complainant, obtain their contact information, and refer them to an on-duty supervisor. In any case, the





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member shall provide a Citizen Complaint Form upon request or make one available in a timely manner, regardless if the complainant agrees to speak with a supervisor. Members shall assist anyone requiring help in completing the form.

A complaint may be filed in person, in writing, or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints should not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action (unless the complainant demands it).
- (b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their informal complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure, a complaint need not be taken.
- (c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Citizen Complaint Form.
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

### 1020.4.3 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). The information may be published on the Department's website or printed in a brochure.

### 1020.4.4 DOCUMENTATION

#### Formal Complaints

Formal complaints of alleged misconduct should be documented on a Citizen Complaint Form and shall be forwarded to the Office of the Chief of Police for logging and assignment. Citizen complaints shall be entered into the BlueTeam System and related documents forwarded to the Office of the Chief of Police.

If a supervisor receives a formal complaint of alleged misconduct in any other form (e.g., verbal), the supervisor shall document the circumstances on a Citizen Complaint Form, ensuring that the form is completed to the extent possible and that the nature of the complaint is defined as clearly as possible.

When a Citizen Complaint Form is completed in person, the complainant should legibly write a detailed narrative of the complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, supervisors should obtain a recorded statement from the reporting party. A refusal by a party to be recorded shall not be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature



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should be obtained at the conclusion of the statement. The complainant shall be provided with a copy of the complaining party's own original complaint per Penal Code § 832.7 / CA SB 16), as verification of receipt that the complaint has been received. For complaints received via telephone or e-mail, the complainant will be mailed a copy of the completed form or provided confirmation of the receipt of the complaint via telephone.

If a complaining party refuses to sign a written complaint form or refuses to be recorded during an oral statement, the circumstances of such refusal shall be documented by the receiving supervisor or employee investigator. An investigation will still be conducted.

## Informal Complaints

A supervisor should document an informal complaint on the Watch Commander Log. Entries should include the name and contact information of the complainant and the nature of the complaint.

## **1020.5 ADMINISTRATIVE INVESTIGATIONS**

### **1020.5.1 PROCEDURES**

The following steps shall be followed for personnel complaint investigations:

- (a) Citizen complaint investigations shall be entered into BlueTeam by the receiving supervisor and forwarded to the Deputy Chief prior to the end of their work shift.
- (b) Any allegations of employee misconduct generated internally (i.e., personnel investigations) shall be submitted on a memorandum to the Deputy Chief via the chain of command as soon as possible. The Internal Affairs Bureau (IAB) will be responsible for entering the incident into IAPro.
- (c) The Deputy Chief will collaborate with IAB for the processing and assignment of complaint investigations. IAB will prepare the investigative file and forward that file to the appropriate Division Commander if the investigation is to be handled at the operational level.
- (d) Once a complaint investigation is assigned by the Division Commander, he or she shall notify the IAB Lieutenant of the assignment and the assigned date via email. This information is necessary for updating IAPro and for tracking.
- (e) Upon the completion of the investigation, the investigating supervisor shall forward the completed investigative file via the chain of command to his or her Division Commander for review and approval.
- (f) Once approved, the Division Commander shall forward the investigative file to the Deputy Chief. At this juncture, the Deputy Chief and the Chief of Police will review the investigation and make a recommendation for final disposition.
- (g) The Deputy Chief will deliver the completed file and the proposed discipline (if applicable) to IAB. IAB will be responsible for the following:



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1. Conduct quality assurance review.
  2. Prepare the notification letter to citizen complainant (if applicable).
  3. Prepare the Notice of Proposed Discipline (if applicable).
  4. Forward the file documentation to the Management Services Department Discipline Group for their review (if applicable).
- (h) Upon reviewing the file, IAB will forward the investigative file to the Chief's Executive Assistant to complete the following tasks:
1. Prepare Chief's Memorandum to the involved employees.
  2. Prepare notification letter to citizen complainant for the Chief's signature and mail the letter to the complainant.
- (i) The Chief's Executive Assistant will deliver the investigative file to IAB. IAB will be responsible for updating the IAPro incident, including, status, charges, and charge dispositions.
- (j) IAB will be responsible for the service of any disciplinary documents to employees and for obtaining "Proof of Service" documentation.
- (k) IAB will then return the investigative file to the Chief's Executive Assistant for barcoding and filing.

## **1020.5.2 SUPERVISOR RESPONSIBILITIES**

Supervisors shall maintain their ability to engage in the questioning of a member in the normal course of duty, counseling, instruction, or other routine or unplanned contact (Government Code 3303(i)). A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation or further misconduct.

A supervisor receiving a complaint involving allegations of a potentially serious nature shall notify the appropriate Division Captain via the chain of command as soon as practicable. If required by the circumstances, a supervisor has the authority to report a complaint directly to the Chief of Police.

When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly notify the appropriate Division Captain via the chain of command for direction regarding notification to Management Services and their role in investigating or addressing the complaint. The Division Captain shall be responsible for notifying the Chief of Police.

In general, the primary responsibility for the investigation of less complex personnel complaints should rest with the member's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate the complaint.



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Supervisors should be prepared to justify their decision to the Division Captain if a supervisor decides not to document a complaint.

### **1020.6 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when circumstances dictate that an unreasonable risk exists to the Department, the involved member, other members, or the public, a Division Commander may place the accused member on administrative leave pending completion of the investigation or the filing of administrative or criminal charges.

#### **1020.6.1 ADMINISTRATIVE LEAVE**

A member placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the outcome of the investigation.
- (b) A member placed on administrative leave may be required by a supervisor to relinquish the following:
  - 1. Badge(s).
  - 2. Employee identification card.
  - 3. Proximity card.
  - 4. Issued weapons.
  - 5. Police radio.
  - 6. Access and equipment keys.
  - 7. City issued cell phone.
  - 8. Any other issued equipment.
- (c) A member placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The member shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (d) A member placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the member may be required to remain available for contact at all times during such shift and report as ordered.
- (e) At such time as any member placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card, and other equipment returned.
- (f) A member placed on administrative leave may not engage in any off-duty Department assignments, including, but not limited, to studio jobs.



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## 1020.7 ALLEGATIONS OF CRIMINAL CONDUCT

Where a member of this Department is accused of potential criminal conduct, a separate supervisor 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 formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the member shall not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively acquired from a member may be provided to a criminal investigator.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction. No disciplinary action shall be taken against the accused peace officer based solely on an arrest or crime report (Labor Code §432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Department policy.

## 1020.8 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Internal Affairs Bureau, the following procedures shall be followed with regard to the accused members:

- (a) Prior to any interview, the member who is the subject of an investigation shall be served with a written notice with at least the following information:
  1. Summary of allegations.
  2. Date and time of interview.
  3. Identity and rank of the investigator in charge.
  4. Member's rights and responsibilities.
- (b) Interviews of accused members shall be conducted during reasonable hours preferably at a time when member is on duty or during the normal waking hours for the member, unless the seriousness of the investigation requires otherwise. If the member is off-duty, he/she shall be compensated in accordance with the current Memorandum of Understanding (Government Code §3303(a)).
- (c) No more than two interviewers may ask questions of an accused member (Government Code §3303(b)).
- (d) Prior to any interview, the member shall be informed of the nature of the investigation (Government Code §3303(c)).



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- (e) All interviews shall be for a reasonable period and the member's personal needs shall be accommodated (Government Code §3303(d)).
- (f) No member shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code §3303(e)).
- (g) Absent circumstances preventing it, the interviewer shall 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 (Government Code §3303(g)). Audio recordings shall be retained with the administrative file upon closure of the investigation.
- (h) If the allegations involve potential criminal conduct, the member shall be advised of his/her Constitutional rights pursuant to *Lybarger* (*Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, 827). This admonishment shall be given administratively whether or not the member was advised of these rights during any separate criminal investigation (Government Code §3303(h)).
- (i) All members shall have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual member's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code §3303(i)).
- (j) All members shall provide complete and truthful responses to questions posed during interviews.
- (k) No member may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code §3307).
- (l) No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code §3305.5).

## Witnesses

A witness member is someone who is not the subject of an investigation and any statements provided by the member are not likely to result in punitive action against the member.

Peace Officer witnesses are entitled to representation, on request, during any administrative interview. If during the interview of a witness member the investigators develop a reasonable belief that the interview may focus on matters that are likely to result in punitive action against the witness member, then the investigators shall end the witness interview and shall advise the member that the he or she is a focused employee in the investigation, before continuing the interview. The investigators may





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reschedule the interview to allow the employee a reasonable amount of time to consult with a representative. The representative shall not be a person subject to, or a witness in, the same investigation.

All members of this Department are prohibited from notifying a Peace Officer witness prior to an interview that his or her employee rights regarding administrative interviews do not apply.

## **1020.8.1 ADMINISTRATIVE SEARCHES**

Any member may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties, or, if the member is assigned to or is being considered for a special assignment with a potential for bribes (Government Code §3308).

Members may be required to be photographed or to participate in a line-up. Members shall have no expectation of privacy when using telephones, computers, radios, or other communications devices provided by the Department.

Assigned 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).

All other departmentally assigned areas (e.g., desks, office space, and assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

## **1020.8.2 ADMINISTRATIVE INVESTIGATION REPORT FORMAT**

Reports documenting personnel complaint investigations shall be detailed and complete. The reports should include the following information in a format established by the Department:

Introduction – To include the identity of the involved members, the identity of the assigned investigator, and the date and the source of the complaint.

Synopsis – A very brief summary of facts giving rise to the investigation (more complex investigations should include an Executive Summary instead).

Summary of Allegations – Listing of allegations separately, including the applicable policy or misconduct reference.

Evidence as to Each Allegation – To include summaries of member and witness statements and any other evidence related to each allegation.

Conclusion – A recommendation regarding further action or disposition with a brief factual support.

Exhibits – A separate list of attachments (recordings, photos, documents).





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Administrative Reviews should be submitted using a memorandum format and should include the following sections:

- (a) Synopsis
- (b) Summary
- (c) Conclusion

### 1020.9 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

**Unfounded** – When the investigation clearly established that the allegation is not true (Penal Code §832.8(c)).

**Exonerated** – When the investigation clearly established that the actions of the peace or custodial officer that formed the basis for the complaint are not violations of law or Department policy

**Not Sustained** – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**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(b)).

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### 1020.10 COMPLETION OF INVESTIGATIONS

#### 1020.10.1 FILE STATUS TRACKING

IAB is responsible for tracking the timely completion of all complaint investigations and reports. IAB and/or the supervisor who is conducting the investigation shall identify and take note of the statute of limitation. The investigator shall ensure the investigation is completed within the time allowed by statute. If during the investigation, the investigator learns of any information which would affect or change the time frame of the statute of limitation, then the investigator shall take note of the date, notify IAB and Division Commander, and ensure the investigation is completed by the time allowed by statute.

The following shall apply to all citizen complaint and personnel investigations:

- (a) All investigations, other than those assigned to IAB, shall be completed within 60 days of assignment. For any investigation that cannot be completed within 60 days, the assigned investigator shall submit a memorandum to the Deputy Chief via the chain of command requesting a 30-day investigatory extension. In the memorandum, the investigator must provide an update on the status of the investigation. The memorandum shall be included in the investigative file.



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- (b) If a citizen complaint investigation is anticipated to require more than 90 days to complete, the assigned supervisor must send to the complainant a status update letter in a format approved by the Chief of Police or designee. A sample letter is available in PEN, in the Supervisor/Manager Section.
- (c) No investigation shall be extended beyond 10 months from the date of the discovery of alleged misconduct without the express written approval of the Deputy Chief. Any written extension approvals (including when an investigation is tolled per Government Code §3304) shall be included in the investigative file.

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 §3508.1. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved members need not be notified of the pending investigation unless and until the member is interviewed or formally charged within one year of discovery.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved members.

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report.

## **1020.10.2 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved member or authorized personnel, except as required by law.

In the event that an accused member (or the representative of such member) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the member's personnel file to refute such false representations (Penal Code §832.7).

## **1020.10.3 RECORD MAINTENANCE AND SECURITY**

A record of all complaints shall be maintained in the Department's electronic administrative case management system (IA Pro). Hard copies of all complaints are maintained in a designated secure file rooms in the Administration Division. Documentation of sustained allegations shall be included in the member's personnel file. Documentation of allegations that are unfounded, exonerated, or not sustained shall be maintained apart from the member's personnel file.

All citizen complaints shall be maintained for a period of no less than five years (Penal Code §832.5). Per Government Code § 34090 (et. Seq.), all personnel investigations (those that originate internally) shall be maintained for no less than two years in accordance with the established records retention schedule.



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## 1020.11 NOTIFICATION TO COMPLAINANT

The assigned investigator will make every effort to contact the complainant. The investigator will explain the investigation process and provide the complainant with periodic status reports of the case.

Within 30 days of the final review of the completed investigation by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings but shall not disclose the details of any imposed discipline (Penal Code §832.7).

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police or designee to discuss the matter further.

## 1020.12 ANNUAL REPORTS

IAB shall compile statistical summaries of internal affairs investigations completed during the last calendar year and prepare a report to provide to the Chief of Police no later than July 31 of each year.

The report should contain the following information:

- (a) Total number of administrative investigations.
- (b) Total number of citizen complaints and the number sustained.
- (c) Total number of personnel investigations and the number sustained.
- (d) Total number of member traffic collisions or incidents and the number classified as preventable.
- (e) Total numbers for each of the following categories of administrative action:
  - 1. Written Reprimands.
  - 2. 1-5 Day Suspension.
  - 3. 6-10 Day Suspensions.
  - 4. 11-30 Day Suspensions.
  - 5. Terminations.

Copies of the annual report will be made available to the public and Department members. The annual report will be posted on the Department's website.

## 1020.13 ADMINISTRATIVE REVIEWS

Administrative Reviews may be initiated by a rank of Captain or higher to initiate a review of circumstances that may be a concern to the Department. An Administrative Review may be the basis for a personnel investigation if such information is developed during the review or it may be a formal evaluation of information that may be a potential liability for the Department. All Administrative Reviews shall be reviewed and closed by the Deputy Chief. Closed Administrative Reviews shall be filed by the Executive Assistant and retained for at least five years. Administrative Reviews will also be stored in IA Pro.



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## **1020.14 HANDLING OF SERVICE COMPLAINTS**

Any complaint that upon review is determined to involve the delivery of services or the Department's policies or procedures governing the delivery of services shall be forward to the appropriate Division Commander. Upon receipt, the Division Commander shall review the complaint and contact the complainant to answer any questions about delivery of service that was the subject of the complaint. Following the interview with the complainant, the handling Division Commander will prepare a disposition memorandum addressed to the Deputy Chief, including any recommendations for policy or procedure changes.

If during the interview the complainant alleges employee misconduct, then the Division Commander shall initiate a citizen complain per §1020.3.

Closed Service Complaints shall be filed by the Executive Assistant and retained for at least five years.

## **1020.15 HANDLING OF JUDICIAL COMPLAINTS**

Any complaint that upon review is determined to involve the judicial process (court, judge) or a prosecutorial agency (District Attorney's Office or City Attorney's Office) shall be forwarded to the Investigation Division Commander. The Investigation Division Commander will determine if the complaint should be forwarded to the entity that is the subject of the complaint. If a complaint is forwarded to another entity, it should be closed by this Department as "Judicial Review." In either case, the Investigation Division Commander should contact and inform the complainant of the Department's disposition of the complaint.

## **1020.16 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

### **1020.16.1 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 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.

### **1020.16.2 THE CHIEF OF POLICE RESPONSIBILITIES**

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.



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The Chief of Police may modify any recommendation 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 recommended, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code §3304(d) or §3508.1):

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count.
- (b) A statement that the member has been provided with or given access to all of the materials upon which the action is based shall be considered by the Chief of Police in recommending the proposed discipline.
- (c) An opportunity to respond orally or in writing to the Chief of Police within ten days of receiving the Skelly notice or as otherwise required by the relevant MOU for the member. The Chief of Police may grant a reasonable extension of time for the member to respond but only upon a showing of good cause by the member.

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)).

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)).

### **1020.16.3 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the focused member with an opportunity to present a written or oral response to the Chief of Police or designee after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The member shall consider the following:

- (a) This Skelly response is not intended to be an adversarial or formal hearing.
- (b) Although the member may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The member may suggest that further investigation should be conducted or the member may offer any additional information or mitigating factors for the Chief of Police to consider.



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- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the member shall be provided with the results of such subsequent investigation, including all related materials, prior to the imposition of any discipline. If the member is a peace officer as defined by Government Code §3301, any further investigation shall comply with the provisions of Government Code §3304.
- (e) The member 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.
- (f) Once the member has completed the Skelly 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. Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided to the member within 30 days, or as otherwise required by the relevant MOU, imposing, modifying, or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination, effective date, and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Chief of Police has issued a written decision, the discipline shall become effective and the member shall have any required rights to appeal pursuant to their relevant MOU.

## **1020.16.4 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file, unless otherwise mutually agreed between the Chief of Police and the employee.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code §13510.8 / CA SB 586). The investigation shall be completed and a finding rendered, whether or not the member resigns or retires, unless otherwise mutually agreed between the Chief of Police and the member.

## **1020.16.5 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary members have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The member 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 a member 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).





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If non-probationary member misconduct results in termination, the following information will be provided to the employee:

- (a) A written statement citing the reason for termination.
- (b) The effective date of termination.
- (c) Managements Services Department contact for information regarding the status of fringe benefits.

### **1020.17 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES**

In the event that a probationary member is terminated solely for unsatisfactory performance or the failure to meet Department standards, the member shall have no right to appeal and the following shall be considered:

- (a) Termination of a probationary member for such failure to pass probation shall be so reflected in the member's personnel file.
- (b) In the event that a probationary member is disciplined or terminated for misconduct, the member shall only be entitled to appeal the decision as set forth in their relevant MOU and/or City policy.
- (c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code §3303 and applicable Department policies.
- (d) A probationary member's appeal of disciplinary action shall be limited to an opportunity for the member to attempt to establish that the underlying allegations should not be sustained or shall otherwise be limited by their relevant MOU and/or City policy. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the member's continuation of employment
- (e) The burden of proof for any probationary member's appeal of disciplinary action shall rest with the member and will require proof by a preponderance of the evidence
- (f) In the event that a probationary member meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the member's personnel file.
- (g) In the event that a probationary member fails to meet his or her burden of proof in such a disciplinary appeal, the member shall have no further right to appeal beyond the Chief of Police or as otherwise set forth in their MOU and/or City policy.

### **1020.18 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.





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## 1020.19 NON-DISCIPLINARY SYSTEM

*Informal* – Informal corrective action is intended to improve employee productivity and effectiveness, develop good working habits, and to establish a norm for acceptable employee conduct through positive and constructive methods. Informal action may include:

1. Training – Training may be recommended by a supervisor or higher authority either by itself or in conjunction with other forms of corrective action, including discipline.
2. Verbal Counseling – Counseling provides the direct supervisor an opportunity to inform the employee of the need to improve performance, working habits, behavior, or attitude and serves as warning against further unsatisfactory performance or conduct. The supervisor shall document all instances of employee counseling in the employee's comment card. The Division Commander shall have the discretion to include the counseling in the employee's annual performance evaluation.

## 1020.20 DISCIPLINARY SYSTEM

*Formal* – Formal discipline is intended to correct or halt employee misconduct or poor performance. Formal discipline may include but is not limited to:

1. Written Reprimand.
2. Suspension without Pay.
3. Demotion.
4. Transfer for the Purposes of Discipline (Includes removal from special assignments with incentive pay resulting in salary reduction). The Department may also transfer employees from special assignments for non-disciplinary purposes.
5. Termination.
6. Reduction in Compensation

## 1020.21 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate form within 10 days of certain officer personnel events, including but not limited to (Penal Code §13510.9 / CA SB 2):

- (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.
- (b) Events that could affect an officer's POST certification, such as:



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1. Complaints, charges, or allegations of misconduct
  2. Findings of civilian review boards
  3. Final dispositions of any investigations
  4. Civil judgements or court findings based on conduct, or settlement of a civil claim against an officer or the Burbank 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) for up to two years after reporting of the disposition of an investigation (Penal Code §13510.9 / CA SB 2).



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1022**

Approved: *Scott LaChasse*

CALEA  
Effective Date: June 28, 2013

## CHAPTER 10 – PERSONNEL

# Seat Belts

### 1022.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seatbelts and child restraints. This policy applies to all members operating or riding in Department vehicles (Vehicle Code §27315.5).

#### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** – An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

### 1022.2 POLICY

It is the policy of the Burbank Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### 1022.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding 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 employee 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 when unusual circumstances exist or if wearing a seatbelt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement with specific information.

Approved seatbelt extenders may be used when necessary but in no case shall they or any other device be used only to silence the seatbelt warning chime or disable the seatbelt warning system.



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Scott LaChasse, Chief of Police

## Policy 1022

### 1022.4 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any Department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seatbelts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

### 1022.5 TRANSPORTING CHILDREN

Children under the age of eight shall be transported in compliance with California's restraint system requirements (Vehicle Code §27360).

In case of a life-threatening emergency, sworn personnel may transport a child in an authorized emergency vehicle, without the use of a child passenger restraint system, but the child shall be secured with a seatbelt (Vehicle Code §27363(b) and §165).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

### 1022.6 INOPERABLE SEATBELTS

Department vehicles shall not be operated when the seatbelt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seatbelt is inoperable.

Department vehicle seatbelts shall not be modified, removed, deactivated or altered in anyway, 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.



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## **1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

## **1022.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1024**

CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 10 – PERSONNEL

# Use of Body Armor, Ballistic Helmets, and Face Shields

### 1024.1 PURPOSE AND SCOPE [41.3.5]

The purpose of this policy is to provide sworn personnel with guidelines for the proper use and care of body armor, ballistic helmets, and face shields.

### 1024.2 POLICY [41.3.5]

It is the policy of this Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor, ballistic helmets, and face shields provide a significant level of protection, they are not a substitute for proper tactics. Soft body armor vests, ballistic helmets, and face shields are issued to all sworn personnel to reduce the likelihood of serious injuries and death (refer to §1024.3(c)).

### 1024.3 ISSUANCE OF BODY ARMOR, BALLISTIC HELMETS, AND FACE SHIELDS [22.2.5; 41.3.5]

- (a) All officers shall purchase Department approved body armor of type Level II or IIIA and ballistic helmets with attached face shields.
- (b) All body armor shall comply with requirements prescribed under the current standards of the National Institute of Justice.
- (c) Individual officers may purchase and wear body armor of their own choice as long as it meets, or exceeds, the specifications of the Department issued vest and is agency approved.
- (d) Body armor, ballistic helmets, and face shields issued to employees shall remain the property of the Burbank Police Department, and upon separation of employment, or the issuance of a replacement, shall be returned to the COPS Bureau.
- (e) Body armor, ballistic helmets and face shields that are worn or damaged shall be replaced by the agency. Body armor, ballistic helmets and face shields that must be replaced due to negligent loss, misuse, or abuse by the officer shall be paid for by the officer.

### 1024.3.1 USE BODY ARMOR, BALLISTIC HELMETS, AND FACE SHIELDS [41.3.5; 41.3.6]

- (a) Officers shall wear only Department approved protective equipment.



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- (b) All on duty sworn personnel shall have body armor, ballistic helmets and face shields immediately available to them.
- (c) All on duty uniformed officers, including officers assigned to extra duty assignments, shall wear body armor while in the field (ADA claims will be addressed on a case by case basis). Except for officers operating a motorcycle, uniformed officers are also required to carry their Department issued ballistic helmet and face shield in their assigned vehicle.
- (d) For the purpose of this policy, on duty uniformed officers include patrol officers and patrol sergeants and lieutenants when they are in the field. The term "uniform" shall refer to any uniform or markings that identify the person as a police officer.
- (e) Investigation Division personnel should have body armor, ballistic helmets, and face shields readily available when in the field.
- (f) Plainclothes personnel shall wear body armor for planned or high-risk field operations unless specifically excused by the appropriate Division Captain or designee. Exceptions may be granted for special circumstances, such as an undercover buy, plain clothes work that could be compromised by wearing body armor, or other circumstances that make it inappropriate to mandate wearing body armor.
- (g) Time permitting, sworn personnel shall don Department issued ballistic helmets during the following situations:
  - 1. When apprehending suspects that are reasonably believed to be armed with a firearm.
  - 2. Barricaded suspect or hostage situations.
  - 3. A terrorist incident.
  - 4. When directed by a supervisor.

Sworn personnel should also use face shields when responding to a riot or civil unrest or to any situation requiring impact protection.

### 1024.3.2 SUPERVISOR RESPONSIBILITY

Supervisor shall ensure compliance with this policy through routine observation and periodic documented line inspections (refer to the Audits and Inspections Policy).

### 1023.3.3 CARE, MAINTENANCE AND REPLACEMENT OF BODY ARMOR, BALLISTIC HELMETS AND FACE SHIELDS

- (a) Officers shall routinely inspect body armor, ballistic helmets, and face shields for signs of damage, for general cleanliness, and for operational readiness.
- (b) As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.
- (c) Officers are responsible for the proper storage and maintenance and care of body armor, ballistic helmets, and face shields in accordance with the manufacturer's instructions. No modifications or alterations shall be made to this equipment without the written authorization





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of the Deputy Chief. Any such authorization shall be maintained in the officer's personnel file.

- (d) Officers are responsible for reporting damage or excessive wear to the ballistic panels, vest covers, ballistic helmets, and face shields to their supervisor.
- (e) Except as approved for members of the SWAT Team, the face shield shall not be removed from the ballistic helmet.

## **1024.4 TRAINING COORDINATOR RESPONSIBILITIES**

The Training Coordinator shall be responsible for:

- (a) Issuing equipment and related documentation.
- (b) Monitoring technological advances in the body armor, ballistic helmet, and face shield industry that may necessitate a change in such equipment.
- (c) In consultation with the Rangemaster, assessing weapons and ammunition currently in use and the suitability of approved body armor and ballistic helmets to protect against those threats.
- (d) Conducting annual inspections of body armor, ballistic helmets, and face shields for fit, cleanliness, signs of damage, evidence of unauthorized modifications or alterations, or abuse and wear. The Training Coordinator shall notify the appropriate Division Commander in writing of any unauthorized modifications, alterations, or abuse of equipment.



# Burbank Police Department

Michael Albanese, Chief of Police

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Approved:

A handwritten signature in black ink, appearing to read "M. Albanese".

CALEA

Effective Date: December 5, 2013

## CHAPTER 10 – PERSONNEL

# Personnel Records

### 1026.1 PURPOSE AND SCOPE

This Policy governs the maintenance and access to personnel records. Personnel records include any file maintained for personnel purposes.

### 1026.2 POLICY

It is the policy of this Department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

### 1026.3 DEPARTMENT FILE

The Department file shall be maintained as a record of a person's employment/appointment with this Department. The Department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
  - 1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained for no less than four years and in accordance with the records retention schedule. (Government Code § 12946 / CA SB 807).
  - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained for no less than 15 years and in accordance with the records retention schedule (Penal Code § 832.5 / CA SB 16 / CA SB 2).



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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 / CA SB 16 / CA SB 2).
- (f) Adverse comments such as supervisor notes or memos may be retained in the Department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
  1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
  2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
  3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).
- (g) Commendations and awards.

### 1026.4 DIVISION FILE

Division files shall be maintained separately in Guardian Tracking for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

### 1026.5 TRAINING FILE

An individual training file shall be maintained by the Training Coordinator 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., Power DMS Training Bulletin records).

- (a) The involved member is responsible for providing the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member's training file.



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## 1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Bureau in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Internal Affairs Bureau supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

Investigation files arising out of sustained civilian's complaints involving in misconduct shall be maintained no less than 15 years and in accordance with the records retention schedule. 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 / CA SB 16 / CA SB 2).

Investigation files arising out of internally generated complaints shall be maintained no less than four years and in accordance with the records retention schedule (Government Code § 12946 / CA SB 807).

Investigations 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 / CA SB 16 / CA SB 2).

## 1026.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.



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## **1026.8 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy and as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

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.

### **1026.8.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

### **1026.8.2 RELEASE OF PERSONNEL INFORMATION**

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See 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).

### **1026.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION**

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-



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employment background investigation except where specifically prohibited by law (Penal Code § 13670 / CA AB 958).

## **1026.9 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS**

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police, the Internal Affairs Bureau Lieutenant, and the City Attorney's Office 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 the following (Penal Code § 832.7(b)(3)):

- (a) All investigation reports.
- (b) Photographic, audio, and video evidence.
- (c) Transcripts or recordings of interviews.
- (d) Autopsy reports.
- (e) 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.
- (f) Documents setting forth findings or recommending findings.
- (g) 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 request (Penal Code § 832.7(b)(1) / CA SB 16 / CA SB 2):

- (a) Records relating to the report, investigation, or findings of:
  - 1. The discharge of a firearm at another person by an officer.



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Michael Albanese, Chief of Police

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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 for the following:
1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
  2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
  3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
  4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

## **1026.9.1 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)(5)):

- (a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers





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- (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 or 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)).

## **1026.9.2 DELAY OF RELEASE**

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with the respective Captain 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



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## 1026.9.3 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.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

## 1026.10 MEMBERS' ACCESS TO THEIR OWN PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate and provide notice to the involved member of doing so (e.g., email, memorandum), 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.



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- (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, promotions and job assignments or other comments or ratings used for Department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

## **1026.11 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 (e.g., IAPro report) 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. Written notification shall be made to the involved employee if the retention of records is extended. Additionally, the involved member will have the ability to appeal the decision to the Chief of Police or authorized designee.
- (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.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1028**

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 10 – PERSONNEL

# Request for Change of Assignment

### 1028.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

### 1028.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment may submit a memorandum to their Division Commander. The memorandum should briefly describe the reasons and qualifications.

Succession planning, development of personnel, and Department needs will be the first priorities in making assignments.

Some civilian positions are not eligible for assignment changes (including but not limited to: Jailer, Communications Operator and Supervisor, Animal Control Officer/Senior, Records Technician and Supervisor, Parking Control Officer and Supervisor, Forensic Specialist and Supervisor, Public Safety Building Technician, and Crime Analyst).

#### 1028.2.1 REQUEST FOR CHANGE OF ASSIGNMENT FORM

In an effort to plan for anticipated retirements or assignment changes, employees may be requested to complete the Requests for Change of Assignment Form. Employees shall list their assignment preferences on the form and shall submit it as instructed on the form.

### 1028.3 SUPERVISOR'S COMMENTARY

Prior to forwarding the Requests for Change of Assignment Form to the Division Commander, supervisors should make relevant comments on change of assignment requests initiated by an employee. The comments may include recommendations or additional information for consideration.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1030**

CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 10 – PERSONNEL

# Commendations and Awards

### 1030.1 PURPOSE AND SCOPE [26.1.2]

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

### 1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

### 1030.3 COMMENDABLE ACTIONS

#### Awards for Department Employees

**Medal of Valor** – Awarded for placing one's own life in danger for the protection and safety of others, or posthumously, for giving one's life in the performance of one's duties.

**Police Star** – Awarded for bravery or heroism above and beyond the normal demands of duty, but to a lesser extent or degree than that warranting a Medal of Valor.

**Police Medal** – Awarded for exceptional tactics/judgment, above and beyond the normal demands of duty, in response to stressful or hazardous situations.

**Lifesaving Medal** – Awarded for actions of Department personnel, either on or off-duty, that result in the saving or preservation of human life that otherwise would have been lost without the employee's direct involvement.

**Professional Esteem Award** – Awarded for non-hazardous duties performed in an exceptional manner earning the esteem of fellow employees and the public.

**Commendation** – Awarded for exceptional efforts executing professional duties.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1030**

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## Awards for Citizens

***Certificate of Appreciation*** – Awarded for placing one's life in danger or for assisting the Department or an officer in a manner not customarily expected of citizens (includes cover letter).

***Letter of Appreciation*** – Issued by the Chief of Police recognizing assistance to the Department or an officer.

### **1030.3.1 PROCEDURE - AWARDS FOR DEPARTMENT EMPLOYEES**

- (a) Bureau Commanders recommending Medal of Valor, Police Star, Police Medal, or Professional Esteem awards shall submit a memorandum through the chain of command to the appropriate Division Commander for discussion at the Management Team meeting. The Chief of Police has final approval.
  - 1. The Medal of Valor, Police Star, or Police Medal shall be in the form of a medal with a ribbon and certificate, presented by the Chief of Police at an appropriate ceremony.
  - 2. The Professional Esteem Award shall be in the form of a certificate issued over the signature of the Chief of Police, and presented at an appropriate ceremony.
  - 3. Copies of awards shall be permanently placed in the employee's personnel file.
- (b) Supervisors recommending Commendations shall submit a memorandum through the chain of command to the Chief of Police for final approval.
  - 1. Commendations shall be in the form of memoranda from Division Commanders.
  - 2. Copies shall be given to the employee and his/her immediate supervisor, and permanently placed in his or her personnel file.
  - 3. Letters from citizens shall be forwarded to the Chief's Office for review.

Memorandum outlining an employee's actions shall be sufficiently detailed and include supporting documentation.

### **1030.4 PROCEDURE FOR CITIZEN AWARDS**

- (a) Any employee requesting a Certificate of Appreciation be issued to a citizen shall submit a memorandum through the chain of command to the Chief of Police, outlining in detail the citizens' actions.
  - 1. A Certificate of Appreciation may be presented at an appropriate ceremony, at the discretion of the Chief of Police.
  - 2. The submitting employee shall be notified of the final decision.
- (b) Any employee requesting that a Letter of Appreciation be issued to a citizen shall submit a memorandum through the chain of command to the Division Commander for recommendation to the Chief of Police.
  - 1. Letters may be mailed or presented to the citizen, with a copy to the submitting employee.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1032**

CALEA

Approved: *Scott LaChasse*

Effective Date: December 5, 2013

## CHAPTER 10 – PERSONNEL

# Fitness for Duty

### 1032.1 PURPOSE AND SCOPE

All employees are required to be professional and capable of performing the essential job functions of their assigned positions. Sworn personnel must also 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 employees of this Department remain fit for duty and able to perform their job functions (Government Code §1031). Unless specifically stated otherwise, this policy applies to all Department employees.

### 1032.2 EMPLOYEE RESPONSIBILITIES [22.3.2]

- (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 or 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 assigned responsibilities.
- (d) Any employee who feels unable to perform his or her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his or her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his or 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 or 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 or her duties.





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Scott LaChasse, Chief of Police

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- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

### 1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period. If the employee does not have sufficient balances of other paid leave to cover their absence, the leave shall be without pay.

### 1032.5 WORK RELATED CONDITIONS [1.3.8; 22.2.1(a)]

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 direct supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate;
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### 1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS [22.3.1]

- (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 Management Services 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 (Civil Code §56.10 (c)(8)(A)). If the employee places his or her condition at issue in any subsequent or related administrative action or 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)(B)).
- (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, maintained by the Management Services Department.



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- (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 may subject the employee to discipline, up to and including termination.
- (f) If an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified by the Chief's Office to resume his or her duties.

### 1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- (a) 14 hours in one day (24 hour) period.
- (b) 28 hours in any 2 day (48 hour) period.
- (c) 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. Exceeding 14 hours of work in 24 hour period shall require Bureau Commander approval, via Chain of Command and only for unusual circumstances after having considered all other reasonable alternatives.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

Extra duty jobs shall only be requested and/or accepted by employees during time periods when they have no other work commitment such as "on call" or "be there" court subpoenas that conflict with the elective job. Employees shall ensure that self-employment, outside or extra-duty employment, and personal activities allow them to comply with this policy.

### 1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1034**

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 10 – PERSONNEL

# Meal Periods and Breaks

### 1034.1 PURPOSE AND SCOPE

This policy regarding meal periods and breaks, insofar as possible, is intended to conform to the City Administrative Procedures governing all City employees.

### 1034.2 MEAL PERIODS

Sworn employees and the civilian employees listed below shall remain on duty and are subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor or an operative Memorandum of Understanding (MOU) or collective bargaining agreement. Uniformed patrol and traffic officers shall request clearance from the Communications Center prior to taking a meal period. Employees shall take their breaks within the City limits unless on assignment outside of the City.

The below listed civilian positions play a critical role in the ongoing operation of the Department and their immediate availability to return to their duties when necessary is fundamental for the Department to provide essential police services. As such, these positions are provided compensated lunch periods in consideration of the requirement that they remain at the police facility during their lunch period. Paid lunch periods are 30 minutes.

- Jailers.
- Records Technicians and Supervisors.
- Communications Operators and Supervisors.

Time spent for meal breaks shall not exceed the authorized time allowed by policy or an operative Memorandum of Understanding (MOU) or collective bargaining agreement.

### 1034.3 REST PERIODS

Each employee is entitled to a 15 minute rest period for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.



# Burbank Police Department

Scott LaChasse, Chief of Police

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1034**

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Field officers are encouraged to take their breaks in their assigned areas. Officers shall monitor their radios and are subject to call.

## **1034.4 USE OF MEAL PERIODS AND BREAKS**

Employees shall not combine meal or rest periods. Use of any portion of a meal or rest period to cover a leave that would otherwise require the use of compensatory time or vacation leave is prohibited.

## **1034.5 WAIVING COMPENSATION FOR MEAL PERIODS**

Designated employees listed in §1034.2 are not permitted to individually waive compensation for meal periods or use compensatory leave time to avoid the requirements of this policy.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1035**

Approved: *Scott LaChasse*

Effective Date: November 24, 2015

## CHAPTER 10 – PERSONNEL

# Lactation Breaks

### 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the employee's infant child (Labor Code § 1034).

### 1035.2 POLICY

In compliance with the Fair Labor Standards Act, it is the policy of this Department to provide reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

### 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking the break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.



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## Policy 1035

### 1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. The Department has a designated lactation room shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031). The lactation room is located in the women's restroom on the mid-level, adjacent to the ML Training Room (northwest side of the building).

Members using the lactation room shall secure it for privacy. All other members should avoid interrupting a member during an authorized lactation break, except to announce an emergency or other urgent circumstance.

Members assigned to the field who live within the City boundaries may take a lactation break at their residence but must comply with the applicable provisions of the Meal Periods and Breaks and Mobile Digital Computer policies and must notify the Communications Center or a supervisor prior to taking a break.

### 1035.5 STORAGE OF EXPRESSED MILK

Expressed milk may be stored in Department refrigerators. Any member choosing to store expressed milk in any Department refrigerator shall be responsible for the container and its contents. The expressed milk must be clearly labeled as such and shall be removed by the member no later than the end of the member's shift.

#### 1035.5.1 STATE REQUIREMENTS

Employees have the right to request accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1036**

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 10 – PERSONNEL

# InTime Procedures and Payroll Records

### 1036.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing, submitting, and approving payroll records of department members who are eligible for the payment of wages (also refer to the Overtime Payment Requests Policy).

### 1036.2 POLICY

The Burbank Police Department maintains timely and accurate payroll records.

### 1036.3 RESPONSIBILITY FOR COMPLETION OF TIMESHEETS

**Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages. Members are also responsible for ensuring the proper recording of their absences or leaves in the InTime scheduling system.**

Supervisors are responsible for approving the payroll records for those under their command. Supervisors are also responsible for ensuring the proper recording of absences or leaves for those under their command. Timesheets shall be submitted on a weekly basis or more frequently, based on section-specific procedures.

In addition to hours worked, the timesheets shall reflect any adjustments to schedules, including leaves and flexing of schedules for training or other operational needs.

To the extent it is practicable, supervisors should ensure that employees they supervise work their scheduled hours and that any changes are accurately reflected in the InTime scheduling system. Supervisors shall electronically approve the timesheets in the InTime scheduling system.

When applicable, correction fluids or tapes shall not be used to mask errors on any payroll form. All errors shall be crossed out and corrected so that the error and the correction are legible. The approving supervisor shall verify and initial all corrections.





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1036**

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## **1036.4 TIME REQUIREMENTS**

All employees are paid on a bi-weekly basis on Thursday with certain exceptions, such as adjustments for holidays. Timesheets shall be completed and submitted to Payroll no later than 0800 hours on the Monday morning after the end of the pay period, unless specified otherwise by the Police Payroll Section.

## **1036.5 RECORDS**

The Administrative 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).



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1038**

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 10 – PERSONNEL

# Overtime Compensation

### 1038.1 PURPOSE AND SCOPE [22.1.1(e)(f)]

The policy of this Department is to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through operative collective bargaining agreements or by the allowance of accrual of compensatory time.

### 1038.2 POLICY [22.1.1(e)(f)]

Because of the nature of police work and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

In order to qualify for overtime compensation, either in the form of wages or compensatory time, employees must complete and submit a Request for Compensation upon completion of the overtime work.

Non-exempt employees are not authorized to volunteer work time for the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances (generally limited to emergencies) do not permit prior approval, then the circumstances must be fully explained in the employee's request for compensation.

Employees may request compensatory time in lieu of receiving overtime payment unless the work involves "billable" work assignment (i.e., extra-duty or grant-funded assignments). The maximum hours of compensatory time allowed by the operative Memorandum of Understanding (MOU) or collective bargaining agreement may not be exceeded.

### 1038.2.1 DEFINITIONS

**Work** – All "on-duty" time is considered work. On-duty includes all regularly scheduled work time (normal shifts) or the continuous time between the first work activity and the last activity of an authorized work period. Telephone calls relating to scheduling are not work time and not compensable.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 1038

**First and Last Work Activities** – The “workday” begins when an employee performs his or her first authorized work activity and ends when the employee has completed such authorized activity. An employee’s presence in the workplace is not considered “work” unless engaged in authorized work activity.

**Split Shifts** – Work schedules that involve periods of inactivity between periods of authorized work. The time between “split shifts” where the employee is not performing authorized work and can use for personal purposes is not considered work. During those periods, an employee is considered “completely relieved from duty” and is not eligible for overtime compensation (Example: Employee is authorized to work 5 hours of administrative work during off-duty hours on a specific day. The employee works 0800 to 1100 hours, and reports back to work from 1300 to 1500 hours for his or her “second shift.” The employee in this example is entitled to 5 hours of overtime compensation as the authorized work period was split into 3 and 2 hour segments).

**Controlling Work** – Supervisors ensuring that employees do not perform work that is not necessary or authorized for overtime compensation. Supervisors cannot knowingly accept the benefits of work without counting the time as compensable time.

**De Minimis Doctrine** – Occasional, infrequent, and trivial amounts of off-duty time that as a practical matter cannot be precisely recorded. The De Minimis rule may only be applied when the amount of work is “uncertain” or “indefinite.”

**Aggregate Time** – The sum of compensable time worked incrementally over a specified period of time.

**Falsified Time Record** – Intentionally and knowingly submitting falsified time records for personal financial gain. Falsifying time records shall be subject to criminal prosecution and disciplinary action, up to and including termination.

### 1038.3 REQUEST FOR OVERTIME COMPENSATION

Employees must receive approval from their immediate supervisors prior to working any overtime or must obtain approval as soon as practicable in cases of emergencies or assigned service calls. Employees shall submit all overtime compensation requests in a timely manner to their immediate supervisors for verification and approval. Timely submission means, upon completion of the overtime work period but no later than the end of the pay period. Supervisors should hold employees accountable for late submissions not supported by reasonable justification.

All requests for overtime compensation, whether submitted in hard-copy format or electronically, are considered submitted as true under penalty of perjury, whether the declaration is made explicitly or not.



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### 1038.3.1 EMPLOYEE RESPONSIBILITY

Employees shall complete the requests immediately after the overtime work and submit them to their immediate supervisor or the Watch Commander for review and approval. Employees submitting overtime compensation requests for on-call pay must submit the requests on the first regular workday after the court date. Overtime requests for trailing subpoenas must be submitted before the end of each pay period even when the case continues beyond the end of the pay period.

### 1038.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors will be held accountable for controlling work, for managing overtime, and for each overtime compensation request they approve. As such, supervisors are expected to fully understand each request and shall not approve any overtime request unless the submitted form has been fully and accurately completed with the required and relevant information recorded in sufficient detail, including who pre-approved the overtime. If the overtime was not pre-approved, that information and the reason shall be recorded on the overtime request form. Unless the submitted form conforms to the requirements of this or any other applicable policy, the supervisor shall not approve the request and shall return the form to the submitting employee for additional information.

After the verification and approval, the overtime compensation request form should be forwarded to the employee's Bureau Commander or Manager for chain-of-command approval.

### 1038.3.3 DIVISION COMMANDER RESPONSIBILITY

Division Commanders should examine the reasons for overtime to ensure that operations are properly prioritized and conducted within budgetary constraints. After approval, Division Commanders will forward requests for overtime compensation to Police Finance for processing.

## 1038.4 ACCOUNTING FOR HOURS WORKED

Employees must record the actual hours worked on requests for compensation, even in cases where minimum compensation may apply. During the review for approval, supervisors should verify that employees have recorded the actual hours worked as required by this section.

Employees are not authorized to request compensation for aggregate time and supervisors shall not approve work identified as "aggregate time."

### 1038.4.1 MINIMUM HOURS

Under some circumstances, employees may be entitled to minimum hours of compensation in accordance with an applicable operative collective bargaining agreement. The application of the overtime rules contained in the appropriate collective bargaining agreement is the responsibility of the Police Payroll Section. Employees may, however, make a notation if a minimum number of hours apply, which will be verified by the Payroll Section. Only qualified work activities will be eligible for minimum compensation and all others will be paid for actual time worked. Any reference to minimum



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hours in this policy will be subject to the provisions of this policy and the operative and applicable collective bargaining agreement.

### 1038.4.2 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked will be rounded up by the Payroll Section to the nearest tenth of an hour as indicated by the bellow chart (unless otherwise stated by an operative collective bargaining agreement):

TIME WORKED	INDICATED ON REQUEST FORM
1 to 5 Minutes	0.08 Hour
6 to 10 Minutes	0.17 Hour
11 to 15 Minutes	0.25 Hour
16 to 20 Minutes	0.33 Hour
21 to 25 Minutes	0.42 Hour
26 to 30 Minutes	0.50 Hour
31 to 35 Minutes	0.58 Hour
36 to 40 Minutes	0.67 Hour
41 to 45 Minutes	0.75 Hour
46 to 50 Minutes	0.83 Hour
51 to 55 Minutes	0.92 Hour
56 to 60 Minutes	1.00 Hour

### 1038.4.3 VARIATIONS IN REPORTED TIME

Where two or more employees are assigned to the same activity, case, or court case and the amount of time for which compensation is requested varies from that reported by other employees, the approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

### 1038.5 OVERTIME COMPENSATION RULES

#### 1038.5.1 COURT OVERTIME

Employees submitting overtime compensation requests for mandatory court appearances must record the actual time of arrival at the courthouse (no earlier than the required time of appearance unless specifically requested by the prosecuting attorney. Any exceptions, such as appearances at courts other than Burbank Superior, shall be fully documented). Additionally, employees shall record the following information on the request form:

- (a) For criminal cases, the name of the prosecuting attorney present in the courthouse and whether the employee checked in with the attorney (if not, employees must briefly explain the reason for not checking in).



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- (b) For traffic cases, the name of the judge or commissioner.
- (c) Any changes to the condition of appearance (e.g., released, ordered back, etc.) and the name of the person authorizing the change.
- (d) Actual time released from court. If the end time of the requested compensation period is different than the court release time, the difference must be fully explained on the request form (e.g., time required to return evidence to the Property Room).

Employees must remain in the courthouse during the period of a mandatory appearance subpoena unless the employee is specifically released from court by the prosecuting attorney. In such cases, the circumstances, involved time spans, and the name of the authorizing person must be documented.

Employees who appear in court in the morning and are called back on the same case in the afternoon will be compensated the applicable minimum hours for the morning session and hour-for-hour for the session after the lunch break. This rule will apply regardless of when the lunch break occurs for the employee. If required to appear on a different case after the court lunch break, then the employee will be compensated the minimum number of hours in the afternoon for the second case. If the second case is in addition to the first and the employee is required to appear for both cases in the afternoon, employees will be compensated hour-for-hour for the session after the lunch break.

## Vacation Leave and Court Subpoenas

If an employee is required to appear in court or be on-call while on scheduled vacation leave, the employee's vacation for that period will be cancelled unless the employee is properly excused from court (applies to both "Be There" and "On-Call" subpoenas). Employees will not be paid on-call pay while on vacation leave.

- (a) If an employee is not excused from a mandatory appearance subpoena while on vacation leave, the employee will only be required to fulfill his or her court obligation and will not be required to report for the entire regularly scheduled shift. If the employee does not work the regularly scheduled shift, any hours not worked shall be accounted for and deducted as approved by the employee's direct supervisor.
- (b) If an employee is not excused from an on-call subpoena while on vacation leave, the employee will be credited the applicable hours of vacation leave for the morning and afternoon sessions. The amount credited will be determined by the provisions of the applicable operative labor agreement. Remaining on on-call status while on vacation leave requires advance approval by the employee's supervisor and may be approved only if the employee will be able to appear in court if required. Supervisors shall not credit vacation hours *post-facto* if they did not approve the arrangement prior to the court date.

Employees must report their court hours to their direct supervisors if the above circumstances apply. For example, if an employee's regular work hours are from 0700 to 1700 hours but the employee appears in court from 0830-1130, the employee will be credited for having worked 3 hours and will be deducted 7 hours of vacation if he or she decides to not work the entire shift. This will apply only when a previously approved vacation leave is cancelled due to court.



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## Court Subpoenas - Other

If an employee attends a meeting or is engaged in any authorized work activity while on-call for a court case, the employee will be compensated for "On-Call" for any period that precedes the work assignment (up to a maximum amount specified in the applicable labor agreement). If the employee is also required to be on-call in the afternoon, the start of the on-call time will be the end of the authorized work assignment (beyond the minimum number of hours of compensation, if applicable). For example, if an officer is on-call 0800 to 1200 and 1300 to 1700 hours and attends an authorized meeting from 1200 to 1400 hours, the employee will be compensated 3 hours of "On-Call" pay in addition to 4 hours of pay at the overtime rate for the meeting at 1200 hours.

If an employee is required to appear in court during an authorized training activity outside regularly scheduled work hours, the employee will be compensated at straight time ("training time") for the actual hours while engaged in the training activity and at the overtime rate for the actual hours while the employee was in court. If the employee is not required to return to the training activity after court, the employee will receive the minimum applicable compensation.

If an employee is on-call but then is required to appear in court, the employee will be paid as follows:

At the regular rate from the on-call start time to the time the employee appears in court (not to exceed the minimum amount) and at the overtime rate from the time the employee appears in court to the lunch break or release time. For example:

- (a) If an officer is on call from 1000-1200 hours and is required to appear at 1300 hours, the officer will be compensated 2 hours at regular time and 4 hours at the time and a half rate.
- (b) If an officer is on-call starting at 0830 hours and is required to appear at 1000 hours, then the employee will be compensated 1.5 hours of regular pay and 4 hours of overtime pay. If the officer is required to appear on the same case after the lunch break, the officer will be compensated for actual hours (as continuation of the morning session) from the end time the initial 4 hour minimum (in this example 1400 hours) to the time the employee is released.

### **1038.5.2 TRAILING SUBPOENAS**

Once an employee appears in court on a trailing subpoena, the employee is no longer "On-Call" and will receive no additional pay unless specifically ordered or advised by the court or the prosecuting attorney. Any such order shall be fully documented on the employee's overtime compensation request form.

### **1038.5.3 STANDBY PAY ("PAGER PAY")**

Employees receiving standby pay requesting compensation for work performed in addition to being on standby must fully document the nature of the work either on the overtime compensation request form or an attached memorandum. Trivial or indefinite work (e.g., brief telephone conversation) during daytime hours (0700-2200 hours) while on standby will be considered *De Minimis* work and will not be





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compensated. Unless the employee is required to respond to a work location or to be in service in the City or authorized work location, the amount compensated will be for actual time.

Sworn members on standby may be contacted during nighttime hours (2200 to 0700 hours) if the Watch Commander is unable to resolve the issue and authorizes the after-hours contact. Contacting a standby employee during nighttime hours shall be considered "Emergency Call-In" and shall be eligible for a minimum compensation. Only one minimum compensation period may be requested per night and any additional work (beyond the minimum hours) shall be considered continuation of shift and compensated for the actual hours worked if the work extends beyond the minimum hours.

If the nature of the issue is such that multiple contacts of the standby employee may be necessary, the standby employee should respond to the Station and manage or resolve the issue from the workplace. The sworn member will be compensated the minimum hours plus the actual time spent on the telephone during the initial contact if the on-scene time exceeds the minimum hours. The employee's travel time will not be counted as compensable time.

### **1038.5.4 OVERTIME RESTRICTIONS**

Except as provided by §1038.5.8, employees shall not work from home and supervisors shall not approve working from home.

Employees are not expected or permitted to conduct unauthorized work during off-duty hours. As such, employees shall not perform any work related activities offsite during off-duty hours unless the work was pre-approved by the Chief of Police or designee. This restriction ("home work") applies to receiving calls, emails, or text messages during off-duty hours. Employees are not expected to respond to any work-related email or text messages during off-duty hours unless the employee is on-call and authorized to be contacted for specific official purposes.

Employees are not authorized to self-approve overtime. If an employee is contacted regarding a matter that requires the employee's immediate involvement, he or she must contact his or her Bureau Lieutenant or Watch Commander for overtime approval. Bureau Lieutenants and Watch Commanders will be held accountable for such approvals and should be prepared to explain the reasons for the approval. Bureau Lieutenants and Watch Commander's shall reach independent decisions based on the information provided by the employee and should document the approval in the Watch Commander's Log.

### **1038.5.5 MEETINGS DURING OFF-DUTY HOURS**

Except when attending mandatory Department scheduled meetings (e.g., Monthly Management Team Meeting), an employee who schedules or is requested to attend any meeting off-duty must have his or her Division Commander's approval. If the meetings are ongoing, the approval may be extended to future meetings but must have an expiration date.

Overtime compensation requests for meetings occurring during off-duty hours must state who pre-approved the overtime. Whenever possible, the supervisor who authorized the overtime must review and approve the request for compensation prior to its processing by Payroll. The actual meeting start and end times must be recorded on overtime compensation request forms.



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### 1038.5.6 OVERTIME MINIMUM PAYMENT REQUIREMENTS

Minimum overtime hours specified in operative collective bargaining agreements will be paid in the following circumstances:

- (a) When an employee is called to work or is required to appear in court pursuant to a valid subpoena outside the employee's regularly scheduled work hours.
- (b) When an employee is called back to work after having been released from work, provided the employee worked at least 4 hours during the first call to overtime duty or 2 hours has elapsed since being released from the previous call to duty.

Employees may request minimum hours of overtime compensation only when physically present at an authorized work location (police station, court, or any other work location authorized in advance).

With the exception of court appearances and billable assignments, any authorized work assignment will be paid as continuation of shift provided the scheduled start time of the work assignment is 2 hours or less from the end of the employee's regularly scheduled end of shift time. If the start time of the extra-duty work assignment exceeds 2 hours from the employee's end of shift time, the minimum hours of compensation in accordance with the applicable collective bargaining agreement will apply.

Employees shall be available for work assignment during any period that they are being compensated.

### 1038.5.7 FIREARMS QUALIFICATION

Employees who have been approved by their direct supervisor to complete firearms qualification outside their regularly scheduled work hours will be compensated at the standard rate for the actual training time, not to exceed 1.5 hours. If the training cannot be completed within the 1.5 hour maximum allowance, employees must obtain approval from the Watch Commander and must document the reason and approval on the overtime request.

### 1038.5.8 TELEPHONIC DMV HEARINGS

Employees required to participate in telephonic DMV Administrative Per Se (APS) hearings will conduct them from the workplace unless required to be physically present during the hearing. As an alternative and for the employees' convenience, employees may conduct telephonic APS hearings from home. The compensation for the telephonic APS hearings will be as follows:

- (a) From the workplace – The minimum applicable; or
- (b) From Home – two (2) hours of compensation at the overtime rate.

Employees must explicitly indicate on the overtime request form whether the telephonic hearing was conducted from the workplace or from home. Supervisor shall not approve any overtime request form unless it contains the required information.



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## **1038.5.9 INDUSTRIAL MEDICAL APPOINTMENTS**

Industrial medical appointments (e.g., hearing test) should be scheduled with a supervisor's approval and whenever possible, during regular working hours. Industrial medical appointments approved by a supervisor to be scheduled outside of regular work hours will be compensated for the actual hours at the overtime rate. Travel time to and from the appointment is not compensable (This section does not apply to IOD appointments - refer to the On-Duty Injuries policy §1042.7 for IOD appointments).

## **1038.6 EMPLOYEE TRADES**

If an employee is involved in a trade and is called back to work his or her regularly scheduled workday to maintain minimum staffing levels, then that employee will be credited for time worked and the other employee working the trade will be compensated at the overtime rate. Although unusual, this circumstance will nullify the trade.

## **1038.7 PAYROLL RESPONSIBILITIES**

Employees processing overtime compensation request forms shall ensure the completeness of all forms and shall return any form that does not have the required information. Payroll shall report any apparent patterns of overtime abuse to the Police Administrator. The Police Administrator will review the information and report his or her findings to the Deputy Chief for evaluation of further action.

## **1038.8 AUDITS OF OVERTIME RECORDS**

The Audits and Inspections Unit jointly with the Police Administrator shall conduct at least two overtime audits per year. The audits must include overtime requests submitted by all components of the Department.



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Approved: *Scott LaChasse*

Effective Date: November 12, 2013

## CHAPTER 10 – PERSONNEL

# Outside Employment

### 1040.1 PURPOSE AND SCOPE [22.3.4]

In order to avoid actual or perceived conflicts of interest for Department 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 and the City's Administrative Procedure, II-47.

### 1040.1 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, products, 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, products, or benefits rendered.

**Reimbursable 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. In such circumstances the employee continues to act as an agent of the Burbank Police Department.

### 1040.2 OBTAINING APPROVAL [22.3.4]

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 the chain of command 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.



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Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code §70(e)(3)).

### 1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial. The Chief's decision on the appeal will be final.

### 1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended by the Chief of Police 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 permits. That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his or her supervisor recommends reinstatement of the outside employment permit.
- (b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline
- (c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, the permit may be suspended or revoked.
- (d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status.

### 1040.2.3 HOUR RESTRICTIONS

Outside employment by employees of the Police Department shall be limited to:

- (a) 20 hours per week.
- (b) Four hours a day on regular working days.
- (c) Eight hours a day on days off.
- (d) No more than 16 hours of combined outside employment and City employment in any 24 hour period.
  - 1. This restriction does not prevent City work periods in excess of 16 hours in emergency situations



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- (e) Outside employment shall terminate not less than 8 hours prior to the commencement of the employee's regularly assigned duty shift.

### 1024.2.4 CONFLICT OF INTEREST

A City employee shall not engage in any employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with their duties, functions, or responsibilities as a City employee.

Members of the Police Department engaged in approved outside employment shall not identify themselves as a Burbank Police Department officers or employees, display their badge, ID card, City business card, or any City property or City issued equipment.

On duty personnel will be in command of any incident called upon where members of the Department are engaged in outside employment within the City of Burbank.

Members of the Police Department are prohibited from engaging in any outside employment which, by its very nature, is detrimental to the performance of the employees regular duties, or which:

- (a) Would detract from the health or efficiency of the employee.
- (b) Conflict with the employee's on-duty hours, special assignments, or court appearances.
  - 1. No employee shall request or receive City compensation for a court appearance or attendance to any other legal proceeding required or related to outside employment.
- (c) Would tend to reflect discredit or criticism on the employee, the Police Department, or the City, or which would materially detract from the efficient of the employee in the performance of their regular duties.
- (d) Would not permit the employee, while engaged in such outside employment, to take necessary and proper action, when the occasion necessitated, on any offense or condition of which the employee has or acquires knowledge of and which would normally require police action.
- (e) Requires affiliation, membership, or allegiance to any group or organization which would tend to interfere with the ability of the employee to properly and efficiently discharge their duties.
- (f) Would interfere with the immediate availability of the employee should they be needed in an emergency.

### 1040.2.5 DETERMINATION OF INCONSISTENT ACTIVITIES

In making a determination as to the consistency or inconsistency of outside activities, the Chief or designee shall consider among other pertinent factors whether the activity:

- (a) Involves the use for private gain or advantage of City time, facilities, equipment, property or supplies, or the badge, uniform, prestige, or influence of ones' City office or employment.





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- (b) Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the City for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of their City employment or as a part of their duties as a City employee.
- (c) Involves the performance of any act in other than the capacity as a City officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such officer or employee or the Department by which they are employed.
- (d) Involves conditions or factors which would probably directly or indirectly lessen the efficiency of the employee in their regular City employment, or conditions in which there is substantial danger or injury or illness to the employee.
- (e) Involves employment by any employer who does not carry the required Worker's Compensation Insurance.
- (f) Involves employment by any employer that does not indemnify the City from the actions of a Police Department employee when such actions occur while working for said outside employer.

## **1040.3 PROHIBITED OUTSIDE EMPLOYMENT [22.3.4]**

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 Department time, facilities, equipment, vehicles, property, or supplies, the use of the Department badge, uniform, prestige, or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this Department.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this Department that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of this Department.
- (d) Involves time demands that would render performance of the employee's duties for this Department less efficient.

No employee of the Police Department shall engage in any of the following types of outside employment without the expressed written permission of the Chief of Police.

- (a) Any employment where the sale of liquor is the principle business.
- (b) Any employment requiring the service of civil processes.





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- (c) Any employment requiring the utilization of the police uniform or any Department, City-owned equipment or materials, or any item which could reasonably identify the employee as a City employee.
- (d) Any employment by any other municipality or political subdivision of this state.
- (e) Employment as bill collectors or collecting payments of any kind.
- (f) Employment involving the repossession of merchandise.
- (g) Employment as guards, watchmen, or any other security operation.
- (h) Any employment as an attorney or notary public, private investigator, or private detective.
- (i) Any employment in association with the services of a bail bondsman.
- (j) Any employment which may necessitate access to police information, records, files, or correspondence.

### 1040.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code §70, and because it would further create a potential conflict of interest, no member of this Department may engage in any outside or secondary 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 officers shall wear the Department uniform and identification.
  - 2. The officers 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.



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### 1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

### 1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

### 1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this Department or other agencies through the use of the employee's position with this Department.

#### 1040.4.1 REVIEW OF FINANCIAL RECORDS

No public safety officer shall be required or requested for purposes of job assignment or other personnel action to disclose any item of his property, income, assets, source of income, debts or personal or domestic expenditures (including those of any member of his family or household) unless such information is obtained or required under state law or proper legal procedure, tends to indicate a conflict of interest with respect to the performance of his official duties, or is necessary for the employing agency to ascertain the desirability of assigning the public safety officer to a specialized unit in which there is a strong possibility that bribes or other improper inducements may be offered (Government Code §3308 and §1126).

Prior to providing written approval for an outside employment position, the Department may request that an employee provide his or her personal financial records for review or audit if a conflict of interest appears to exist. A Department request for financial records will be based upon a reasonable assessment of specific information, facts, or circumstances which tend to indicate that a conflict of interest may exist. The request, which cannot be arbitrary, must be authorized by the Chief of Police. 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 or her personal financial records for review or audit. If the employee elects to not provide the requested records, his or her off-duty work permit may be revoked pursuant to §1040.2.2(c) of this policy.



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### 1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

### 1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified or light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Burbank Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1041**

Approved: *Scott LaChasse*

Effective Date: February 8, 2017

## CHAPTER 10 – PERSONNEL

# Long-Term Military Deployment

### 1041.1 PURPOSE AND SCOPE

This policy is to provide information on the support and assistance available to members of the Department who are currently serving in the military and may be subject to long term deployment.

### 1041.2 POLICY

The Department fully appreciates and will support members who are currently serving in the United States Armed Forces, whether serving stateside or deployed overseas during peacetime or times of war. This policy will address the unique and specific needs of our military members, including the rights afforded to them by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

#### 1041.2.1 PRE-DEPLOYMENT SUPPORT

The Department understands that preparing for long-term deployment can be stressful for service members and their families. Division captains will ensure pre-deployment support begins immediately upon being notified by the service member of the deployment.

In the event of long term (in excess of 180 days) military activation, the Burbank Police Department will develop a plan to support services member before, during, and post deployment. This plan will accommodate the specific needs of members and will include an interview with the Chief of Police or designee prior to the deployment. The Chief of Police will designate a liaison responsible for ensuring all necessary support is provided to the service member.

The designated liaison will ensure the deploying member is provided the necessary information, to include:

- (a) Department contact information
- (b) Storage of issued equipment
- (c) Compensation and benefits
- (d) Personal and medical leave accruals



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 1041

- (e) Service credit accrual
- (f) Family support through EAP
- (g) Required administrative documents

### 1041.2.2 SUPPORT DURING DEPLOYMENT

The Department will continue to treat deployed members as an important part of the Department. Division and Bureau commanders are encouraged to maintain contact with deployed members and their families throughout their deployment. The designated liaison will serve as the point of contact for members and their family. Support should be ongoing to maintain the connection between service members and the Department, including:

- (a) Providing updates regarding policy changes, promotions, and significant events
- (b) Promoting Departmental involvement by encouraging support from peers (e.g., post-cards, care packages)

### 1041.2.3 POST-DEPLOYMENT PROCESS

Prior to the member's scheduled return to duty, the members Division captain shall ensure that the designated liaison contacts the member to discuss the post-deployment process to ensure a smooth reintegration back into service with the Department and to minimize possible disruptions. This process should take into consideration reasonable accommodations or any other issues specific to the member or command.

The designated liaison will ensure the following items are discussed with the returning member:

- (a) Readjustment timing, including Departmental familiarity and readapting to the Department and policies
- (b) Transitional issues, including readjusting to civilian rules of engagement, administrative matters, family concerns, or financial hardships
- (c) Overall mental and emotional wellness
- (d) Changes within the Department
- (e) Refresher and other departmental or POST mandated training (to include, weapons qualification, officer safety, vehicle operation certification)
- (f) Work assignment, shift, regular days off, vacation scheduling, and requests for time off
- (g) Job and promotional examination opportunities
- (h) Reissuing, exchanging, or providing new safety or other equipment as needed.
- (i) User accounts for various computer systems
- (j) Payroll, timekeeping, and member benefits
- (k) Military separation paperwork



# Burbank Police Department

Scott LaChasse, Chief of Police

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- 
- (I) Updated personal and emergency contact information



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1042**

Approved: *Scott LaChasse*

CALEA

Effective Date: July 7, 2014

## CHAPTER 10 – PERSONNEL

# Occupational Disease and Work-related Injury Reporting

### 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the timely reporting of occupational diseases, mental health issues, and work-related injuries to ensure proper medical attention is received as necessary and that the circumstances of the incident is properly documented.

The Burbank Police Department will address occupational diseases and work-related injuries appropriately, and will comply with all federal and state laws, and the applicable Administrative Procedures (IV-5, 6, and 7) dealing with the health and safety of employees.

NOTE: Volunteers, explorers or any other unpaid member of the Department is not currently covered under the City's Workers' Compensation Program and have different reporting requirements (refer to section 1042.11 for unpaid worker-related injury reporting).

When working in their capacity, reserve officers are considered employees of the City and shall be covered under the City's Worker's Compensation Program (Labor Code § 3362.5).

### 1042.1.1 DEFINITIONS

**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.).

**Unpaid Department member occupational disease or work related injury** – An injury or disease sustained by an unpaid member of the Department during the course of their assigned duties.

**Liability Incident** – An incident which occurs and there appears to be potential liability against the City. (see Administrative Procedure I-14) **Non-Injury** – An incident in which an employee could have received an injury but did not. The incident is of such a nature that a review of the incident is required so that any future injury may be prevented; or an incident occurred but an employee did not require medical treatment or lose time from work.





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**Occupational Incident** – Any non-injury, injury, or illness that occurs to an employee while performing any job duties authorized by and for the City of Burbank.

**Property Damage** – An incident where City property has been damaged (i.e., vehicles, trees, curbs, traffic signals, etc.)

## 1042.2 WORKER'S COMPENSATION FUND REPORTS

### 1042.2.1. INJURIES REQUIRING MEDICAL CARE

Supervisors must report and investigate all occupational diseases and work-related injuries requiring medical care. The report shall be made to the Worker's Compensation and Safety Division of the Management Service Department. Supervisors shall provide all relevant claim forms to the injured employee within 24 hours from the time the injury is reported, excluding weekends, holidays, and days off.

All occupational diseases and work-related injuries requiring medical care shall be documented as follows:

- (a) A police report – The report should be classified as "IOD" and the narrative should only state the following: *"This report is to document an on-duty injury. The injury has been reported to the Management Services Department and the appropriate forms have been submitted."* The description of the injury or illness or any other details shall not be included in the report. The "Persons" tab of the report shall contain only the name of the injured employee with no other personal information.
- (b) Memorandum – The employee's immediate supervisor shall prepare a memorandum addressed to "Memo to File" detailing the circumstances of the injury or illness. The details of the medical condition or provisions of medical care shall not be included.
- (c) An Incident Analysis Report, Employee's Statement of Incident (B610-37 3/90).
- (d) An Incident Analysis Report, Immediate Supervisor's Statement and Investigation Report (B610-37C 3/90).
- (e) A State of California Employer's Report of Occupational Injury or Illness Form (5020 6/2002). This form shall be completed by the reporting supervisor.
- (f) A State of California Worker's Compensation Claim Form (DWC1).
- (g) A Medical Service Order (C650-2 3/2006).
- (h) All relevant documents related to the IOD shall be scanned into the PD-MS-IOD scan folder by the reporting supervisor.
- (i) The reporting supervisor shall complete an IOD memo and e-mail the document to the Management Services Department ([workcomp@burbankca.gov](mailto:workcomp@burbankca.gov)). The e-mail shall also be sent to the Deputy Chief, Division Commander, COPS Bureau supervisor, COPS Bureau secretary, Executive Assistant, and the Budget and Finance Office.



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Any employee sustaining an occupational disease or work-related injury that requires relief from duty is required to be examined or treated by a doctor.

### **1042.2.2 EMPLOYEE'S RESPONSIBILITY**

Any employee sustaining any occupational disease or work-related injury, as well as any employee who is involved in any occupational incident while on duty shall report such injury, illness, or incident to a supervisor as soon as practicable (8 CCR 14300.35).

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to an immediate supervisor.

Any employee sustaining an occupational disease or work-related injury that requires temporary relief from duty is required to periodically update a direct supervisor about the status of injury or illness or about any changes in the condition or anticipated duration of the absence.

Any covered employee who has suffered an occupational disease or work-related injury is required to immediately notify the Worker's Compensation Section of the Management Services Department of any medical findings concerning the injury or illness and the extent and duration of any work restrictions if they are known. This reporting requirement shall be deemed satisfied if the medical findings are sent directly by the medical provider to the Worker's Compensation Section. Additionally, employees shall promptly submit all medical releases, whether partial or full releases, to the Management Services Department. The employee shall then notify his or her direct supervisor regarding the submissions of the form as soon as practicable.

### **1042.2.3 SUPERVISOR'S RESPONSIBILITY**

A supervisor learning of any occupational disease or work-related injury, or incident shall promptly prepare the appropriate forms as outlined §1042.2.1. The applicable current forms and instructions shall be available in the Watch Commander's Office and/or the forms tab in the Police Employee Network (PEN).

Supervisors shall accompany or meet the injured employee at the medical facility to assess the significance of the injury, how it occurred, and prognosis for recovery. A serious injury to an employee requires Command Staff notification (refer to the Notification Matrix).

When appropriate, a supervisor should inform the primary treating physician that modified duty assignments are available at the Department for the physician's consideration and recommendation.

For work related occupational incidents not requiring professional medical care, the employee's supervisor shall complete the Supervisor's Report of Injury. The form shall be forwarded to the supervisor's Division Commander via the chain of command. If an employee subsequently requires medical care, the State of California Employer's Report of Occupational Injury or Illness form shall then be completed and signed by the employee.

Every employee injured on-duty must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours, regardless of the nature of illness or injury.



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1042**

Copies of any reports or forms documenting the incident, injury or illness shall be forwarded to the COPS Bureau as soon as they are completed.

## **1042.2.4 DIVISION COMMANDER RESPONSIBILITY**

The Division Commander receiving a report of an occupational disease or work-related injury should review the report for accuracy and determine if any additional action may be appropriate. The report shall then be forwarded to the Deputy Chief.

## **1042.2.5 CHIEF OF POLICE RESPONSIBILITY**

The Chief of Police has designated the COPS Bureau Commander to review and forward copies of the reports to the Management Services Department as necessary.

All documentation involving an occupational incident, regardless of whether it results in injury or illness, shall be maintained in a separate filing system in the Administrative Division Personnel File Room.

## **1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION**

Any occupational disease or work-related injury not requiring medical attention shall be documented as follows:

- (a) Employee's Statement of Incident Analysis Report by the employee (B610-37 3/90).
- (b) An Incident Analysis Report by the supervisor (B610-37C 3/90).
- (c) A Declination of Medical Treatment form when an employee declines medical attention for a minor injury (No other reports are required).

The Declination of Medical Treatment form shall be signed by the affected employee indicating that he or she is declining any medical attention at the time of the report. By signing this form, the employee will not be precluded from seeking medical attention later. Notwithstanding the employee's right to decline treatment, the supervisor has final authority and responsibility to determine if the employee should be examined or treated by medical professionals. Examination and treatment shall be required in case of any doubt. Head, back, neck, and joint injuries should be examined by a physician.

## **1042.4 SETTLEMENT OF INJURY CLAIMS**

Occasionally, an employee's occupational disease or work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:



# Burbank Police Department

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## **1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS**

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee should not take any action to settle without first notifying the Worker's Compensation Section of the Management Services Department as soon as possible.

## **1042.4.2 NOTICE OF SETTLEMENT**

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an occupational disease or work-related injury, the employee, and if represented, their attorney should provide notice of such settlement to the Worker's Compensation Section of the Management Services Department as required by California Labor Code §3860. The purpose of such notice is to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damages to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

## **1042.5 ON-DUTY INJURY REPORTS**

Police reports of employees injured on-duty shall be promptly completed with a separate report number from any other police report, such as traffic collision or crime report. This practice is intended to prevent the unintentional public release of an employee's personal information.

### **1042.5.1 REPORT DISTRIBUTION**

The applicable reports shall be distributed by the listed personnel or bureaus as follows:

#### Approving Supervisor

- (a) Forward all approved and applicable reports and forms to the COPS Bureau.

#### COPS Bureau

- (a) Forward a typed copy of the Employer's Report of Occupational Injury or Illness to the Division Commander of the injured employee for signature.
- (b) Upon signature by the Division Commander, forward the form to the Deputy Chief for signature.
- (c) Forward all reports to the Chief's Office for review and signature.
- (d) Maintain a file copy in the Administrative Division Personnel File Room. The COPS Bureau Commander may maintain copy for Safety Committee review, which shall be purged by the COPS Bureau Commander after the review.



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## Chief's Office

- (a) File a copy of the IOD report and State of California Employer's Report of Occupational Injury or Illness form in the Administrative Division Personnel File Room.
- (b) Make an IOD entry with the date of injury upon the Personnel Jacket for the affected employee.
- (c) Forward a copy of all documentation to the Management Services Department.

### **1042.6 RETURN TO DUTY**

Before an employee who has suffered a job related injury or illness may return to duty, he or she must obtain a written release to duty from the current Primary Treating Physician or the current Medical Examiner (Agreed Medical Examiner or Qualified Medical Examiner). The release shall be submitted to the employee's supervisor.

Administrative Procedure IV-6 provides additional requirements for employees and supervisors to follow relating to return to work procedures.

### **1042.7 WORKER'S COMPENSATION - IOD APPOINTMENTS**

When injured employees return to work, they are encouraged to make their Worker's Compensation appointments during work hours whenever possible and are required to notify their direct supervisor as soon as possible of such appointment. Flexing of schedules to accommodate Worker's Compensation appointments, however, is not permitted and employees will not be compensated for Worker's Compensation appointments made outside of scheduled work hours.

Any deviation from the above will require the approval of the affected employee's Division Commander.

### **1042.8 PRE-DESIGNATION OF PERSONAL PHYSICIAN**

In the event an employee sustains a work related injury or illness, he or she may be treated by a Pre-designated Personal Physician in the form and manner prescribed in Title 8 of the California Code of Regulations, §9780.1.

Pre-designation of Personal Physician forms are available from the Management Services Department or from employee bargaining groups. Alternatively, the form may be accessed at [https://www.dir.ca.gov/dwc/FORMS/DWCForm\\_9783.pdf](https://www.dir.ca.gov/dwc/FORMS/DWCForm_9783.pdf).

### **1042.9 AUTHORIZED IOD CARE FACILITIES**

If not being treated by a pre-designated personal physician, the below listed locations are available (in addition to Concentra Urgent Care located at 2550 N Hollywood Way #100 and the SJMC E.R.) and may be utilized depending on the nature of the injury and the operating hours of the facilities:



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- (a) Glendale Adventist Occupational 600 South Glendale Avenue Glendale, CA 91205-2316 (818) 502-2050 Open 8:00am to 5:00pm weekdays / 9:00am to 5:00pm on the weekends
- (b) Verdugo Hills Medical Associates and Urgent Care 544 North Glendale Avenue Glendale, CA 91206 (818) 241-4331 Open weekdays 7:00am to 8:30pm / Saturday 9:00am to 5:30pm / Sunday 9:00am to 7:30pm.
- (c) Healthline Medical Group 15211 Vanowen Street Van Nuys, CA 91045-3614 (818) 997-7711 Open 7:00am to 11:00pm weekdays / 9:00am to 6:00pm on the weekends

## **1042.10 WORK SCHEDULE MODIFICATIONS, SUBPOENAS, AND HOLIDAYS**

### Work Schedules

When an employee is on limited duty status, the employee's Division Commander may temporarily change the employee's work schedule in accordance with the needs of the Department and in an effort to accommodate any work restrictions identified by the Primary Treating Physician.

### Subpoenas

If an employee has or receives a subpoena during the time the employee is on TTD status, the employee shall immediately notify his or her supervisor who shall be responsible for notifying the Subpoena Coordinator (refer to the Court Appearance and Subpoenas Policy). The Department will appropriately handle such request and will advise the employee of the appropriate actions he or she needs to take to be in compliance with the request.

### Holidays

An employee who is on TTD status as the result of an on-duty injury or illness will remain on IOD status during holidays.

## **1042.11 UNPAID MEMBER WORK-RELATED INJURY REPORTING**

Any unpaid Department member (i.e. volunteer, explorer) sustaining any injury or occupational disease, while in the course of their assigned duties at the Department, shall report such injury or illness to the on-duty supervisor as soon as practical. The on-duty supervisor or his/her designee will ensure that the Department member receives medical assistance in cases where emergency medical treatment is required. In non-emergency cases, the on-duty supervisor should direct the unpaid Department member to seek their own medical treatment under their personal medical insurance. In cases where an unpaid member does not have personal medical insurance or their personal coverage is inadequate, they may be eligible for excess coverage through the City's Volunteer Insurance Program. The involved member should be directed to the Management Services Department for instructions on how to file a claim in such a case.

Supervisors must report and investigate all occupational diseases and work-related injuries involving an unpaid member of the Department and ensure the incident is documented as follows:





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- (a) A police report – The report should be classified as “IOD” and the narrative should only state the following: “This report is to document an injury sustained by an unpaid Department member during the course of their assigned duties. The injury has been reported to the Management Services Department and the appropriate forms have been submitted.” The description of the injury or illness or any other details shall not be included in the report. The “Persons” tab of the report shall contain only the name of the injured Department member with no other personal information.
- (b) Memorandum – The unpaid Department member’s immediate supervisor shall prepare a memorandum addressed to “Memo to File” detailing the circumstances of the injury or illness. The details of the medical condition or provisions of medical care shall not be included.
- (c) An Incident Analysis Report, Employee's Statement of Incident (B610-37 3/90).
- (d) An Incident Analysis Report, Immediate Supervisor's Statement and Investigation Report (B610-37C 3/90).

A copy of the report and Form B610-37C/B610-37 shall be forwarded to the Management Services Department. Before an unpaid Department member who has suffered a job related injury or illness may return to their regularly assigned duties, he or she must obtain a written medical release to duty from their physician. The release should be provided to their supervisor or the volunteer coordinator.





# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1044**

Approved: *Scott LaChasse*

CALEA

Effective Date: June 6, 2014

## CHAPTER 10 – PERSONNEL

# Personal Appearance Standards

### 1044.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, members shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

### 1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Division Commander has granted exception.

#### 1044.2.1 HAIR

Hair shall be neatly trimmed and well-groomed. Hair color shall be within the realm of natural hair colors.

All sworn members in uniformed assignments and all non-sworn members in uniformed assignments where interaction with the public or with prisoners is likely must keep their hair cut short or have longer hair pulled back and worn up or in a tightly wrapped braid or ponytail above the collar. Appropriate hair clips or pins may be worn in order to secure the hair. Short hair shall be trimmed so it does not cover the ears or extend below the top of the shirt collar while assuming a normal stance.

Sworn members in undercover assignments may be exempted from these hair safety standards. Unless required for a specific operation and approved by the Investigation Division Commander, undercover members shall not wear their hair in an unusual or provocative style.

#### 1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

#### 1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat. Pork-chop, flared, or other angular shaped sideburns are prohibited.



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1044**

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## **1044.2.4 FACIAL HAIR**

Facial hair other than sideburns, mustaches, and eyebrows shall not be worn, unless authorized by the Chief of Police or designee.

## **1044.2.5 FINGERNAILS**

Fingernails extending beyond the tip of the finger can pose a safety hazard to members or others. Fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger. Fingernails shall not interfere in any way with the performance of police tasks.

Members wearing fingernail polish shall use a conservative shade without decals or ornamentation.

## **1044.2.6 JEWELRY**

No jewelry or personal ornaments shall be worn by uniformed officers on any part of the uniform or equipment, except those authorized by the Uniform Regulations Policy. 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.

Earrings shall be small and worn only in or on the earlobe.

Necklaces shall not be visible above the shirt collar.

Only 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.

One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

Wristwatches shall be conservative and present a professional image.

Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

## **1044.2.7 COSMETICS**

Members may wear makeup that is conservative and natural appearing.

## **1044.3 TATTOOS**

While on duty or when representing the Department in any official capacity, members shall make every reasonable effort to conceal tattoos, body markings, or body art visible anywhere on their person. At no time while the member is on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos or body art include, but are not



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## Policy 1044

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.

Employees with preexisting tattoos on their arms or legs shall wear long-sleeved uniform shirts or long pants, business attire, or cover-up sleeves, as appropriate for the assignment. Any patches or sleeves worn to cover tattoos shall match the color of the uniform or the wearer's skin color as is reasonably available. Any deviation from this policy must be approved by the Chief of Police.

### **1044.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement.
- (c) Abnormal shaping of the ears, eyes, nose, or teeth.
- (d) Branding or scarification.

### **1044.5 CONTACT LENSES**

Contact lenses shall either be clear or a natural eye and appearance.

### **1044.6 EXEMPTIONS**

Members who seek cultural (e.g., culturally protected hairstyles/facial hair) 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.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1046**

Approved: *Scott LaChasse*

CALEA  
Effective Date: October 28, 2013

## CHAPTER 10 – PERSONNEL

# Uniform Regulations

### 1046.1 PURPOSE AND SCOPE

The uniform policy of the Burbank Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following related Policies:

- Department Owned and Personal Property Policy
- Body Armor Policy
- Grooming Standards Policy

The Burbank Police Department will provide uniforms for all employees required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement.

The Chief of Police shall be the final authority on all matters pertaining to official uniforms, equipment, and identification items.

### 1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as a law enforcement professional. 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 by the Uniform Committee in the Department's Uniform and Equipment Specifications Manual that is maintained separately from this policy by the Uniform Committee chairperson.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.



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## Policy 1046

- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform. Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Department functions or events.
- (g) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.
- (h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.
- (i) Mirrored sunglasses will not be worn with any Department uniform.
- (j) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
  - 1. Wrist watch.
  - 2. Wedding ring, class ring, or other ring of tasteful design. A maximum of one ring or set may be worn on each hand.
  - 3. Medical alert bracelet.

### 1046.2.1 IDENTIFICATION OF PERSONNEL

**Identification Card** – The Department issues each employee an official Department identification card bearing the employee's name, identifying information, and photo likeness. All employees shall be in possession of their Department issued identification card at all times while on duty or when carrying a concealed weapon.

**Driver's License** – All personnel shall possess a valid California Driver's License while driving City equipment.

**Name Plate** – The Department authorized nameplate shall be considered part of the uniform and shall be worn at all times. The nameplate may be made of metal or fabric, depending on the uniform.

### 1046.3 UNIFORM CLASSES

All officers shall possess and maintain serviceable Class A and B uniforms at all times.

#### 1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform includes the standard issue uniform with:

- (a) Long sleeve shirt with all insignia.
- (b) Necktie and Tie Bar.
- (c) Uniform Cap (as directed).
- (d) Polished shoes or boots (boots with pointed toes are not permitted).



# Burbank Police Department

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- (e) Equipment belt with required equipment.

## **1046.3.2 CLASS B UNIFORM**

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve shirt may be worn with the collar open. No tie is required.
- (b) A white or black (night shifts) crew neck t-shirt must be worn with the uniform.
- (c) All shirt buttons must remain buttoned except for the last button at the neck.
- (d) Shoes for the Class B uniform may be as described in the Class A uniform.
- (e) Boots with pointed toes are not permitted.

Sworn personnel assigned to office duty need not wear the equipment belt but shall wear the authorized sidearm in an approved holster.

## **1046.3.3 CLASS C UNIFORM**

Officers authorized to wear the Class B uniform may also wear a Class C Uniform. The specifications of the Class C uniform are detailed in the Uniform and Equipment Specifications Manual.

Other than the Class C uniform shirt and trousers, all remaining elements of the Class B uniform remain in effect.

### Motor Officer Class "C" Uniform

In addition to the specified Class "A" and "B" uniforms, sworn personnel assigned to the Traffic Bureau (Motors) shall have the option of wearing a Class "C" uniform as outlined in the Uniform and Equipment Specifications Manual .

## **1046.3.4 SPECIALIZED UNIT UNIFORMS**

Except as directed by the Chief, Specialized Uniforms are Class B. Elements of the specialized uniforms differing from the standard Class B are listed in the Uniform and Equipment Specifications Manual .

Additional specialties (e.g. Bicycle Detail, Gang Detail, Mounted Unit, etc.) shall refer to their respective manual for uniform details. Any other uniform option shall receive prior approval from the affected unit's Division Captain with a focus on uniformity and professional appearance. The Chief of Police has final approval of all uniform details.

## **1046.3.5 JACKETS/FOUL WEATHER GEAR**

- (a) Jacket - A jacket is optional with all police uniforms but shall not be worn with the Formal Uniform (see §1046.3.6).



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## (b) Rain Gear

1. Rain Coat or Suit – A slicker yellow raincoat may be used for inclement weather. They are only to be worn with a police badge. The rain suit pants are only to be used with the rain suit jacket.
  2. Rain Boots – Dark color rain boots may be worn in inclement weather.
- (c) Utility Cap – An all cloth, Department approved baseball style utility cap may be worn on duty when on fixed posts and when protection from the elements is needed, or as approved by the Chief of Police.

### **1046.3.6 FORMAL**

The formal uniform shall be worn only when specifically authorized by the Chief. It shall consist of the Class A uniform with the following changes:

- (a) White cotton gloves (if specified by the Chief of Police)
- (b) Uniform Cap with cap piece.
- (c) Footwear – All officers (except motor officers wearing motor boots) shall wear black, highly shined, laced boots or low-cut dress uniform shoes.
- (d) Baton not carried.

### **1046.4 INSIGNIA AND PATCHES**

The specifications of shoulder patches, service stripes, rank insignia, nameplates, assignment insignia, and pins are contained in the Uniform and Equipment Specifications Manual .

- (a) Service stripes for length of service may be worn on long sleeved shirts and jackets. The stripes are to be worn on the left sleeve only.
- (b) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The top of the nameplate shall be in line with the top of the right pocket, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (c) 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) Assignment insignias, (Motor Unit, FTO, etc.) may be worn as designated by the Chief of Police.
- (e) A flag pin may be worn, centered above the nameplate.
- (f) The Department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.
- (g) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.





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## 1046.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this Department – From the time of death until midnight on the 14th day after the death.
- (b) An officer from this or an adjacent county – From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee – While attending the funeral of an out of region fallen officer.
- (d) National Peace Officers Memorial Day (May 15th) – From 0001 hours until 2359 hours.
- (e) As directed by the Chief of Police.

## 1046.5 CIVILIAN UNIFORM/ATTIRE

There are various civilian assignments within the Department in which the wearing of uniforms is required. These assignments can include Animal Control Officer, Station Technicians, Cadets, Parking Control Officers, Crossing Guards, Forensic Specialists, and Records Technicians. Employees shall refer to the Uniform and Equipment Specifications Manual.

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
- (d) The following items shall not be worn on duty:
  - 1. T-shirt alone.
  - 2. Open toed sandals or thongs.
  - 3. Swimsuit, tube tops, or halter-tops.
  - 4. Spandex type pants or see-through clothing.
  - 5. Distasteful printed slogans, buttons or pins.
- (e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing (e.g., Vice/Narcotics Detail).



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- (f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Burbank Police Department or the morale of the employees.

## **1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Chief of Police, Burbank Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Burbank Police Department to do any of the following (Government Code §3206 and §3302):

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

## **1046.7 OPTIONAL EQUIPMENT – MAINTENANCE AND REPLACEMENT [41.3.4]**

- (a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (Department Owned and Personal Property Policy).

### **1046.7.1 RETIREE BADGES**

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Burbank Police Department. This identification is separate and distinct from the identification authorized by Penal Code §25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words Honorably Retired clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Burbank Police Department and will be revoked in the event of misuse or abuse (Penal Code §538d).



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### 1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Burbank Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications Manual or by the Chief of Police or designee.

Burbank Police Department employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications Manual or by the Chief of Police or designee.

### 1046.9 GENERAL UNIFORM AND EQUIPMENT SPECIFICATIONS

#### (a) Standard Uniform Elements

1. Belt – The trouser belt shall be black basket-weave leather, 1 1/2 inches wide and may have a chrome buckle, or a velcro or "invisible hook" closure.
2. Necktie – The necktie shall be breakaway style and be black in color with a dull finish. It shall be no less than 2 and not more than 2 7/8 inches wide at the widest point, and when worn the bottom point shall be no more than 3 inches above the top of the trouser belt buckle.
3. Shoes/Boots
  - a. Shoes or boots shall be black in color with a high polish, center-laced and with a round, smooth toe. All visible portions other than the sole, laces and eyelets shall be leather or similar man-made material (e.g. Corfam). Fasteners other than laces (e.g. zippers) shall not be visible. Black canvas sides are permissible only above the ankle (e.g. jungle boots).
  - b. Formal and specialized uniforms have separate footwear criteria.
  - c. Female uniformed civilians shall wear black conservative (no high heels) business footwear of leather or similar man-made material (e.g. Corfam).
  - d. Socks shall be solid color, black or midnight blue.
  - e. A white or black round-neck tee shirt shall be worn with all uniforms (except Records Technician/Intermediate Clerk). It shall be visible at the front of the neck on shirts worn with an open collar. It shall not be visible anywhere else.
  - f. The tie bar shall be metal, silver in color, and of plain design.
4. Police Uniform Insignia
  - a. The badge shall be worn in the badge holder of the outer garment.
  - b. See exception under Jackets.
  - c. Bars, Medals, Pins
    - (i) Medal awards shall be worn around the officer's neck as part of the Formal Uniform. The Medal of Valor and Police Star ribbons which accompany the Awards may be worn on any uniform centered on the flap of the left uniform



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- shirt pocket with the top edge of the ribbon adjacent to the lower of the two top pocket flap seams.
- (ii) The top of the nameplate shall be in line with the top of the right pocket, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
  - (iii) The shooting medal issued by the Department indicating the officer's most current qualification level shall be worn on the Formal Uniform, and may be worn on any uniform, centered on the left half of the flap of the left uniform shirt pocket.
  - (iv) Officers so qualified shall wear Pilot Wings on the uniform shirt centered one inch above the top of the right pocket.
  - (v) The most current City "Service Pin" issued to an employee may be worn centered on the right half of the flap of the left uniform shirt pocket.
5. Collar insignia is worn on each collar of uniform shirts, parallel and adjacent to, and centered along, the inner seam of the short edges of the collar. The following silver color metal rank insignia or assignment insignia shall be worn on each uniform shirt collar by those authorized to do so.
- a. Chief – Four five-pointed stars.
  - b. Deputy Chief – Two five-pointed stars.
  - c. Captain – Double bars.
  - d. Lieutenant – Single bars
6. The Motor Officer Insignia ("Wheel & Arrow" patch) shall be worn by officers assigned to motorcycle duty. It shall royal blue and silver on a black background and shall be worn centered on each sleeve of the uniform shirt with the top edge 1/4 inch below the bottom edge of the Departmental emblem.
7. Rank stripes shall be worn on the sleeves of uniform shirts by Sergeants (3 stripes), Detectives (2 stripes and a diamond), and Field Training Officers (2 stripes). The rank stripes shall be royal blue and silver on a black background and shall be worn centered on each sleeve with the top edge one half inch below the bottom edge of the Departmental emblem (or Motor Officer insignia if applicable).
8. One service stripe, royal blue and silver on a black background, is authorized to be worn for each 5 years of service as a Burbank police officer. Officers with previous law enforcement experience may include years of service with a previous law enforcement agency upon successful completion of any probationary period with the Burbank Police Department.
- (b) Police Uniform Equipment – The specifications for all police uniform equipment are contained in the Uniform and Equipment Specifications Manual.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1048**

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 10 – PERSONNEL

# Police Cadets

### 1048.1 PURPOSE AND SCOPE

Cadets work under direct supervision of a full-time Department employee, performing a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

### 1048.2 EDUCATION REQUIREMENTS

Cadets are required to be enrolled in an accredited institution as a full-time student as described in the Cadet Manual. Cadets are required to maintain a minimum grade point average of 2.5 ("C" grade) for all courses taken.

### 1048.3 PROGRAM COORDINATOR

The COPS Lieutenant will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He or she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance, and performance evaluations.

### 1048.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation for a career in law enforcement.

### 1048.5 CADET UNIFORMS

Each cadet will be provided with uniforms meeting Departmental specifications.



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Scott LaChasse, Chief of Police

## Policy 1048

### 1048.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Program Coordinator.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train newly hired cadets and those in new assignments.

#### 1048.6.1 DUTIES

Typical duties of a cadet may include the completion of police reports; assisting in investigations; collecting, transporting, and booking evidence, found property and property for safekeeping or destruction; assisting in non-criminal transportations; conducting building and museum tours; assisting with educational and community programs and events; operating City vehicles in compliance with all laws and regulations; storing, moving, and inventorying various property and equipment; entering data and making inquiries of various computer information systems; interacting with citizens and with law enforcement personnel from various agencies; answering telephones; filing and other clerical duties; and attending educational courses and classes as required.

Completion of police reports (petty theft, vandalism, lost/found property, lost/stolen plates, or grand theft with the approval of the Watch Commander) is limited to when the identity of the suspect is unknown. If a suspect or a workable lead is developed, the cadet shall immediately request an officer be assigned to assist or handle the investigation.

Supervisors should ensure that cadet assignments are appropriate for their level of training, authority, and capabilities. Cadets shall not be knowingly placed in dangerous situations.

### 1048.7 RIDE-ALONG PROCEDURES

All cadets are authorized to ride on-duty with officers on patrol as approved by their immediate supervisor and the appropriate Watch Commander. Ride-Along waivers or applications are not necessary. Appropriate clothing or uniform shall be worn as determined by the COPS Bureau Lieutenant.

### 1048.8 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed after the first six months of employment, then yearly thereafter to assess their current job performance and their potential as police officers.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1050**

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 10 – PERSONNEL

# Nepotism and Conflicting Relationships

### 1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination, or actual or potential conflicts of interest by or between members of this Department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline, and workplace safety and security.

#### 1050.1.1 DEFINITIONS

**Business Relationship** – Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment, or obligation is greater than \$250.

**Conflict of Interest** – Any actual, perceived, or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** – The practice of showing favoritism to relatives over others in appointment, employment, promotion, or advancement by any public official in a position to influence these personnel decisions.

**Personal Relationship** – Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

**Public Official** – A supervisor, officer, or employee vested with authority by law, rule, or regulation or to whom authority has been delegated.

**Relative** – An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling, or grandparent.





# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 1050

**Subordinate** – An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** – An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

### 1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code §12940(a)):

- (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.



# Burbank Police Department

Scott LaChasse, Chief of Police

## Policy 1050

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### 1050.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his or her uninformed, 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 or her uninformed, immediate supervisor. In the event that no uninformed supervisor is immediately available, the employee shall promptly notify Dispatch to have another uninformed employee either relieve the involved employee or minimally remain present to witness the action.

### 1050.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1052**

CALEA

Approved: *Scott LaChasse*

Effective Date: October 28, 2013

## CHAPTER 10 – PERSONNEL

# Department Badges

### 1052.1 PURPOSE AND SCOPE

The Burbank Police Department badge and uniform patch, the likeness of these items, and the name of the Burbank Police Department are property of the Department and their use shall be restricted as set forth in this policy.

### 1052.2 POLICY [17.5.2]

The uniform badge shall be issued to certain 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.

#### 1052.2.1 FLAT BADGE [17.5.2]

Sworn officers are issued a flat badge and a wallet case. The use of the flat badge is subject to all the same provisions of Departmental policy as the uniform badge.

- (a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, the officer shall make the proper notifications as outlined in the Department Owned and Personal Property Policy. Flat badges shall not be removed from the issued wallet case.
- (b) An honorably retired officer is issued a flat badge upon retirement.
- (c) The purchase, carrying, or display of a flat badge is not authorized for non-sworn personnel.

#### 1052.2.2 NON-SWORN PERSONNEL [17.5.2]

Badges and Department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

- (d) Non-sworn personnel shall not display any Department badge except as a part of their uniform, while on duty, or otherwise while acting in an official and authorized capacity.
- (e) Non-sworn personnel shall not display any Department badge or represent themselves, whether on or off duty, in such a manner that would cause a reasonable person to believe that the employee is a sworn peace officer.



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Scott LaChasse, Chief of Police

## Policy 1052

### 1052.2.3 RETIREE BADGE

Upon honorable retirement, employees or the employee association may request to purchase their assigned duty badges for display purposes (e.g., shadow box). If approved, duty badges shall be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

The Chief of Police will issue a badge and identification card to all honorable retirees. The badge and the identification card shall clearly state the person has honorably retired from the Burbank Police Department (also see Retired Officer CCW Endorsements Policy). Retirees shall be instructed that any such badge will remain the property of the Burbank Police Department and will be revoked in the event of misuse or abuse (Penal Code §538d).

The Department will purchase the retiree's flat badge to be carried with the Department issued retiree identification card. The retiree will be responsible for the maintenance and replacement of the badge and the wallet case if lost or damaged.

### 1052.3 UNAUTHORIZED USE [22.2.7]

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 uniform 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 approved by the Chief of Police or designee.

Employees shall not loan their Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### 1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

- (a) The employee association 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 Burbank Police Department. The following modifications shall be included:
  - 1. The emblem contains the full name of the employee association.
  - 2. The badge number portion displays the acronym of the employee association.



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3. An administrative file of approved representations shall be maintained by the Chief's Office.
    - (b) The likeness of the Department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

## **1052.5 BADGE INVENTORY**

The Executive Assistant is responsible to maintain an inventory of badges and a roster that includes the badge numbers issued to personnel. The roster shall be made available in the Department's document library.

The Executive Assistant will manage repairs and refinishing of badges as may be necessary.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1054**

CALEA

Approved: *Scott LaChasse*

Effective Date: July 7, 2014

## CHAPTER 10 – PERSONNEL

# Temporary Modified-Duty Assignments

### 1054.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements, or the City's Return to Work Policies (Administrative Procedure II-50 and 51). For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1054.2 POLICY

Subject to operational considerations, the Burbank 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.

### 1054.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code §12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Burbank Police Department shall be created or maintained as a permanent 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.



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Scott LaChasse, Chief of Police

## Policy 1054

Consistent with the work restrictions provided by the Primary Treating Physician, the Chief of Police or designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, and/or engaging the public or prisoners. For police officers this may also include restrictions from carrying a firearm, operating an emergency vehicle, or being otherwise limited in employing their peace officer powers. The Chief of Police or designee's ability to restrict the employee shall not unreasonably exceed the work restrictions outlined by the Primary Treating Physician.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

### 1054.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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 Primary Treating Physician containing:

- (a) The probable duration of the illness or injury.
- (b) The nature and scope of limitations and/or work restrictions.
- (c) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The employee's Division Commander will make a recommendation 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 designee shall confer with the Management Services Department and/or the City Attorney as appropriate. In the event the Management Services Department receives a release to modified work from the Primary Treating Physician, it shall immediately notify the employee's Division Commander in order to determine the availability of a temporary modified-duty assignment.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by a Division Commander, with notice to the Chief of Police.

### 1054.4.1 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 (refer to the Special Medical Policy, Administrative Procedure II-17).

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.





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### 1054.4.2 WORK SCHEDULES

In considering the needs of the Department, employees requesting modified-duty assignments may be subject to having their work schedules (i.e., 3/12, 4/10, 5/40 or 9/80), work hours, and/or work days changed.

### 1054.4.3 GENERAL LIMITATIONS AND RESTRICTIONS

All departmental policies shall apply to modified-duty assignments. Further, the following apply to all employees on modified-duty assignment:

- (a) Employees shall not leave the station in uniform.
- (b) Employees shall not appear in court in uniform. The employee shall instead wear appropriate business attire as required by the Court Appearance and Subpoenas Policy.
- (c) Employees shall not sign up for or work any extra-duty assignments.
- (d) Employees shall not take part in enforcement activities or contact suspects, except in a life-threatening situation.
- (e) Employees shall not operate any city vehicle, except by approval of a supervisor.
- (f) Employees shall not operate a marked police vehicle.

### 1054.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions shall be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

#### 1054.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include:

- (a) Communicating 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. This shall be deemed satisfied in the event the Primary Treating Physician notifies the Management Services Department of the current restrictions or limitations. In such an event, the Management Services Department shall notify the appropriate Department supervisor..
- (c) Communicating a status update to the Workers' Compensation Section of the Management Services Department no less than once every 30 days while assigned to modified temporary duty.



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- (d) Submitting a written status report to the Workers' Compensation Section of the Management Services Department that contains a status update and anticipated date of return to full duty when a temporary modified duty assignment extends beyond 60 days.

## **1054.5.2 SUPERVISOR RESPONSIBILITIES**

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

## **1054.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals, either from the treating physician or qualified/agreed medical examiner, stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

## **1054.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC §2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code §12945.

### **1054.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.



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Scott LaChasse, Chief of Police

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### 1054.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

### 1054.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1056**

CALEA

Approved: *Scott LaChasse*

Effective Date: January 15, 2014

## CHAPTER 10 – PERSONNEL

# Performance History Audits

### 1056.1 PURPOSE AND SCOPE [35.1.9]

Performance History Audits are collections of data designed to assist the Department achieve its mission through performance consistent with the core values expected of all employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful, this Department recognizes that it cannot account for and must carefully balance many variables, such as:

- (a) An officer's training and experience.
- (b) An officer's job interest.
- (c) An officer's work assignment and shift.
- (d) An officer's interpersonal skills.
- (e) An officer's professional conduct.
- (f) An officer's ability to detect crime.
- (g) An officer's work ethic.
- (h) An officer's physical abilities, stature, etc.
- (i) Randomness of events.

### 1056.2 RESPONSIBILITIES [35.1.9(a)(b)]

Under the authority of the Chief of Police, the Audits and Inspections Unit will provide the Chief of Police semi-annual Performance History Audit Reports containing performance indicators for each officer on the Department. The report will be based on performance indicators tracked in the Department's Early Warning System. Though generated semi-annually, each Performance History Audit will contain data from the previous two year period.

### 1056.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audits will include the following components:

- (a) Performance Indicators



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- (b) Analysis
- (c) Recommendations

### 1056.3.2 COMPREHENSIVE PERFORMANCE HISTORY AUDITS

A Comprehensive Performance History Audit may be initiated by a Division Commander at any time or by the Deputy Chief based on a recommendation by the Professional Standards Bureau Lieutenant. Comprehensive Performance History Audits will include the following components:

- (a) Performance indicators.
- (b) Analysis of areas of concern.
- (c) Recommendations.
- (d) Discussion with employee.
- (e) Intervention action plan.
- (f) Review and analysis.
- (g) De-briefing with employee.

### 1056.4 PERFORMANCE INDICATORS [35.1.9(a)]

Performance indicators represent the categories of employee performance activities that the Chief of Police has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include but are not limited to:

- (a) The frequency and findings of use of force incidents.
- (b) Frequency and findings of citizen complaints.
- (c) Preventable vehicle collisions.
- (d) Internal Affairs investigations.
- (e) Frequency of involvement and conduct related to vehicle pursuits.
- (f) Claims and civil suits related to the employee's actions or alleged actions.
- (g) OIS or unintentional firearm discharges (regardless of injury).
- (h) Canine bite incidents.
- (i) Frequency and reasons for District Attorney case rejections.
- (j) Missed court appearances.
- (k) Documented counseling.
- (l) Number of commendations, compliments, and awards (citizen and Department).



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## 1056.5 COMPILATION OF DATA

The Professional Standards Bureau will utilize secure systems and other confidential methods to compile and track information regarding performance indicators for the Performance History Audit Report.

## 1056.6 DATA ANALYSIS AND ACTION [35.1.9(d)(f)]

Upon receipt, the Division Commander will review each Performance History Audit Report and determine whether it should be provided to an officer's immediate supervisor for further consideration. During the annual performance evaluation process or when necessary, the officer's immediate supervisor will carefully review the information in the Performance History Audit Report with the officer to assess any potential trends or other issues which may warrant non-disciplinary counseling, additional training, or other action. The officer shall date and sign the Performance History Audit Report and will be provided 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, the supervisor shall take steps to initiate the appropriate action, including the initiation of a Performance Improvement Plan (refer to the Evaluation of Employees Policy), referral to the City's Employee Assistance Program, formal counseling, and/or initiation of a personnel investigation.

If an administrative investigation 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 operative Memorandum of Understanding (MOU) or collective bargaining agreement and in the Conduct and Personnel Complaints Policies.

## 1056.7 INTERVENTION AND MONITORING [35.1.9(b)(d)(e)]

### Informal Monitoring

If the performance information in the report does not require formal intervention but performance trends indicate that informal monitoring of the employee's performance is appropriate, the employee's immediate supervisor shall discuss the issues with the officer to determine if additional resources are needed to improve performance (e.g., EAP, peer support, training, mentoring, or heightened supervision). The supervisor shall make monthly entries on the officer's comment card concerning the officer's performance until the performance improves or formal intervention is initiated. The supervisor shall bring any subsequent concerns to attention of the appropriate Bureau or Division Commander.

### Formal Intervention

If the information in the report identifies performance trends where formal intervention is required, the Bureau Commander shall consult with the Division Commander to determine whether a Performance Improvement Plan (PIP) is necessary. If a PIP is initiated (refer to the Evaluation of Employees Policy and the operative Memorandum of Understanding (MOU) or collective bargaining agreement), the employee's performance shall be monitored by the supervisor for the duration of the Performance



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Improvement Plan. The monitoring shall consist of observing, documenting, and providing guidance on the performance indicators identified in the plan. A record of the monitored performance and any related actions shall be documented through the Performance Improvement Plan process.

### **1056.8 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 the data in the system will be governed under the same process as access to an officer's personnel file as outlined in the Personnel Files Policy.

### **1056.9 RETENTION**

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be included in the employee's personnel file and retained indefinitely or as determined by the Chief of Police.

### **1056.10 EARLY WARNING SYSTEM EVALUATION [35.1.9(c)]**

The Professional Standards Bureau Lieutenant shall conduct a documented annual evaluation of the Early Warning System and maintain a historical record of comprehensive performance audits by calendar year. Any recommendations shall be submitted to the Chief of Police.





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Scott LaChasse, Chief of Police

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1058**

Approved: *Scott LaChasse*

Effective Date: February 12, 2014

## CHAPTER 10 – PERSONNEL

# Employee Speech, Expression, and Social Networking

### 1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

Additionally, social media provides a new and potentially valuable means of assisting the Department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy establishes this Department's position on the utility of the use of social media for law enforcement objectives and provides guidance on its management, administration, and oversight.

#### 1058.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.



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## 1058.1.2 DEFINITIONS

**Blog** – A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for “Web log.”

**Online Alias** – An online identity encompassing identifiers, such as name and date of birth, differing from the employee's actual identifiers, that uses a non-Departmental Internet Protocol address. Online alias may be used to monitor activity on social media websites or to engage in authorized online investigative activities.

**Page** – The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

**Post** – Content an individual shares on a social media site or the act of publishing content on a site.

**Profile** – Information that a user provides about himself or herself on a social networking site.

**Social Media** – A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

**Social Networks** – Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

**Speech** – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

**Wiki** – Web pages that can be edited collaboratively.

## 1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Burbank Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1058.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Burbank Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to



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compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- (a) Disclosing a photograph and name or address of an officer who is working undercover.
- (b) Disclosing the address of a fellow officer.
- (c) Otherwise disclosing where another officer can be located off-duty.

### 1058.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the Department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Burbank Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Burbank Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Burbank Police Department or its employees. Examples may include:
  - 1. Statements that indicate disregard for the law or the State or U.S. Constitution.
  - 2. Expression that demonstrates support for criminal activity.
  - 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Burbank Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
- (g) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Burbank Police Department on any personal or social networking or other website or web page, without the



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express authorization of the Chief of Police. The Burbank Police Officers' Association may display on its website the likenesses or images of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Burbank Police Department.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device, or media device, whether personally or Department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks employees may use personally owned devices to access websites for personal purposes but the access should be limited to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

## **1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS**

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Burbank Police Department or identify themselves in any way that could be reasonably perceived as representing the Burbank Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code §3202 and §3306):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his or her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this Department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Burbank Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC §1502).



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### 1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received, or reviewed on any Department technology system (see the Information Technology Use Policy for guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct, provided that the social media is used solely for purposes of that investigation or a related proceeding (Labor Code § 980).

### 1058.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his or her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

### 1058.7 TRAINING

Subject to available resources, the Department may provide training regarding employee speech and the use of social networking to all members of the Department.

### 1058.8 DEPARTMENT USE OF SOCIAL MEDIA

The below listed guidelines shall be followed for Department-sanctioned presence on social media sites:

- (a) Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Department's presence on the website.
  - 1. Where possible, the pages should link to the Department's official website.



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2. Social media pages shall be designed for the target audience such as youth or potential police recruits.

## **1058.8.1 PROCEDURES**

- (a) All Department social media sites or pages shall be approved by the Chief of Police or designee and shall be administered by the COPS Bureau or as otherwise determined.
- (b) Where possible, social media pages shall clearly indicate they are maintained by the Department and shall have Department contact information prominently displayed.
- (c) Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
  1. Content is subject to public records laws. Relevant records retention schedules apply to social media content.
  2. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.
- (d) Where possible and as applicable, social media pages should state that the opinions expressed by visitors to the page do not reflect the opinions of the Department.
  1. Pages shall clearly indicate that posted comments will be monitored and that the Department reserves the right to remove inappropriate comments, such as, obscenities, off-topic comments, and personal attacks.
  2. Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- (e) Department personnel representing the Department via social media outlets shall do the following:
  1. Conduct themselves at all times as representatives of the Department and, accordingly, shall adhere to all Department standards of conduct and observe conventionally accepted protocols and proper decorum.
  2. Identify themselves as a member of the Department.
  3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos related to Department training, activities, or work-related assignments without express written permission from the Chief of Police or designee.
  4. Not conduct political activities or private business.
- (f) The use of Department computers by Department personnel to access social media is prohibited without authorization. This includes work related access.
- (g) Department personnel use of personally owned devices to manage the Department's social media activities or in the course of official duties is prohibited without the express written permission of the Chief of Police or designee.
- (h) Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.





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## 1058.8.2 POTENTIAL USES

- (a) Social media may be a valuable investigative tool when seeking evidence or information about:
  - 1. Missing persons.
  - 2. Wanted persons.
  - 3. Gang participation.
  - 4. Crimes perpetrated online (i.e., cyberbullying, cyberstalking).
  - 5. Photos or videos of a crime posted by a participant or observer.
- (b) Social media can be used for community outreach and engagement by:
  - 1. Providing crime prevention tips.
  - 2. Offering online-reporting opportunities.
  - 3. Sharing crime maps and data.
  - 4. Soliciting tips about unsolved crimes (e.g., Crimestoppers).
- (c) Social media can be used to make time-sensitive notifications related to:
  - 1. Road closures.
  - 2. Special events.
  - 3. Weather emergencies.
  - 4. Missing or endangered persons.
- (d) Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

## 1058.8.3 INVESTIGATIVE USES

This subsection applies to the utilization of social media sites for developing criminal intelligence or for conducting criminal investigations. No specific authorization is required for investigative personnel to conduct general searches for authorized law enforcement purposes that do not require the use of an online alias. Use of an online alias for authorized investigative activities requires the express written approval of the Investigation Division Commander. The request for the use and the written approval must contain at least the following information:

- (a) Name of the investigator making the request for an online alias.
- (b) Purpose of the request.
- (c) Expected duration of the use of the alias (if known).
- (d) Identifies to be used for the online alias, such as, email address, username, and date of birth.
- (e) Any photographs to be used, if applicable.





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In situations involving exigent circumstances, the use of an alias may be approved verbally by a supervisor. The supervisor shall submit a written documentation of the circumstances to the Investigation Division Commander as soon as practicable.

Investigators involved in online covert activities shall maintain a record of such activities. The appropriate unit supervisor shall conduct regular inspections of such activities to evaluate the continued need and to ensure the activities conform to applicable laws and policies. Upon termination of the use of an online alias, records shall be maintained in the case file by the investigator for at least two years.



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Scott LaChasse, Chief of Police

**Policy  
1060**

CALEA

Approved: *Scott LaChasse*

Effective Date: June 6, 2013

## CHAPTER 10 – PERSONNEL

# Collective Bargaining

### 1060.1 PURPOSE AND SCOPE

The purpose of this policy is to establish agency guidelines for collective bargaining and the administration of Memorandums of Understanding (MOU).

### 1060.2 DEFINITIONS AND RESPONSIBILITIES

**Governing Body** – The City Council is the elected body in the City of Burbank that has the final authority and responsibility for establishing policy and governing the City affairs.

**Meet and Confer in Good Faith** – The duty under the MMBA of the employer to meet and confer on matters within the scope of representation and fully consider presentations made by recognized employee organizations prior to arriving at a determination of policy or course of action.

**Memorandum of Understanding (MOU)** – A written, negotiated agreement or contract between the employer and the recognized representative of employees in a bargaining unit that sets out conditions of employment (wages, hours, fringe benefits, etc.) for a stated period of time. Under the MMBA, the MOU is not binding until ratified by the governing body.

**Meyers-Milias-Brown Act (MMBA)** – Governs labor-management relationships within California local governments. The City of Burbank is covered by the law, which appears in Government Code §3500-§3510. MMBA permits each local employer to draft its own reasonable rules and regulations governing employment relations after consultation in good faith with employee organizations.

**Public Agency** – Refers to the Burbank Police Department and the City of Burbank.

**Public Employee** – Refers to any represented person employed by the City of Burbank.

**Recognized Employee Organization** – An employee organization that has been formally acknowledged by the Public Agency as an employee organization representing the majority of the eligible employees in an officially designated employee bargaining unit of the Public Agency.



# Burbank Police Department

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### **1060.3 COLLECTIVE BARGAINING ADMINISTRATION [24.1.1(a),(b),(c)]**

Management Services Department Director or designee has the primary responsibility to negotiate, establish, and administer the memorandum of understanding applicable to each employee organization.

The Burbank Police Department agrees to participate in the collective bargaining process and to meet and confer in "good faith" with each duly recognized employee association representing their members.

The recognized employee organizations representing Burbank Police Department employees are:

- (a) Burbank Police Officers Association (BPOA)
- (b) Burbank City Employees Association (BCEA)
- (c) Burbank Management Association (BMA)

#### **1060.3.1 COLLECTIVE BARGAINING RULES [24.1.1(d),(e)]**

The Burbank Police Department will abide by the ground rules for collective bargaining or labor arbitration as required by MMBA.

Furthermore, the Department will abide, in both letter and spirit, by the negotiated labor agreement that has been signed by management, labor representatives, and ratified by the bargaining unit.

### **1060.5 POST RATIFICATION RESPONSIBILITIES [24.1.2]**

The Chief of Police or designee will obtain a written, signed copy of the approved labor agreement and will disseminate signed copies of the MOU, either in printed or electronic form, to managers and supervisors of bargaining unit employees. Major changes in the MOU that may have a significant impact on working conditions should be brought to the immediate attention of managerial and supervisory employees.

Following receipt of a new labor agreement, the CALEA Accreditation Manager will review the relevant Department policies and procedures to ensure they reflect any changes in the labor agreement.

Division Commanders will ensure that all Division Directives and other written documents within their respective Divisions are reviewed and that necessary changes are made so that those documents coincide with the terms of the agreement.



# Burbank Police Department

Scott LaChasse, Chief of Police

**Policy  
1070**

Approved: *Scott LaChasse*

Effective Date: December 1, 2014

## CHAPTER 10 – PERSONNEL

# Employer Pull Notice Program

### 1070.1 PURPOSE AND SCOPE

The California DMV Employer Pull Notice Program (EPN) is a system to provide employers with a means of promoting driver safety through ongoing review of driver records. This directive outlines the Department's policy and responsibilities for participation in the DMV EPN Program.

### 1070.2 POLICY

Employees will be enrolled in the EPN System based on job description and Department requirements.

The following employees will be enrolled in the EPN system:

- (a) Sworn members.
- (b) Employees required to drive a City vehicle in the course of their normal duties.
- (c) Employees who may rent and drive a vehicle for official Department business.

### 1070.3 PROGRAM ADMINISTRATION

The Professional Standards Bureau will be responsible for the following:

- (a) Procuring and maintaining EPN System Requestor Code from the DMV. The requester code is used to identify enrolled drivers.
- (b) Making DMV Pull Notice Program consent forms available to employees for enrollment in the program
- (c) Providing written notice to employees who do not consent of their responsibility to provide an annual DMV printout of their driver's license status at their own expense
- (d) Maintaining a master file of Department employees enrolled in the EPN System.
- (e) Receiving notices of actions regarding employee enrolled in the EPN System



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- (f) Notifying the Division Commanders or the Deputy Chief, as appropriate, when notified by DMV that an enrolled employee is considered negligent by the DMV or has taken action against the employee's license that renders it invalid.
- (g) Enrolling new employees who meet the EPN program requirements.
- (h) Providing the Chief of Police with an annual report of the EPN Program.
- (i) Removing employees from the EPN System upon separation from the City.

### 1070.4 RECORDS

Employee driver records will be maintained confidentially in a secure location within the Administrative Division. Enrolled employees may obtain a copy of their driver records by contacting the Professional Standards Bureau Lieutenant or the Chief's Office.

### 1070.5 EMPLOYEE RESPONSIBILITIES

Employees required to participate in the EPN are responsible for the following:

- (a) Voluntary enrollment in the program (requires completion of DMV Form INF 1101).
- (b) Employees who do not participate in the program are required to provide a DMV printout of their DMV driver's license status upon request. The DMV printout will be provided to the Department at the employees' expense.
- (c) Maintaining a valid driver's license and special certificates required for the performance of job duties.
- (d) Promptly notifying their Division Commanders of driver license expiration or actions against their driver's license that classifies the employee as a negligent driver by DMV standards.

Any employee who is notified that his or her driver's license is expired, suspended, or revoked shall notify the Department immediately and shall not drive a motor vehicle (personal and City) until their driving privilege has been reinstated by the DMV.

### 1070.6 ADMINISTRATIVE ACTIONS

The Department will initiate a Performance History Audit (refer to Performance History Audits Policy) of any employee enrolled in the EPN Program who is classified by DMV standards as a negligent driver to evaluate any training needs or other potential issues. Following the review of the affected employee's performance history, the Deputy Chief may take administrative action as outlined in §1056.6 of the Performance History Audits Policy or require intervention or monitoring (§1056.7).

The Department may restrict employees from driving City vehicles during the review process, as determined by the Deputy Chief.



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## 1070.7 DMV NEGLIGENT DRIVER STANDARDS

The DMV may consider a driver with the following point totals a “negligent driver” (Vehicle Code 12810.5(a)):

- (a) 4 points in 12 months.
- (b) 6 points in 24 months.
- (c) 8 points in 36 months.

When a traffic conviction shows a driver operated a motor vehicle unsafely on a highway, it counts as one point. Two points are charged for convictions of:

- (a) Reckless driving.
- (b) Driving under the influence of liquor or any drug.
- (c) Hitting an unattended vehicle without notifying the owner.
- (d) Causing property damage, injury, or death by hit and run driving.
- (e) Manslaughter (involving a vehicle).
- (f) Causing injury or death with a vehicle while evading a peace officer.
- (g) Driving on the wrong side of a divided highway.
- (h) Speed contest or exhibition of speed.
- (i) Illegal transport of explosives.



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Approved: *Scott LaChasse*

CALEA  
Effective Date: October 18, 2019

## CHAPTER 10 – PERSONNEL

# Line-of-Duty Deaths

### 1090.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Burbank 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 in situations where members are injured in the line of duty and the injuries are life threatening.

#### 1090.1.1 DEFINITIONS

Definitions related to this policy include:

***Line-of-duty death*** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

***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.

### 1090.2 POLICY

It is the policy of the Burbank 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.





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## 1090.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) 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 Media Relations Sergeant section of this policy).
- (b) 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.
- (c) If the member has been transported to the hospital, the Watch Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) 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). Notification should be made by a member selected by the deceased member's request list, maintained in the BPOA office.

## 1090.4 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. Efforts should be made to send a Chaplain of the same faith as the member/family.

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, and the status of the suspect(s). 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



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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 and 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 childcare or other immediate needs.
- (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 survivor's 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 Burbank Police Department members may be apprised that survivor notifications are complete.

## 1090.4.1 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.



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- (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. The Department will pay travel expenses with the authorization of the Chief of Police.

## **1090.5 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 shift. Members reporting for duty from their residence should be instructed to contact their supervisor 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 group, 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.

## **1090.6 NOTIFYING DEPARTMENT MEMBERS**

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) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.



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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.

### 1090.6.1 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, as well as the Survivor Support Liaison. 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 (NIMS).
- (b) Establishing contact with survivors as soon as possible 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-mast.
- (g) Ensuring that department members are reminded 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.

### 1090.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  - 1. The survivors and others whose presence is requested by the survivors.



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2. Department members and friends of the deceased member.
  3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Burbank Police Department members (except for members who may be guarding the suspect).
  - (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
  - (d) 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.
  - (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
  - (f) If applicable, explain to the survivors why an autopsy may be needed.
  - (g) Ensure hospital bills are 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 or other location.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

## **1090.6.3 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



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comfortable working.

- If the survivors have no preference, 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.
- 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:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to them after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) 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.
- (f) 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.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Media Relations Sergeant (PIO) to brief the survivors on



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pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Media Relations Sergeant section of this policy).

- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) 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).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

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.

## **1090.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR**

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators, and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM 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.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities with pay and benefits, until they can receive CISM support as appropriate and possible.





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- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

### 1090.6.5 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:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  - 1. Honor Guard
    - a. Casket watch
    - b. Color guard
    - c. Pallbearers
    - d. Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.



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### 1090.6.6 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 Burbank Police Department members can attend funeral Services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

### 1090.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Education benefits (Education Code § 68120)
  - 2. Health benefits (Labor Code § 4856)
  - 3. Worker's compensation death benefit (Labor Code § 4702)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.



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- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) 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.
- (g) 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.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

## **1090.6.8 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:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) 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.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

## **1090.7 MEDIA RELATIONS SERGEANT (PIO)**

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:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.



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1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) 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.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.
- (h) 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 has 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 ensure that media are notified when survivor notifications have been made.

## **1090.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her 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.

## **1090.9 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.



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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 direct investigative responsibilities.

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.

### **1090.10 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.

### **1090.11 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.